ACTS OF THE PARLIAMENT OF SOUTH AUSTRALIA

—

1967



ACTS

OF

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1967

With Tables and Indexes

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ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

****

No. 1 of 1967

An Act to amend the Lottery and Gaming Act, 1936-1966.

[*Assented to 23rd March,* 1967.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short titles.

1. (1) This Act may be cited as the "Lottery and Gaming Act Amendment Act, 1967".

(2) The Lottery and Gaming Act, 1936-1966, as amended by this Act, may be cited as the "Lottery and Gaming Act, 1936-1967".

(3) The Lottery and Gaming Act, 1936-1966, is hereinafter referred to as "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment of principal Act, s. 28—

3. Section 28 of the principal Act is amended—

Mode of dealing with moneys paid into totalizator used by a club.

(*a*) by inserting after subsection (4) thereof the following subsection :—

(4a) Notwithstanding any law, rule or practice relating to any totalizator used by a club, every dividend payable by a totalizator used by a club on or after the appointed day shall be calculated in accordance with rules of the club made or adopted by the club and approved by the Chief Secretary.;

(*b*) by striking out from subsection (5) thereof the passage "Where the amount of any dividend that would ordinarily be payable by the totalizator used by a club in respect of any race conducted on or after the appointed day is less than fifty cents" and inserting in lieu thereof the passage "Where the amount invested on a totalizator used by a club in respect of any race conducted on or after the appointed day, after the deduction referred to in paragraph (*a*) of subsection (1) of this section has been made, is insufficient to enable a dividend, calculated in accordance with the rules of the club referred to in subsection (4a) of this section, of at least fifty cents to be paid";

and

(*c*) by striking out from subsection (5) thereof the words "those amounts" and inserting in lieu thereof the passage "the amount of the dividend as so calculated and fifty cents".

Amendment of principal Act, s. 31n—Application of moneys invested with the Board.

4. Section 31n of the principal Act is amended—

(*a*) by striking out from subsection (4) thereof the passage "Where the amount of any dividend that would ordinarily be payable by an off-course totalizator conducted by the Board in respect of any event is less than fifty cents" and inserting in lieu thereof the passage "Where the amount invested on an off-course totalizator conducted by the Board in respect of any event, after the deduction referred to in paragraph (*a*) of subsection (1) of this section has been made, is insufficient to enable a dividend, calculated in accordance with rules made by the Board in pursuance of paragraph (*c*) of section 31u of this Act, of at least fifty cents to be paid";

and

(*b*) by striking out from subsection (4) thereof the words "those amounts" and inserting in lieu thereof the passage "the amount of the dividend as so calculated and fifty cents".

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.

ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

****

No. 2 of 1967

An Act to amend the Motor Vehicles Act Amendment Act (No. 2), 1966.

[*Assented to 23rd March,* 1967.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short titles and commencement.

1. (1) This Act may be cited as the "Motor Vehicles Act Amendment Act (No. 2), 1966, Rectification Act, 1967", and shall come into operation on the day on which the Motor Vehicles Act Amendment Act (No. 2), 1966, comes into operation.

(2) The Motor Vehicles Act Amendment Act (No. 2), 1966, as amended by this Act, may be cited as the "Motor Vehicles Act Amendment Act (No. 2), 1966-1967".

(3) The Motor Vehicles Act Amendment Act (No. 2), 1966, is hereinafter referred to as "the amending Act".

(4) The Motor Vehicles Act, 1959-1966, as amended by the Motor Vehicles Act Amendment Act (No. 2), 1966-1967, and by the Motor Vehicles Act Amendment Act (No. 3), 1966, may be cited as the "Motor Vehicles Act, 1959-1967".

Incorporation.

2. This Act is incorporated with the amending Act and that Act and this Act shall be read as one Act.

Repeal and re-enactment of s. 5 of amending Act—

3. Section 5 of the amending Act is repealed and re-enacted as follows :—

Amendment of principal Act, s. 72— Classes of driver's licences.

5. Section 72 of the principal Act is amended—

(*a*) by striking out from subsection (2) thereof the words "A licence" and inserting in lieu thereof the passage "Subject to section 74a of this Act, a licence";

and

(*b*) by striking out from subsection (3) thereof the words "A licence" and inserting in lieu thereof the passage "Subject to section 74a of this Act, a licence".

Amendment of amending Act, s. 6— Enactment of ss. 74a, 74b, 74c and 74d of principal Act.

4. Section 6 of the amending Act is amended—

(*a*) by striking out subsection (6) of section 74a as enacted thereby and inserted in the principal Act referred to therein and inserting in lieu thereof the following subsection :—

(6) A certificate issued under subsection (3) of this section to a person ceases to be valid and to have effect—

(*a*) upon the cancellation thereof as provided by this Act ;

(*b*) so long as, under or by virtue of any Act, the driver's licence of that person is cancelled or suspended or has ceased to have effect or he is disqualified from holding or obtaining a driver's licence ;

and

(*c*) so long as, for any other reason, he does not hold a valid driver's licence.;

and

(*b*) by striking out section 74d as enacted thereby and inserted in the principal Act referred to therein.

Amendment of amending Act, s. 8— Enactment of ss. 83a, 83b, 83c and 83d of principal Act.

5. Section 8 of the amending Act is amended—

(*a*) by striking out from subsection (1) of section 83a as enacted thereby and inserted in the principal Act referred to therein the passage "Subject to section 74a of this Act and" and inserting in lieu thereof the passage "Without limiting the effect of section 74a of this Act but subject to" ;

(*b*) by striking out from subsection (1) of section 83a as enacted thereby and inserted in the principal Act referred to therein the passage "damaged in an accident from the scene of the accident within the area (hereinafter called "the damaged vehicle" in

this section and sections 83b, 83c and 83d of this Act)" and inserting in lieu thereof the passage "damaged in an accident within the area from the scene of the accident";

(*c*) by inserting after the words "Nothing in" at the commencement of section 83d as enacted thereby and inserted in the principal Act the passage "section 74a or section 83a of";

(*d*) by inserting after the passage "any person," in paragraph (*a*) of section 83d aforesaid the passage "who is the holder of an appropriate licence but";

(*e*) by inserting after the word "force" in paragraph (*b*) of section 83d aforesaid the passage "who is the holder of an appropriate licence and is";

(*f*) by inserting after the word "authority" first occurring in paragraph (*c*) of section 83d aforesaid the passage "who is the holder of an appropriate licence and is";

(*g*) by inserting after the word "authority" first occurring in paragraph (*d*) of section 83d aforesaid the passage "who is the holder of an appropriate licence and is";

(*h*) by inserting after the word "corporate" in paragraph (*e*) of section 83d aforesaid the passage "who is the holder of an appropriate licence and is";

(*i*) by inserting after the word "tow-truck" first occurring in paragraph (*f*) of section 83d aforesaid the passage ", who is the holder of an appropriate licence,";

(*j*) by inserting after the word "tow-truck" first occurring in paragraph (*g*) of section 83d aforesaid the passage ", who is the holder of an appropriate licence,";

(*k*) by striking out from paragraph (*g*) aforesaid the passage "for the purpose of carrying or towing that damaged vehicle";

(*l*) by striking out the word "and" appearing between paragraphs (*g*) and (*h*) of section 83d aforesaid and inserting in lieu thereof the word "or";

and

(*m*) by inserting after the word "tow-truck" first occurring in paragraph (*h*) of section 83d aforesaid the passage "who is the holder of an appropriate licence and is".

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.

ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

****

No. 3 of 1967

An Act to make provision for the establishment of an authority to be known as the Natural Gas Pipelines Authority of South Australia; to confer on the authority power to construct and operate pipelines for the conveyance of natural gas and derivatives thereof in South Australia and to do things incidental or in relation thereto; and for other purposes.

[*Assented to 23rd March,* 1967.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short title.

1. This Act may be cited as the "Natural Gas Pipelines Authority Act, 1967".

Commencement.

2. This Act shall come into operation on a day to be fixed by proclamation.

Interpretation.

3. (1) In this Act, unless the contrary intention appears—

"deputy" means deputy appointed to act for a member under subsection (6) of section 4 of this Act:

"land" includes any estate or interest in land and any easement, right, power or privilege in, under, over, affecting, or in connection with, land:

"member" means member of the Authority and includes a deputy when acting for a member:

"natural gas" means—

(*a*) any naturally occurring hydrocarbon in a gaseous state ;

(*b*) any naturally occurring mixture of hydrocarbons in a gaseous state ;

(*c*) any naturally occurring mixture of one or more hydrocarbons in a gaseous state and one or more of the following gases, namely, hydrogen sulphide, nitrogen, helium and carbon dioxide ;

or

(*d*) any naturally occurring one, or mixture of two or more, of the following gases, namely, hydrogen sulphide, nitrogen, helium and carbon dioxide :

"pipeline" means a pipe or system of pipes for conveying natural gas or any derivative thereof and includes all apparatus and equipment incidental thereto or used or intended to be used in connection therewith :

"producer company" means any body corporate that is the holder of an oil mining licence or a petroleum production licence granted under any Act and, on the recommendation of the Minister of Mines, is declared by proclamation to be a producer company for the purposes of this Act, and includes each of the bodies corporate, Delhi Australian Petroleum Ltd. and Santos Limited, but does not include any body corporate whatsoever that has, on the recommendation of the Minister of Mines, been declared by proclamation to have ceased to be a producer company for the purposes of this Act :

"the Authority" means the Natural Gas Pipelines Authority of South Australia constituted pursuant to this Act :

"the chairman" means the chairman of the Authority and includes a deputy or acting chairman of the Authority when acting as chairman of the Authority :

"the Minister" means the Minister of the Crown to whom the administration of this Act is for the time being committed by the Governor, and includes any Minister of the Crown for the time being discharging the duties of the office of that Minister.

(2) The Governor may, on the recommendation of the Minister of Mines, by proclamation, declare any body corporate that is the holder of an oil mining licence or a petroleum production licence granted under any Act to be a producer

company for the purposes of this Act, and may, on the like recommendation, declare any body corporate that is a producer company to have ceased to be a producer company for the purposes of this Act.

The Authority.

4. (1) There shall be an authority which shall be called the "Natural Gas Pipelines Authority of South Australia".

(2) Subject to this Act, the Authority—

(*a*) shall be a body corporate with perpetual succession and a common seal;

(*b*) shall be capable of suing and being sued, and of taking or acquiring, taking or letting out on lease, holding, selling and otherwise disposing of land and property of all kinds;

(*c*) shall hold all its property for and on behalf of the Crown;

and

(*d*) shall have the powers, duties, functions and authorities conferred, imposed or prescribed by or under this Act.

(3) All courts and persons acting judicially shall take judicial notice of the common seal of the Authority affixed to any document and shall presume that it was duly affixed.

(4) Subject to this Act, the Authority shall consist of six members appointed by the Governor of whom—

(*a*) two (one of whom shall be appointed the chairman) shall be appointed on the recommendation of the Minister;

(*b*) one shall be appointed on the nomination of the Electricity Trust of South Australia;

(*c*) one shall be appointed on the nomination of the South Australian Gas Company;

and

(*d*) two shall be appointed on the nomination of the producer company, if only one, or, if more than one, on the joint nomination of the producer companies.

(5) Whenever a nomination is required for the appointment of a member or the appointment of a deputy to act for a member, the Minister may, by written notice addressed to the Trust or the company or companies required to make the nomination, request it or them to make the nomination within

twenty-one days after the date of the notice or any longer time specified in the notice, and if no nomination is made pursuant to that request, the Governor may, on the recommendation of the Minister, appoint some person, whom the Minister thinks fit, to be a member of the Authority in place of the person who was required to be nominated and the person so appointed shall for all purposes be deemed to have been duly appointed in place of that person accordingly.

(6) When any member is unable to perform his duties as such or is acting or is about to act as the deputy of the chairman for any period, the Governor may at any time, upon the recommendation or nomination of the Minister, or the body or bodies on whose recommendation that member was appointed, appoint a deputy to act for that member during that period or any part thereof and a person so appointed shall while so acting, be deemed to be a member and any person so appointed to be deputy of the chairman shall, while so acting, be deemed to be the chairman.

(7) The Public Service Act, 1936-1966, shall not apply to or in relation to the appointment of a member of the Authority and a member shall not, as such be subject to that Act.

(8) The office of member of the Authority may be held in conjunction with any other appointment or office under the Government.

Tenure of office.

5. (1) Subject to this section a member shall be appointed for a term of office of five years but, of the six persons to become the first members of the Authority—

(*a*) the member who is to become the chairman shall be appointed for a term of office expiring on the thirty-first day of October, 1972 ;

(*b*) the other member to be appointed on the recommendation of the Minister shall be appointed for a term of office expiring on the thirty-first day of October, 1968 ;

(*c*) the member to be appointed on the nomination of the Electricity Trust of South Australia shall be appointed for a term of office expiring on the thirty-first day of October, 1970 ;

(*d*) the member to be appointed on the nomination of the South Australian Gas Company shall be appointed for a term of office expiring on the thirty-first day of October, 1968 ;

(*e*) one of the two members to be appointed on the nomination or the joint nomination of the producer company or producer companies, and who shall be selected in such manner as the Governor thinks fit, shall be appointed for a term of office expiring on the thirty-first day of October, 1969 ;

and

(*f*) the other member to be appointed on the nomination or the joint nomination of the producer company or producer companies shall be appointed for a term of office expiring on the thirty-first day of October, 1971.

(2) On the expiration of his term of office as a member, a person shall, subject to subsection (4) of section 4 of this Act, be eligible for re-appointment as a member.

(3) The Governor may, by notice in writing served on a member, remove him from office if the Governor is satisfied that he ought not to remain a member of the Authority.

(4) The office of a member shall become vacant if—

(*a*) he dies or his term of office expires ;

(*b*) he resigns by written notice given to the Minister ;

(*c*) he is removed from office by the Governor pursuant to subsection (3) of this section ;

(*d*) without the leave of the Authority he fails to attend three consecutive meetings of the Authority ;

or

(*e*) he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent persons or compounds with his creditors.

(5) On the occurrence of any vacancy in the office of a member, a person eligible under this Act for appointment as a member shall, in accordance with this Act, be appointed to fill the vacancy, but where a vacancy in the office of a member occurs before the expiration of that member's term of office, any member to be appointed to fill that vacancy shall be appointed only for the balance of the term of office of the member in whose place he is appointed.

Proceedings of the Authority.

6. (1) The chairman of the Authority shall preside at every meeting of the Authority at which he is present.

(2) If the office of chairman of the Authority is vacant, or the person appointed as chairman and the deputy (if any) of the chairman are not present at a meeting of the Authority, a member elected by the members present at that meeting shall act for, and have all the powers of, the chairman for that meeting.

(3) Four members shall constitute a quorum at any meeting of the Authority for the transaction of business and no business shall be transacted at any such meeting unless a quorum is present.

(4) On any matter before a meeting of the Authority—

(*a*) the decision of the majority of the votes cast by the members present at the meeting shall be the decision of the Authority;

and

(*b*) the chairman shall have a deliberative vote and, in the case of an equality of votes, a second or casting vote also.

(5) An act or proceeding of the Authority shall not be invalid solely on the ground that there was at the time thereof a vacancy in the office of any member; and shall, notwithstanding the subsequent discovery that there was a defect in the recommendation, nomination or appointment of a member, or that a member was not entitled to act as such, be as valid and effectual as if the member was duly recommended or nominated, and was duly appointed and was entitled to act as a member.

(6) No liability shall attach to any member for any act or omission by him in good faith and in the exercise of his powers or functions or in the discharge of his duties under this Act.

(7) Subject to this Act, the business of the Authority shall be conducted in such manner as the Authority may determine.

(8) The Authority shall hold its first meeting on such day and at such time and place as the Minister appoints.

Common Seal of the Authority.

7. (1) The common seal of the Authority shall be kept in the custody of such member or officer of the Authority as the Authority determines and shall not be affixed to any instrument except in pursuance of a resolution of the Authority.

(2) The affixing of the common seal to any instrument executed by the Authority shall be attested by the signatures of any two members or by the signatures of one member and an officer of the Authority duly authorized in that behalf by the Authority.

Remuneration of members.

8. The chairman and other members shall be entitled to receive from the funds of the Authority remuneration, allowances and other emoluments at such rates as are fixed by the Governor.

Powers to appoint officers and servants, etc.

9. (1) The Authority may appoint its officers and servants for the purposes of this Act.

(2) The officers and servants so appointed shall be entitled to receive from the Authority such remuneration, allowances and other emoluments as the Authority from time to time determines, and shall not in relation to their respective offices or positions be subject to the Public Service Act, 1936-1966.

(3) The Authority may, with the approval of the Minister and the consent of the Minister controlling any department of the public service of the State, and on such terms as may be mutually arranged, make use of the services of any of the officers or employees of that department.

(4) The Authority may—

(*a*) pay such pensions and other benefits to its officers and servants or their widows, widowers, children or dependants as it deems proper ;

(*b*) contribute such sums as it thinks fit to any fund established for the purpose of providing pensions and other benefits for its officers and servants, their widows, widowers, children and dependants ;

and

(*c*) make with the South Australian Superannuation Fund Board and give effect to any arrangement of a kind referred to in section 3a of the Superannuation Act, 1926-1966.

Powers and functions of the Authority.

10. (1) Subject to this Act, but without limiting the generality of paragraph (*b*) of subsection (2) of section 4 of this Act, the Authority may—

(*a*) construct, reconstruct or install or cause to be constructed, reconstructed or installed pipelines for conveying natural gas or any derivative thereof within this State and natural gas storage facilities connected therewith ;

(*b*) purchase, take on lease or otherwise by agreement acquire any existing pipeline and sell or otherwise dispose of any pipeline owned by the Authority ;

(*c*) hold, maintain, develop and operate any pipeline owned by or under the control of the Authority and convey and deliver through such pipeline natural gas and any derivative thereof ;

(*d*) make such charges and impose such fees for the conveyance or delivery of natural gas or any derivative thereof through any such pipeline as it may, with the approval of the Minister, determine ;

(*e*) purchase, take on lease, or otherwise by agreement, acquire, hold, maintain, develop and operate any natural gas storages and the necessary facilities apparatus and equipment for their operation ;

(*f*) for purposes of selling or otherwise disposing of the same, purchase or otherwise acquire and store natural gas or any derivative thereof ;

(*g*) sell or otherwise dispose of natural gas or any derivative thereof so purchased or acquired ;

(*h*) purify and process natural gas or any derivative thereof and treat natural gas or any derivative thereof for the removal of substances forming part thereof or with which it is mixed ;

(*i*) for its own use and consumption, purchase or otherwise acquire and store natural gas or any derivative thereof or any other kind of fuel ;

(*j*) invest its funds by deposit with the Treasurer or in such other manner as the Treasurer approves ;

and

(*k*) enter into contracts and do anything incidental or ancillary to all or any of the foregoing powers.

(2) The Authority shall not—

(*a*) construct, reconstruct, install or cause to be constructed, reconstructed or installed any pipeline unless the route thereof has been approved by the Governor ;

or

(*b*) do, or enter into any contracts to do, any of the things referred to in paragraph (*e*), (*f*), (*g*) or (*h*) of subsection (1) of this section without the approval of the Minister given, generally or in any special

case, on his being satisfied that it is necessary or desirable to do such thing in order to protect the interests of the Authority or to promote or assist in the operation of any pipeline owned by or under the control of the Authority.

(3) Subject to this section, the Authority may—

(*a*) construct or install or cause to be constructed or installed any pipeline across or along any road or bridge ;

and

(*b*) break up the soil or pavement of any road, bridge and open and break up sewers, drains or tunnels within or under any road and lay down and place pipes and other works incidental to or necessary for the purposes of any pipeline and, from time to time, repair, alter or remove the same.

(4) Before the Authority proceeds to construct or install or cause to be constructed or installed any pipeline across or along any road or bridge or to open or break up any road, bridge, sewer, drain or tunnel, the Authority shall give to the persons under whose control or management such road, bridge, sewer, drain or tunnel may be notice in writing of its intention to carry out such work not less than seven days before such work is begun, except in cases of emergency arising from defects in a pipeline or other works, and then so soon as is possible after the commencement of the work or the necessity for the same had arisen.

(5) The Authority shall not carry out or cause to be carried out any work involving the breaking or opening up of any road, bridge, sewer, drain or tunnel or involving the use of any bridge or property the control or management of which is vested in any other person except under the superintendence of such person or some other person approved by him and according to such plan as is approved by or on behalf of such person or, in case of any difference arising in respect of any plan between the Authority and such person, according to such plan as is approved by the Governor.

(6) The Authority shall take all steps necessary to ensure that the minimum amount of damage is done in the execution of the powers conferred on it by this Act and shall make compensation for any damage that may be done in the execution of such powers and shall, as soon as practicable, reinstate and make good any road, bridge or pavement or any sewer, drain or tunnel broken or opened up by the Authority.

(7) The Authority shall, at all times whilst any road, bridge or pavement is broken or opened up by the Authority, cause the same to be guarded, and shall cause a light sufficient for the warning of persons to be set up and kept there for every night during which the same continues open or broken up.

(8) The Authority shall, after reinstating and making good any road, bridge or pavement or any sewer, drain or tunnel as required under subsection (6) of this section, keep the same in good repair for six months thereafter.

Application of Mining (Petroleum) Act, 1940-1963.

11. (1) The Mining (Petroleum) Act, 1940-1963, (as amended from time to time) and the regulations thereunder shall, so far as they are applicable, extend and apply to the Authority except to the extent that the Authority is, by proclamation, exempted from the operation thereof.

(2) The Governor may, by proclamation exempt the Authority from the operation of all or any of the provisions of the Mining (Petroleum) Act, 1940-1963, (as amended from time to time) and the regulations thereunder.

Power of Authority to acquire land.

12. (1) With the approval of the Governor, the Authority may, either by agreement or compulsorily, acquire or take land for the purpose of constructing or operating a pipeline or natural gas storage facilities connected or to be connected with a pipeline and for any other purposes of this Act.

(2) The Compulsory Acquisition of Land Act, 1925-1966 (except section 49 thereof) is hereby incorporated with this Act and shall apply and have effect in relation to the compulsory acquisition or taking of land under this section by the Authority as if—

(*a*) this Act were the special Act referred to in that Act;

(*b*) the purposes for which land may be acquired or taken under this Act were the works or undertaking authorized to be executed by such special Act;

(*c*) the Authority were the promoters of the undertaking; and

(*d*) land required by the Authority for the purposes mentioned in paragraph (*b*) of this subsection were land required for the purposes of this Act.

(3) The Authority shall not, without the approval of the Governor, sell, transfer or convey any land or let any land out on lease for a period exceeding five years.

Authority to convey natural gas in certain cases.

13. (1) If a pipeline operated by the Authority is capable of conveying natural gas or any derivative thereof of any kind when delivered into the pipeline, the Authority shall, to the extent that it is not precluded from doing so by reason of any existing and accruing liabilities and obligations of the Authority under any agreement or otherwise for the conveyance through the pipeline of natural gas or any derivative thereof, if required by—

(*a*) a person who being the holder of an oil mining licence or a petroleum production licence granted under any Act is producing natural gas or any derivative thereof of that kind;

(*b*) a person who is a gas supplier within the meaning of the Gas Act, 1924-1965, of natural gas or any derivative thereof of that kind;

or

(*c*) any person who has purchased natural gas or any derivative thereof of that kind from a person referred to in paragraph (*a*) or paragraph (*b*) of this section,

upon delivery of the natural gas or derivative thereof of that kind into the pipeline, convey that natural gas or derivative by means of that pipeline upon such terms and conditions as are from time to time agreed between the Authority and such person or, in default of such agreement, as are determined by the Minister; and where such terms and conditions are determined by the Minister, the Authority and such persons are bound thereby and each of them is entitled to recover from the other in a court of competent jurisdiction damages for any loss suffered by reason of that other's breach of, or non compliance with, any such term or condition.

Power of Authority to borrow money, etc.

14. (1) The Authority may borrow money from the Treasurer or, with the consent of the Treasurer, from any person—

(*a*) to provide capital for the construction, purchase, acquisition or operation of any pipeline or natural gas storage field and necessary facilities, apparatus and equipment for its or their operation, or for the purchase, acquisition or taking of any land for the purposes of this Act;

or

(*b*) to satisfy any liability of the Authority.

(2) The Authority may issue debentures to secure the repayment of any money borrowed by it pursuant to subsection (1) of this section and all interest due thereon.

(3) Any amount borrowed by the Authority with interest thereon shall be a first charge on all the property and revenue, whether accrued or still to accrue, of the Authority.

(4) The due repayment of all principal sums so borrowed by the Authority and the payment of all interest secured by any debenture issued by the Authority is hereby guaranteed by the Government of South Australia.

(5) The Treasurer is hereby authorized—

(*a*) out of moneys received by the State from the Commonwealth for the purpose, and out of other moneys to be appropriated by Parliament for the purpose, to make advances by way of loan to the Authority, for any of the purposes mentioned in subsection (1) of this section, subject to such terms and conditions as he thinks fit;

and

(*b*) to pay out of the General Revenue of the State any sum required for fulfilling any guarantee referred to in subsection (4) of this section, and this section, without further appropriation is sufficient authority for any such payment and any sum paid under this paragraph shall, when moneys are properly available for the purpose, be repaid by the Authority to the Treasurer and, when so repaid, shall form part of the General Revenue of the State.

Special obligations and powers of the Authority.

15. (1) The Authority shall, when so required by the Treasurer, and in such manner as the Treasurer approves, pay to the Treasurer such amount as shall be certified by the Auditor-General to be the amount of expenditure incurred by the Government of the State on and in connection with feasibility surveys and other matters in preparation for the proposed pipeline or pipelines from the natural gas fields at Gidgealpa and Moomba in the State which have been carried out under the authority of the Premier, the Minister of Mines or any other Minister of the Crown given prior to the constitution of the Authority.

(2) The Authority shall honour and discharge every liability of the Government of the State under any contract, undertaking or commitment made before the constitution of the Authority on behalf of the Government, under the authority of the Premier, the Minister of Mines or any other Minister of the Crown with any party in relation to the proposed pipeline or pipelines from the natural gas fields at Gidgealpa and Moomba aforesaid and such contract, undertaking or commitment shall

for all purposes be construed as if the Authority itself had made that contract, undertaking or commitment with the other parties thereto and the other parties thereto had made such contract, undertaking or commitment with the Authority accordingly.

(3) Out of any profits accrued or accruing to the Authority, the Authority may, with the approval of the Treasurer, make payments to the Electricity Trust of South Australia, to the South Australian Gas Company and to any other like authority approved for the purpose by the Minister, or to any of them, by way of rebate or drawback on charges made or being made against them, or against it, by the Authority or some other person in connection with the conveyance or supply of natural gas or any derivative thereof through any pipeline owned by or under the control of the Authority.

(4) If, from any report and accounts of the Authority presented to the Minister as required by section 16 of this Act, it appears to the Treasurer that, out of the net accumulated profits of the Authority, the Authority ought to make any payments or any further payments under subsection (3) of this section, the Treasurer may appoint a committee consisting of the chairman, the Auditor-General and the Under Treasurer and call for a report and recommendations thereon from the committee and, after considering such report and recommendations, the Treasurer may require the Authority to make such payments or further payments under subsection (3) of this section out of its net accumulated profits as to him may seem proper and the Authority shall, within three months after being so required, make such payments or further payments accordingly.

Annual report, accounts and audit.

16. (1) The Authority shall on or before the thirty-first day of October in each year, commencing from the year 1968, prepare and present to the Minister a report on its operations during the period of twelve months ended on the thirtieth day of June in that year, or, in the case of its first report, during the period commencing on the date of its first meeting and ending on the thirtieth day of June, 1968.

(2) The Authority shall keep proper accounts showing accurately and in detail all its financial transactions, assets and liabilities and shall in each year not later than the thirty-first day of October prepare a profit and loss account for the period of twelve months, or part thereof, ending on the thirtieth day of June in that year, during which period or part of which period the Authority had carried on business, and a balance-sheet showing its assets and liabilities as at that thirtieth day of June.

(3) The profit and loss account and the balance-sheet shall be included in the report referred to in subsection (1) of this section.

(4) The Auditor-General shall audit the accounts and balance-sheet of the Authority and report thereon annually to the Minister who shall cause that report and the report of the Authority referred to in subsection (1) of this section to be laid before both Houses of Parliament as soon as practicable after the receipt thereof.

(5) The provisions of section 41 of the Audit Act, 1921-1959, as amended, shall apply and have effect as if the Authority were a public corporation referred to in that section.

(6) The Authority shall pay to the Treasurer as a fee for every audit carried out by the Auditor-General such sum as the Treasurer thinks reasonable.

Power to resume land under Crown or pastoral lease and of bodies corporate to grant to Authority easements, etc., for pipelines.

17. (1) Any land which is held under a lease granted under the Crown Lands Act, 1929-1966, or the Pastoral Act, 1936-1966, and which may be resumed thereunder for any public work or public purpose, may be resumed thereunder also for any of the purposes of this Act as if such purpose were a public work or public purpose.

(2) Notwithstanding anything contained in any Act it shall be lawful for any body corporate, on such terms and conditions as are agreed upon by that body corporate and the Authority, to grant to the Authority any easement, lease, licence or other authority over any land owned by or vested in the body corporate for enabling the Authority to construct a pipeline through or over such land and to operate, inspect, maintain and repair any part of such pipeline, notwithstanding that the memorandum and articles or other constitution of the body corporate do not or does not authorize such grant.

Liability of Authority to pay rates and land tax.

18. Notwithstanding any other Act—

(*a*) land belonging to the Authority shall be ratable property within the meaning of the Local Government Act, 1934-1966 ;

and

(*b*) the Authority shall be liable to pay rates under the Local Government Act, 1934-1966, the Waterworks Act, 1932-1966, and the Sewerage Act, 1929-1966, and land tax under the Land Tax Act, 1936-1966, but for the purposes of those Acts such land shall be assessed for rates or tax on its value ascertained without regard to any pipeline, natural gas storage

facilities, or any apparatus, equipment or other facilities belonging to or operated by the Authority on or over such land.

Regulations.

19. (1) The Governor may make regulations for or with respect to any matter or thing which is necessary or convenient in connection with the administration of this Act or which is necessary or expedient for carrying this Act into effect or better effecting the objects of this Act.

(2) Without limiting the generality of subsection (1) of this section such regulations may—

(*a*) provide for the observance of and prescribe safety precautions in relation to any matter dealt with by this Act ;

and

(*b*) prescribe penalties recoverable summarily, not exceeding in each case five hundred dollars, for breaches of, or non-compliance with, the regulations.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.

ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

****

No. 4 of 1967

An Act to amend the Crown Lands Act, 1929-1966.

[*Assented to 30th March,* 1967.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :—

Short titles.

1. (1) This Act may be cited as the "Crown Lands Act Amendment Act, 1967".

(2) The Crown Lands Act, 1929-1966, as amended by this Act, may be cited as the "Crown Lands Act, 1929-1967".

(3) The Crown Lands Act, 1929-1966, is hereinafter referred to as "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment of principal Act, s. 31—Limitation of holdings.

3. Section 31 of the principal Act is amended—

(*a*) by striking out the words "fifteen thousand dollars" in paragraphs (*a*) and (*b*) of subsection (1) thereof and inserting in lieu thereof in each case the words "twenty-five thousand dollars" ;

and

(*b*) by striking out the words "one thousand dollars" in subsection (2) thereof and inserting in lieu thereof the words "two thousand dollars".

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.

ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

****

No. 5 of 1967

An Act relating to Dog-Racing and matters incidental thereto; to repeal the Coursing Restriction Act, 1927; and for other purposes.

[*Assented to* 30*th March,* 1967.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short title and commencement.

1. This Act may be cited as the "Dog-Racing Control Act, 1966-1967", and shall come into operation on a day to be fixed by proclamation.

Repeal.

2. The Coursing Restriction Act, 1927, is repealed.

Interpretation.

3. In this Act, unless the context otherwise requires—

"dog" includes any animal of the same species as that to which dogs belong:

"dog-racing" means racing between dogs in competitive pursuit of a mechanical quarry:

"dog-racing club" means a non-proprietary association formed for the purpose of promoting and conducting dog-racing:

"licensed dog-racing club" means a dog-racing club which is the holder of a licence to conduct dog-racing granted under this Act which licence has not expired or been revoked under this Act:

"mechanical quarry" includes any lure or quarry that is activated, controlled or propelled by mechanical or electrical means:

"non-proprietary association" means a body corporate, unincorporated club or other unincorporated body of persons, the constitution of which—

(*a*) provides for the application of profits, if any, and other income of the body corporate, club or body to the promotion of its objects ;

and

(*b*) prohibits the payment of any dividends to the shareholders or members of the body corporate, club or body.

Restriction on participating in dog-racing.

4. No person shall take part or be concerned in the conduct of dog-racing in the State unless such dog-racing is conducted by or on behalf of a licensed dog-racing club.

Penalty : Two hundred dollars.

Licensing of dog-racing clubs.

5. (1) Upon application in writing made to the Minister by or on behalf of the governing body of any dog-racing club, and on payment of the prescribed fee, the Minister may grant to that club a licence authorizing such club to conduct dog-racing in the State.

(2) A licence granted under this section shall be in force for such period, not exceeding twelve months, as shall be specified in the licence, and may, from time to time, upon application in writing by or on behalf of the governing body of the club and payment of the prescribed fee, be renewed for such period not exceeding twelve months, as shall be specified in the licence.

(3) Any such licence may be granted subject to such conditions as shall be specified in the licence.

(4) No licence shall be granted to a club under subsection (1) of this section unless the granting of such licence is recommended by the committee of the National Coursing Association of South Australia.

(5) The Minister may, by notice in writing delivered at the office of a licensed dog-racing club or, where there is no such office, by notice addressed to such club and published in the *Gazette*, revoke any licence granted to such club under this Act.

(6) If dog-racing is conducted by or on behalf of a dog-racing club to which a licence has not been granted under this Act or whose licence has expired and not been renewed or whose licence has been revoked under this Act, each member of the governing body of such club shall be guilty of an offence against this Act and on conviction shall be liable to a penalty not exceeding Two hundred dollars.

Minister may delegate powers.

6. (1) The Minister may in writing delegate any of his powers and functions under this Act, whether express or implied to any person and upon such delegation such powers or functions so delegated may be exercised by the delegate and any reference in this Act to the Minister shall be read as a reference to the delegate.

(2) Any delegation by the Minister under subsection (1) of this Act may be revoked at any time by the Minister by notice in writing served on the delegate.

Power of authorized persons to enter premises, etc.

7. (1) Any person authorized in that behalf by the Minister or the President of the Royal Society for the Prevention of Cruelty to Animals (South Australia) Incorporated and any member of the police force may at any time enter any premises where any dog is being trained for the purpose of dog-racing or where dog-racing is being conducted or any building, enclosure or place appurtenant thereto and may take such action as he deems necessary to prevent the commission of any offence under, or any infringement of, any provision of this Act or any other Act.

(2) Any person who prevents or hinders any person or member of the police force referred to in subsection (1) of this section from entering any premises, building, enclosure or place referred to in that subsection or from taking any action referred to therein shall be guilty of an offence against this Act and on conviction shall be liable to a penalty not exceeding Two hundred dollars.

Certain convicted persons not to take part in dog-racing.

8. (1) A person who has been convicted by any court of an offence under this Act or under the Prevention of Cruelty to Animals Act, 1936-1964, shall not, unless exempted from the provisions of this subsection—

(*a*) take part or be concerned in the conduct of dog-racing in the State ;

(*b*) train or undertake the training of any dog for dog-racing ;

(*c*) accept office, or act, as a member of the governing body of any dog-racing club ;

or

(*d*) attend, or be present, as a spectator or otherwise, at any place where dog-racing is conducted or any dog is being trained for dog-racing or at any premises appurtenant thereto.

Penalty : Two hundred dollars.

(2) The Minister may, after considering a report made to him by any person or committee appointed by him, for the purpose of making such report, by writing under his hand exempt from

the provisions of subsection (1) of this section any person who has been convicted of an offence under this Act or under the Prevention of Cruelty to Animals Act, 1936-1964.

Living birds and animals not to be attached to mechanical quarries or used as lures.

9. (1) A person shall not, for the purposes of dog-racing or the training of any dog for dog-racing, use, or permit the use of, any mechanical quarry to which is attached any living bird or animal.

Penalty : Two hundred dollars.

(2) A person shall not in the training of any dog for dog-racing use, or permit the use of, any living bird or animal as a lure or quarry.

Penalty : Two hundred dollars.

Regulations.

10. The Governor may make regulations for or with respect to the control and regulation of dog-racing in the State and, without limiting the generality of the foregoing power, may make regulations—

(*a*) prescribing matters to be included in any application referred to in section 5 of this Act ;

(*b*) prescribing forms to be used for the purposes of this Act ;

(*c*) prescribing fees to be paid under this Act and the manner of collecting or receiving such fees ;

(*d*) prescribing conditions subject to which a licence may be granted under this Act ;

(*e*) prescribing the circumstances under which a licence may be revoked under this Act ;

(*f*) regulating the admission of persons to premises where dog-racing is being conducted and providing for the exclusion or expulsion of persons from such premises; and

(*g*) providing for penalties, not exceeding in any case One hundred dollars, for any offence under the regulations.

Proceedings for offences.

11. Proceedings in respect of any offence under this Act shall be disposed of summarily.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.

ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

****

No. 6 of 1967

An Act for the control of the times of delivery of fruit, vegetables and other garden produce to purchasers thereof by wholesale.

[*Assented to 30th March,* 1967.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short title and commencement.

1. This Act may be cited as the "Garden Produce (Regulation of Delivery) Act, 1967", and shall come into operation on a day to be fixed by proclamation.

Interpretation.

2. In this Act, unless the contrary intention appears—

"prescribed area" means an area that, by virtue of section 4 of this Act and the regulations, is for the time being a prescribed area for the purposes of this Act :

"the Minister" means the person for the time being holding or acting in the office of Minister of Agriculture :

"the prescribed time", in relation to any day, means the time that by virtue of section 5 of this Act is for the time being the prescribed time for that day.

Restrictions and delivery of garden produce.

3. Notwithstanding any provision contained in any other Act or in any regulation or by-law made under any Act, a person shall not on any day at any place within a prescribed area deliver, at any time before the prescribed time (if any) for that day, any fruit, vegetables or other garden produce to any person who has purchased or agreed to purchase the same by wholesale or to any agent of such a person.

Penalty : One hundred dollars.

Prescribed area.

4. (1) The Governor may, from time to time, by regulation constitute any area defined therein (being an area that lies within a radius of twenty-five miles from the General Post Office at Adelaide) as a prescribed area with effect from a day specified in the regulation, being a day not earlier than seven days after such regulation takes effect and on and after the day so specified in the regulation the area so constituted shall, subject to subsection (2) of this section, be a prescribed area for the purposes of this Act.

(2) The Governor may, from time to time, by regulation, provide that with effect from a day specified in the regulation any prescribed area or any part of any prescribed area shall cease to be a prescribed area or part thereof and on and after that day that prescribed area or part shall cease to be a prescribed area or part of a prescribed area, as the case may be, for the purposes of this Act.

Prescribed time.

5. (1) The Minister shall, as occasion requires, by a notice signed by him and published in the *Gazette* and in a daily newspaper generally circulating throughout the State declare that, with effect from a day specified in the notice, being a day not earlier than seven days after that notice is published in the *Gazette* nor earlier than seven days after that notice is published in the daily newspaper, any time specified in the notice shall for the purposes of this Act be the prescribed time for any days referred to in the notice and on and after the day so specified the time so declared shall, subject to subsection (3) of this section, be the prescribed time for those days.

(2) The Minister may, under subsection (1) of this section, declare different times to be the prescribed times for different days of the week.

(3) The Minister may, from time to time, by a notice signed by him and published in the *Gazette* and in a daily newspaper generally circulating throughout the State declare that, with effect from a day specified in such notice, being a day not earlier than seven days after that notice is published in the *Gazette* nor earlier than seven days after that notice is published in the daily newspaper, the prescribed time for any day as previously declared shall cease to be the prescribed time for that day and that some other time specified therein shall be the prescribed time for that day and on and after the day so specified the prescribed time previously declared shall cease to be the prescribed time for that day and the other time declared shall become the prescribed time for that day.

Summary proceedings.

6. (1) All proceedings in respect of offences against this Act shall be disposed of summarily.

(2) A person shall not institute any proceedings in respect of any offence against this Act except with the written consent of the Minister.

Regulations.

7. (1) The Governor may make regulations for the purposes of section 4 of this Act and for giving better effect to the objects of this Act.

(2) Any such regulation may prescribe a penalty not exceeding one hundred dollars for the breach of any regulation.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.

ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

****

No. 7 of 1967

An Act to amend the Police Pensions Act, 1954-1966.

[*Assented to 30th March,* 1967.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short titles.

1. (1) This Act may be cited as the "Police Pensions Act Amendment Act, 1967."

(2) The Police Pensions Act, 1954-1966, as amended by this Act, may be cited as the "Police Pensions Act, 1954-1967."

(3) The Police Pensions Act, 1954-1966, is hereinafter referred to as "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment of principal Act, s. 11—Contributions by Government.

3. Section 11 of the principal Act is amended by inserting after the word "Act" therein the words "and supplementary pensions under section 42a of this Act".

Amendment of principal Acts, s. 14—Amount of contribution.

4. Subsection (2) of section 14 of the principal Act is amended—

(*a*) by striking out the word "sergeant" first occurring therein and inserting in lieu thereof the words "senior constable";

and

(*b*) by inserting directly after the line—

Salary or Rank of Member. Proportion.

the line—

1. Senior constable of any grade.... 12½ per centum.

and by renumbering the following lines 2 to 9 inclusive in lieu of 1 to 8 inclusive.

Enactment of s. 30 cc of principal Act—

5. The following section is inserted in the principal Act after section 30cb thereof—

Amount of cash payment and pension for senior members retiring after 1967 Act.

30cc. The amount of any cash payment (other than a refund of contributions or of twice the amount of contributions) or of any limit of a cash payment and the rate of any pension payable pursuant to this Act to a member of the force who at the time of his retirement holds a rank not lower than that of senior constable and who retires from the force on or after the commencement of the Police Pensions Act Amendment Act, 1967, and the rate of pension and cash payment (if any) payable to the widow of a member of the force who at the time of his death or retirement held a rank not lower than that of senior constable and who on or after the said commencement retired from the force or dies while still a member of the force shall be the amount or rates fixed by the other provisions of this Act and in addition a proportion of such amount or amounts varying with the rank of the officer in accordance with the following table—

Salary or Rank.	Proportion.
1. Senior constable of any grade ...	12½ per centum
2. Sergeant of any grade	25 per centum
3. Inspector 3rd class	55 per centum
4. Inspector 2nd class	65 per centum
5. Inspector 1st class	75 per centum
6. Senior Inspector.....	90 per centum
7. Superintendent.....	110 per centum
8. Deputy Commissioner	210 per centum
9. Commissioner	250 per centum

Amendment of principal Act, s. 30d—Cash payment on retirement on grounds of ill-health.

6. Section 30d of the principal Act is amended by striking out the figures and letters "30cb" therein and inserting in lieu thereof the figures and letters "30cc".

Amendment of principal Act, s. 32d—

Increase of existing pensions.

7. (1) Subsection (3) of section 32d of the principal Act is amended by inserting after the passage "30," the passage "30a,".

(2) The amendment made by subsection (1) of this section shall be deemed to have taken effect on the commencement of the Police Pensions Act Amendment Act, 1966.

Enactment of s. 42a of principal Act—

8. The following heading and sections are inserted in the principal Act immediately after section 42 thereof:—

Supplementary Pensions.

Pensions supplementation account and grant of supplementary pensions.

42a. (1) There shall be recorded in the accounts of the Fund a section thereof to be known as the Pensions Supplementation Account.

(2) The Pensions Supplementation Account shall on the first day of July, one thousand nine hundred and sixty-seven, be credited with the amount of one hundred thousand dollars which shall be deemed to be part of the surplus in the Fund at that time, and shall be credited with such other amounts of surplus as the Treasurer may approve from time to time upon the recommendation of the Public Actuary.

(3) The Pensions Supplementation Account shall be credited at the end of each financial year with interest upon balances therein at such rate as the Treasurer may approve upon the recommendation of the Public Actuary having regard to the current earning rate upon the whole of the Fund.

(4) All supplementary pensions payable in accordance with this section shall be debited to the Pensions Supplementation Account.

(5) Any member and any widow of a member who is in receipt of a pension under this Act may apply to the Chief Secretary for the grant of a supplementary pension and the Chief Secretary may upon the recommendation of the Public Actuary grant a supplementary pension to an applicant.

(6) Any supplementary pension granted by the Chief Secretary may be granted from such date as is recommended by the Public Actuary being a date not earlier than the first day of July, one thousand nine hundred and sixty-seven.

(7) A supplementary pension may be granted upon such terms and conditions as the Chief Secretary, upon the recommendation of the Public Actuary, may determine,

but any such supplementary pension shall cease if the person to whom it is payable ceases to be entitled to a pension under this Act.

(8) Any supplementary pension granted by the Chief Secretary shall be at a rate not exceeding one-fifteenth of the rate payable on the thirtieth day of June, one thousand nine hundred and sixty-seven, of any pension which commenced prior to the twenty-first day of November, one thousand nine hundred and sixty-four, and no supplementary pension shall be granted to a person whose pension commenced on or after that date.

(9) The Chief Secretary shall not grant a supplementary pension unless the Public Actuary certifies that the applicant has satisfied him that such a grant will provide that applicant with a net effective increase in gross income of at least twenty cents per week.

(10) The Chief Secretary shall not grant a supplementary pension of an amount that is higher than is necessary to achieve the highest net effective increase in the gross income of the applicant.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.

ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

****

No. 8 of 1967

An Act to amend the Superannuation Act, 1926-1966.

[*Assented to 30th March,* 1967.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :—

Short titles.

1. (1) This Act may be cited as the "Superannuation Act Amendment Act, 1967".

(2) The Superannuation Act, 1926-1966, as amended by this Act, may be cited as the "Superannuation Act, 1926-1967".

(3) The Superannuation Act, 1926-1966, is hereinafter referred to as "the principal Act."

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment of principal Act, s. 2—Division of Act.

3. Section 2 of the principal Act is amended by inserting therein before the line "PART VI.—Voluntary Savings." the line "PART VA.—Pensions Supplementation.".

Amendment of principal Act, s. 7—Triennial investigation by an actuary.

4. Subsection (1) of section 7 of the principal Act is amended by striking out all the words after the word "made" therein and inserting in lieu thereof the words "at the thirtieth day of June 1967 and at the expiration of each period of three years thereafter".

Enactment of s. 27c of principal Act—

5. The following section is inserted in the principal Act after section 27c thereof :—

Reduction of rates of contribution.

27d. The rate of contribution of each contributor who had commenced to contribute prior to the first day of February, one thousand nine hundred and sixty-six, shall, as from the beginning of his first fortnightly pay period ending in July, one thousand nine hundred and sixty-seven, be reduced as follows :—

(1) If he has continued to contribute for retirement at the age of sixty-five if a man or at the age of sixty if a woman, so as to be equal to the aggregate of the rates of contribution prescribed in Schedules XI and XII of this Act as the case may require for each of the pension units or part units for which he is contributing having regard to the value of those units or part units and to the contributor's age at the date a which he commenced to contribute for eac of those units or part units ;

or

(2) If he has elected to convert his contributions for retirement at the age of sixty if a man or at the age of fifty-five if a woman, so as to be equal to the rate which would have been required had subsection (1) of this section been effective immediately before he so elected :

Provided however that no contributor shall for all his units together be required by reason of the provisions of this section to contribute at a rate greater than he was contributing immediately prior to the beginning of his first pay period ending in July, one thousand nine hundred and sixty-seven.

Enactment of Part VA of principal Act—

6. The principal Act is amended by inserting therein immediately after the end of Part V thereof the following heading and sections :—

PART VA.

PART VA.—

PENSIONS SUPPLEMENTATION.

Pensions Supplementation Account.

68a. There shall be recorded in the accounts kept by the Board a section of the Fund to be known as the Pensions Supplementation Account.

Credits to Pensions Supplementation Account.

68b. (1) The Pensions Supplementation Account shall, on the first day of July, one thousand nine hundred and

sixty-seven, be credited with the amount of three million dollars which shall be deemed to be part of the surplus in the Fund at that time, and shall be credited with such other amounts of surplus as the Treasurer may approve from time to time upon the recommendation of the Public Actuary.

(2) The Pensions Supplementation Account shall be credited at the end of each financial year with interest upon balances therein at such rate as the Treasurer may approve upon the recommendation of the Public Actuary having regard to the current earning rate of the whole of the Fund.

(3) All supplementary pensions payable under this Part shall be debited to the Pensions Supplementation Account.

Certain payments to be made from Pensions Supplementation Account.

68c. Notwithstanding any provision to the contrary in the Regulations made under this Act on the tenth day of September, one thousand nine hundred and sixty-four, all amounts payable in accordance with those Regulations shall be payable from and after the first day of July, one thousand nine hundred and sixty-seven, from the Pensions Supplementation Account and shall be payable with the pension in equal fortnightly instalments at a rate equal to one twenty-fifth of the annual amount prescribed in those Regulations. The first fortnightly instalment shall be deemed to have accrued from the twentieth day of June, one thousand nine hundred and sixty-seven.

Grants of Supplementary Pensions.

68d. (1) Any former contributor and any widow who is in receipt of a pension under this Act may apply to the Board for the grant of a supplementary pension, which shall be payable fortnightly in addition to the amount payable under section 68c of this Part, and the Board may if it thinks fit grant a supplementary pension to an applicant.

(2) Any supplementary pension granted by the Board may be authorized by the Board from any day it thinks fit, but not earlier than the twentieth day of June, one thousand nine hundred and sixty-seven.

(3) A supplementary pension may be granted subject to such terms and conditions as the Board thinks fit.

Cessation of Supplementary Pension.

68e. Any supplementary pension granted in accordance with this Part, and any payment pursuant to section 68c of this Part and to the Regulations dated the tenth day of September, one thousand nine hundred and sixty-four,

shall cease if the person to whom it is payable ceases to be entitled to a pension under this Act.

Maximum amount of Supplementary Pension.

68f. (1) Any supplementary pension granted by the Board, together with any amount payable in accordance with section 68c of this Part, shall not exceed—

(*a*) if the pension determination date was before the first day of July, one thousand nine hundred and fifty, thirty-two and one half per centum of the pension payable as at the nineteenth day of June, one thousand nine hundred and sixty-seven ;

(*b*) if the pension determination date was on or after the first day of July, one thousand nine hundred and fifty, but before the first day of July, one thousand nine hundred and fifty-two, fifteen per centum of the pension payable as at the nineteenth day of June, one thousand nine-hundred and sixty-seven ;

(*c*) if the pension determination date was on or after the first day of July, one thousand nine hundred and fifty-two, but before the first day of July, one thousand nine hundred and fifty-seven, ten per centum of the pension payable as at the nineteenth day of June, one thousand nine hundred and sixty-seven ;

and

(*d*) if the pension determination date was on or after the first day of July, one thousand nine hundred and fifty-seven, but before the first day of July, one thousand nine hundred and sixty-six, seven and one half per centum of the pension payable as at the nineteenth day of June, one thousand nine hundred and sixty-seven :

Provided that no supplementary pension shall be granted if the pension determination date was on or after the first day of July, one thousand nine hundred and sixty-six.

(2) For the purposes of this section the pension determination date of a former contributor shall be taken to be the day after he reached the age of retirement or the day upon which he became entitled to a pension whichever day was the earlier, and in respect of a widow shall be taken to be the day upon which she became entitled to a pension or the pension determination date of her deceased husband whichever day was the earlier.

Conditions of grant of Supplementary Pension.

68g. (1) The Board shall not grant a supplementary pension unless the applicant satisfies the Board that such a grant will provide that applicant with a net effective increase in gross income of at least twenty cents per week.

(2) The Board shall not grant a supplementary pension of an amount that is higher than is necessary to achieve the highest net effective increase in the gross income of the applicant.

Calculation to nearest cent.

68h. Any amounts payable under this Part shall be calculated to the nearest whole cent, one-half cent being taken to be one cent.

Amendment of principal Act, s. 75c—Provisions applicable after 1st February, 1966.

7. Subsection (8) of section 75c of the principal Act is amended by inserting after the word "death" being the last word therein, the passage, ", nor shall it be deemed to be part of the pension or of a supplementary pension for the purpose of determining any supplementary pension payable under Part VA of this Act."

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.

ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

****

No. 9 of 1967

An Act to amend the Supreme Court Act, 1935-1966.

[*Assented to 30th March,* 1967.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short titles.

1. (1) This Act may be cited as the "Supreme Court Act Amendment Act, 1967".

(2) The Supreme Court Act, 1935-1966, as amended by this Act, may be cited as the "Supreme Court Act, 1935-1967".

(3) The Supreme Court Act, 1935-1966, is hereinafter referred to as "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment of principal Act, s. 13e—
Benefits to contributors.

3. Section 13e of the principal Act is amended by inserting at the end thereof the following subsection (the whole of the preceding provisions of the section being redesignated as subsection (1) thereof) :—

(2) Notwithstanding any other provision of this Act any pension which is payable in accordance with this Act to a retired judge shall be increased from the first day of April, One thousand nine hundred and sixty-seven by such amount as is necessary to raise it to the rate of six thousand two hundred and fifty dollars per annum, and any pension which is payable in accordance with this Act to the widow of a deceased judge shall be increased from

the first day of April, One thousand nine hundred and sixty-seven by such amount as is necessary to raise it to a rate of three thousand one hundred and twenty-five dollars per annum.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.

ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

****

No. 10 of 1967

An Act to amend the Health Act, 1935-1966.

[*Assented to 30th March,* 1967.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short titles.

1. (1) This Act may be cited as the "Health Act Amendment Act, 1967".

(2) The Health Act, 1935-1966, as amended by this Act, may be cited as the "Health Act, 1935-1967".

(3) The Health Act, 1935-1966, is hereinafter referred to as "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment of principal Act, s. 127— Report of infectious disease.

3. (1) Section 127 of the principal Act is amended—

(*a*) by inserting after the word "disease" last occurring in subsection (1) thereof the passage "(other than gonorrhoea and syphilis)" ;

and

(*b*) by inserting after the word "disease" second occurring in subsection (3) thereof the passage "(other than gonorrhoea and syphilis)".

(2) The amendments effected by subsection (1) of this section shall be deemed to have come into operation upon the commencement of the Health Act Amendment Act, 1966.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.

ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

****

No. 11 of 1967

An Act to amend the Aboriginal Affairs Act, 1962.

[*Assented to 6th April,* 1967.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short titles.

1. (1) This Act may be cited as the "Aboriginal Affairs Act Amendment Act, 1966-1967".

(2) The Aboriginal Affairs Act, 1962, as amended by this Act may be cited as the "Aboriginal Affairs Act, 1962-1967".

(3) The Aboriginal Affairs Act, 1962, is hereinafter referred to as "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Enactment of s. 41 of principal Act—

3. The following section is enacted and inserted in the principal Act after section 40 thereof :—

Additional power to make regulations.

41. The Governor may make regulations for the following purposes :—

1. Providing for the establishment and constitution of Aboriginal Reserve Councils for and in respect of Aboriginal institutions and defining the rights, duties, powers and functions of such Councils,

but without limiting the generality of the foregoing for empowering any such Reserve Council notwithstanding the powers of the Aboriginal Affairs Board to grant with or without conditions or refuse permission for any person or classes of persons to enter, or be in, or remain upon, any Aboriginal institution for and in respect of which such Council is constituted and providing that entry into and remaining upon any such institution without the permission or otherwise than in accordance with the permission of such Council shall be an offence: Provided that any regulations made under this paragraph shall provide that any powers granted to Reserve Councils in pursuance of this paragraph shall be exercised only with the approval of the Minister.

II. Providing for the establishment, constitution, incorporation, management, regulation and registration of societies for carrying on any industries, businesses or trades upon Aboriginal institutions notwithstanding the provisions of the Industrial and Provident Societies Act, 1923-1966, or the Companies Act, 1962-1965.

III. Imposing penalties for the breach of any regulation made under this section not exceeding for any one offence the sum of two hundred dollars or imprisonment for any term not exceeding six months.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.

ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

****

No. 12 of 1967

An Act to Consolidate and Amend the law relating to the Adoption of Children and for purposes connected therewith; and to repeal the Adoption of Children Act, 1925-1965.

[*Assented to 6th April,* 1967.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

PART I.

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the "Adoption of Children Act, 1966-1967", and shall come into operation on a day to be fixed by proclamation.

Arrangement.

2. This Act is arranged as follows:—

PART I.—PRELIMINARY, ss. 1-4.

PART II.—JURISDICTION, ss. 5-8.

PART III.—ADOPTIONS UNDER THIS ACT, ss. 9-37—

DIVISION 1.—GENERAL, ss. 9-20:

DIVISION 2.—CONSENTS TO ADOPTIONS, ss. 21-29:

DIVISION 3.—EFFECT OF ADOPTION ORDERS, ss. 30-34:

DIVISION 4.—INTERIM ORDERS, ss. 35-37.

PART IV.—RECOGNITION OF ADOPTIONS, ss. 38-40.

PART V.—OFFENCES, ss. 41-54.
PART VI.—MISCELLANEOUS, ss. 55-72.
THE SCHEDULE.

Repeals, savings and transitional provisions.

3. (1) The Acts set out in the first column of the Schedule to this Act are repealed to the extent indicated in the second column of that Schedule.

(2) Notwithstanding such repeal—

(*a*) all regulations made under the repealed Act and in force immediately before the commencement of this Act shall be deemed to have been made under this Act and to have effect as if the necessary powers to make them had been enacted by this Act and as if any reference therein to the Children's Welfare and Public Relief Board or to the chairman thereof were a reference to the Director ;

(*b*) such regulations may be amended or revoked by regulations made under this Act ;

(*c*) all books, registers and records kept and maintained under or for the purposes of the repealed Act shall, subject to such modifications as are necessary for the purpose, be continued, kept and maintained under or for the purposes of this Act, and all entries therein shall be deemed to have been made under this Act ;

(*d*) all certificates and certified copies of and certified extracts from entries in any book, register or record kept and maintained under or for the purposes of the repealed Act and issued pursuant to the repealed Act shall be valid and effectual as if issued pursuant to this Act ;

(*e*) an adoption order or any other order or direction made under the repealed Act and in force immediately before the commencement of this Act shall, subject to this Act, continue in force until it expires, is discharged or is otherwise determined according to law ;

and

(*f*) an application for an order for the adoption of a child under the repealed Act that was pending immediately before the commencement of this Act may be continued and dealt with, and proceedings incidental to such an application may be instituted, continued and dealt with under the provisions of the repealed Act as if this Act had not come into operation, but an adoption order made in pursuance

of this paragraph shall have effect as if it were made under this Act.

(3) Subject to subsection (4) of this section, the provisions of sections 30 and 31 (excepting subsection (4) of section 31) of this Act apply in relation to an adoption order made under the repealed Act as if this Act had been in force when the order was made and the order had been made under this Act.

(4) In relation to a disposition of property by will or otherwise by a person who, or by persons any of whom, died before the commencement of this Act, an adoption order referred to in subsection (3) of this section has the same effect as if the repealed Act had continued in operation and this Act had not come into force.

(5) A consent in writing to the adoption of a child given by a person before the commencement of this Act in accordance with the repealed Act shall, subject to subsection (6) of this section, for the purposes of proceedings under this Act for the adoption of the child, be deemed to be a sufficient consent of the person who gave the consent.

(6) Where a consent referred to in subsection (5) of this section—

(*a*) is not a consent to the adoption of the child by a person or by persons specified therein, the consent shall, for the purposes of this Act, be deemed to be a general consent;

(*b*) is a consent to the adoption of the child by a person or by persons specified therein, that person or those persons shall, for the purposes of this Act, be deemed to be a relative, or relatives, as the case may be, of the child.

Interpretation.

4. (1) In this Act, unless the context otherwise requires—

"Adopted Children Register" means the Adopted Children Register established and maintained under the repealed Act and continued and kept for the purposes of this Act:

"adoption order" means an order for the adoption of a child under this Act and, where applicable, includes an order for the adoption of a child under the repealed Act:

"charitable organization" means an organization, corporate or unincorporate, formed or carried on primarily or principally for religious, charitable, benevolent or

philanthropic purposes, but does not include an organization formed or carried on for the purpose of trading or securing a pecuniary profit or benefit to its members :

"child" means a person who has not attained the age of twenty-one years, or a person who has attained that age in respect of whom an adoption order is sought or has been made :

"country" includes part of a country :

"court", in relation to the making of an adoption order or to proceedings relating to an application for an adoption order or in relation to proceedings incidental to such an application, means a court of a kind referred to in section 5 of this Act ; and, where applicable, includes a court or other authority of any other State or of a Territory of the Commonwealth which has jurisdiction to make an order for the adoption of a child in that State or Territory :

"disposition of property" includes the grant or exercise of a power of appointment in respect of property :

"father", in relation to a child who is illegitimate, means the putative father of the child :

"general consent" means a consent of a kind referred to in subsection (1) of section 22 of this Act :

"guardian", in relation to a child, includes—

(*a*) a person having the custody of the child pursuant to an order of a court of competent jurisdiction made under a law of the Commonwealth or of a State or Territory of the Commonwealth ;

and

(*b*) a person who is or is deemed to be the guardian of the child, to the exclusion of, or in addition to, any parent or other guardian, under a law of the Commonwealth or of a State or Territory of the Commonwealth :

"interim order" means an interim order under Division 4 of Part III of this Act :

"prescribed" means prescribed by this Act or by regulations that have been made under this Act or the repealed Act and are in force :

"principal officer", in relation to a private adoption agency, means the person specified as the principal officer in the application for its approval as a private adoption agency or the person specified as its principal officer in the latest notice given to the Director by the agency :

"private adoption agency" means a charitable organization for the time being approved as a private adoption agency under Part VI of this Act:

"regulations" means regulations in force under this Act or the repealed Act:

"relative", in relation to a child, means a grandparent, brother, sister, uncle or aunt of the child, whether the relationship is of the whole blood or half blood or by affinity, and notwithstanding that the relationship is traced through, or to, an illegitimate person or depends upon the adoption of any person:

"Territory of the Commonwealth" includes any Territory under the trusteeship of the Commonwealth:

"the Director" means the person for the time being holding or acting in the office of Director of Social Welfare under the Social Welfare Act, 1926-1965:

"the repealed Act" means the Adoption of Children Act, 1925-1965.

(2) Where the holder of an office that is established by or under any other Act is referred to in this Act and the holder of that office has power (with or without the approval of some person) to delegate to another person all or any of his powers and functions under that Act—

(*a*) the powers and functions that may be so delegated shall be deemed to include the powers and functions of the holder of that office under this Act, and any of those powers and functions under this Act may be delegated in the manner provided by that other Act;

and

(*b*) in relation to a power or function so delegated, a reference in this Act to the holder of that office shall be read as including a reference to the delegate.

PART II.

JURISDICTION.

Jurisdiction.

5. Subject to this Act, a court, constituted of a special magistrate and two justices, one of whom is a woman justice, shall have jurisdiction to hear and determine an application under this Act for an adoption order.

PART II.

Cases in which jurisdiction may be exercised.

6. (1) A court shall not make an order under this Act for the adoption of a child unless—

(*a*) at the time of the filing in the court of the application for the order the applicant, or (in the case of joint applicants) each of the applicants, was resident or domiciled in the State;

and

(*b*) the child was present in the court at such time or times during the hearing of the application as required by the court and is present in the State at the time when the adoption order is made.

(2) For the purposes of subsection (1) of this section, where the court is satisfied that an applicant was resident or domiciled in the State on a date within twenty-one days before the date on which an application was filed in the court, the court may, in the absence of evidence to the contrary, presume that the applicant was resident or domiciled in the State at the time of the filing of the application in the court.

Adoption order not to be made if previously refused except in exceptional circumstances.

7. A court shall not, unless it is satisfied that there are exceptional circumstances which warrant its doing so, make an order under this Act in favour of any person or persons for the adoption of a child if that court or any other court in the State or any court in any other State or in a Territory of the Commonwealth has previously refused to make an order for the adoption of that child by that person or those persons.

Rules of private international law not to apply.

8. The jurisdiction or power of a court to make an adoption order is not dependent on any fact or circumstance not expressly specified in this Act.

PART III.

PART III.

ADOPTIONS UNDER THIS ACT.

DIVISION I.

DIVISION 1—GENERAL.

Welfare and interests of child to be paramount.

9. For all purposes of this Part, the welfare and interests of the child concerned shall be regarded as the paramount consideration.

Who may be adopted.

10. (1) Subject to this Act, a court may make an order under this Act for the adoption of a person who—

(*a*) had not attained the age of twenty-one years before the date on which the application was filed in the court;

or

(*b*) has been brought up, maintained and educated by the applicant or by either or both of the applicants, or by the applicant and a deceased spouse of the applicant, as his or their child under a *de facto* adoption.

(2) An order may be made under this Act for the adoption of a child notwithstanding that the child has, whether before or after the commencement of this Act, and whether in this State or elswhere, previously been adopted.

Persons in whose favour adoption orders may be made.

11. (1) Except as provided in this section, an adoption order shall not be made otherwise than in favour of a husband and wife jointly.

(2) Subject to subsections (3), (4) and (6) of this section, where the court is satisfied that exceptional circumstances make it desirable so to do, the court may make an adoption order in favour of one person.

(3) Except as provided in subsection (4) of this section, the court shall not make an adoption order in favour of one person if that person is married and is not living separately and apart from his or her spouse.

(4) Where a person is a natural parent of a child or a parent of a child by adoption, the spouse of such person may, solely or jointly with such person, make an application to a court under this Act for an order for the adoption of the child and an order may be made by the court for the adoption of the child by such spouse or jointly by such spouse and such person, as the case may be.

(5) When an order is made under subsection (4) of this section for the adoption of the child by the spouse or jointly by the spouse and such person, the spouse shall be deemed to be a parent of the child jointly with such person as if the child had been born to them in lawful wedlock, but notwithstanding anything contained in section 30 of this Act—

(*a*) the child does not cease to be a child of the person referred to in subsection (4) of this section and such person does not cease to be a parent of the child ;

(*b*) the relationship between the child and such person is not determined ;

(*c*) if such person were the guardian of the child the order does not have the effect of terminating such guardianship ;

and

(*d*) if the child were the adopted child of such person, the order does not have the effect of terminating such adoption.

(6) The court shall not make an adoption order under this Act in favour of one person if that person is married except with the consent of his or her spouse.

(7) The consent of a spouse as required by subsection (6) of this section shall be given in evidence before the court and such evidence shall be given in private and the applicant shall not then be present.

Age of adopters.

12. A court shall not make an order under this Act for the adoption of a child in favour of a person who or persons either of whom—

(*a*) has not attained the age of twenty-one years ;

or

(*b*) being a male person, is less than eighteen years older than the child, or, being a female person, is less than sixteen years older than the child,

unless such person or either of such persons is a natural parent of the child or the court considers that there are exceptional circumstances that justify the making of the adoption order.

Court to be satisfied as to certain matters.

13. (1) A court shall not make an order under this Act for the adoption of a child unless after considering such report (if any) concerning the proposed adoption as may, under subsection (2) of section 16 of this Act, be made to the court by the Director or some other officer of the Department of Social Welfare, and any other evidence before the court, the court is satisfied that—

(*a*) the applicant or (in the case of joint applicants) each of the applicants is of good repute and is a fit and proper person to have the care and custody of a child and to fulfil the responsibilities of a parent of a child ;

(*b*) the applicant or (in the case of joint applicants) each of the applicants is a suitable person to adopt that child, having regard to all relevant matters, including the age, state of health, education (if any) and religious upbringing or convictions (if any) of the child and of the applicant or applicants, and any wishes that have been expressed by a parent or

guardian of the child, in an instrument of consent to the adoption of the child, with respect to the religious upbringing of the child ;

and

(*c*) the welfare and interests of the child will be promoted by the adoption.

(2) Subsection (1) of this section shall not apply in relation to an order, under subsection (1) of section 10 of this Act, for the adoption of a child who has attained the age of twenty-one years before the date of the making of the order, but the court shall not make an adoption order in such a case unless, after considering such report (if any) concerning the proposed adoption as may, under subsection (2) of section 16 of this Act, be made to the court by the Director or some other officer of the Department of Social Welfare, and any other evidence before the court, the court is satisfied that the applicant (or each of the applicants) is of good repute and that exceptional circumstances make it desirable that the child should be adopted.

(3) A report on behalf of the Director may be made by a person thereunto authorized in writing either generally or in a particular case, by the Director.

Procedure governing applications for adoption orders and matters incidental thereto.

14. (1) Subject to this Act, a court may make an adoption order under this Act upon application in writing in the appropriate form prescribed.

(2) Before the court hears an application for an adoption order, the applicant or applicants shall file in the court a statement signed by the applicant or by each of the applicants, as the case may be, setting out such matters as are prescribed.

(3) Where any person or persons intends or intend to make an application for an order for the adoption of a child and that person desires or those persons desire that the application be dealt with in such a way that—

(*a*) the identities of the child and of the parents and guardians of the child are not to be disclosed to the applicant or applicants ;

(*b*) the identity or identities of the applicant or applicants is not or are not to be disclosed to any parent or guardian of the child ;

or

(*c*) the identities of the child and of the parents or guardians of the child and of the applicant or applicants are not to be disclosed to one another,

the application shall be made in such prescribed form and manner as are appropriate.

(4) Where an application for an adoption order is made pursuant to subsection (3) of this section—

(*a*) the court shall, on the completion of the hearing, seal in an envelope all papers used in connection with the application which contain any information as to the identities of the child and of the parents and guardians of the child and deliver the envelope to the Director who shall have the custody thereof and no person shall thereafter be permitted to inspect any of such papers except by leave of a Judge or the Master of the Supreme Court ;

(*b*) an abridged copy of the order made as nearly as practicable in the prescribed form shall be handed by the court to the applicant or applicants, and no person shall be entitled to have or inspect a full copy of such order except by leave of a Judge or the Master of the Supreme Court ;

and

(*c*) no entry shall be made in the Adopted Children Register giving information as to the identities of the former parents or guardians of the child.

Notice of application for adoption order.

15. (1) A court shall not make an order under this Act for the adoption of a child unless the applicant or the applicants for the adoption order has or have given notice of the application in accordance with the regulations—

(*a*) to each person whose consent to the adoption of the child is required under section 21 of this Act but whose consent has not been given ;

and

(*b*) to each person (not being a person whose consent is so required) with whom the child resides or who has the care or custody of the child.

(2) The court may, upon application by or on behalf of the applicant or applicants, or by or on behalf of the Director, dispense with the giving of a notice under subsection (1) of this section.

(3) Where it appears to the court to be necessary in the interests of justice so to do, the court may direct that notice of an application for an adoption order be given to any person.

Notice of application for adoption order to be given to Director.

16. (1) The court to which an application is made under this Act by any person other than the Director shall cause notice of the application to be given to the Director at least three weeks before the hearing of the application.

(2) The Director or some other officer of the Department of Social Welfare authorized in that behalf in writing by the Director may, before the conclusion of the hearing of any application for an adoption order, make a report in writing to the court concerning the proposed adoption and may appear at the hearing of any application made to a court under this Act and any proceedings relating to the application and may tender evidence, and may call, examine and cross-examine witnesses and address the court before which the application is heard or the proceedings are held on the whole of the evidence.

Parties.

17. Where an application is made to a court for an adoption order or for an order to dispense with the consent of any person, the court may permit such persons as the court thinks fit to be joined as parties to the proceedings for the purpose of opposing the application.

Powers of court.

18. Before making an adoption order under this Act, the court—

(*a*) may compel the attendance before it of any witness, and for that purpose may issue and cause to be served upon the witness a summons in the prescribed form ;

(*b*) shall take evidence, *viva voce* upon oath or affirmation, or by affidavit sworn before any commissioner for taking affidavits in the Supreme Court, or by declaration made before any justice, in proof of or concerning any fact, matter, or thing required by this Act or by the court to be proved ;

and

(*c*) may require to be produced to the court a certificate of a legally qualified medical practitioner as to the results of a general medical examination of the child sought to be adopted, the applicant or applicants for the adoption order, the spouse of the applicant, or any of them, if such certificate was made at any time within three months before the hearing of the application, or may require any such examination to be made and the certificate of the legally qualified medical practitioner by whom the examination is made to be produced to the court.

Care of child after refusal of application.

19. Where the court refuses an application for an order for the adoption of a child, the court may, if the child is not under the guardianship of the Minister of Social Welfare or the Director, make such order for the care and custody of the child as it thinks fit.

Discharge of adoption orders.

20. (1) The Supreme Court may make an order discharging an order made under this Act or under the repealed Act for the adoption of a child if it is satisfied that—

(*a*) the child has not attained the age of twenty-one years ;

and

(*b*) the adoption order, or any consent for the purposes of the adoption order, was obtained by fraud, duress, or other improper means,

or that there is some other exceptional reason why, subject to the welfare and interests of the child, the adoption order should be discharged.

(2) The Supreme Court shall not make an order under this section if it appears to the Court that the making of the order would be prejudicial to the welfare and interests of the child.

(3) Where the Supreme Court makes an order discharging an adoption order that was made in reliance upon a general consent given under this Act or under the repealed Act, then, unless the Court otherwise orders, the general consent remains in operation for the purposes of any further application for the adoption of the child.

(4) Where the Supreme Court makes an order under this section, it may, at the same time or subsequently, make such consequential or ancillary orders as it thinks necessary in the interests of justice or the welfare and interests of the child, including orders relating to—

(*a*) the name of the child ;

(*b*) the ownership of property ;

(*c*) the custody or guardianship of the child ;

and

(*d*) the domicile (including the domicile of origin) of the child.

(5) Upon the making of an order under this section discharging an order for the adoption of a child, but subject to any order made under subsection (4) of this section and to

subsection (4) of section 30 of this Act, the rights, privileges, duties, liabilities and relationships of the child and of all other persons shall be the same as if the adoption order had not been made, but without prejudice to—

(*a*) anything lawfully done ;

(*b*) the consequences or anything unlawfully done ;

or

(*c*) any right or interest that became vested in any person,

whilst the adoption order was in force.

DIVISION 2—CONSENTS TO ADOPTIONS.

Consents of parents and guardians required.

21. (1) Subject to this Division, a court shall not make an order under this Act for the adoption of a child unless consent (not being a consent that has been revoked) to the adoption has been given by the appropriate person or persons ascertained in accordance with the succeeding provisions of this section, or the court is satisfied that there is no such appropriate person.

(2) In the case of a legitimate child who has not previously been adopted, the appropriate persons are every person who is a parent or guardian of the child.

(3) In the case of an illegitimate child who has not previously been adopted, the appropriate persons are every person who is the mother or a guardian of the child.

(4) In the case of a child who has previously been adopted, the appropriate persons are every person who is an adoptive parent or a guardian of the child.

(5) The consent of a person under this section is not required if that person is the applicant, or one of the applicants, for the adoption order.

(6) This section does not apply in the case of a child who has attained the age of twenty-one years before the making of the adoption order.

The giving of consents.

22. (1) Subject to subsection (2) of this section, a consent for the purposes of section 21 of this Act, shall be expressed as a consent to the adoption of the child by any person or persons on whose application for an order for the adoption of the child an adoption order may be made under this Act in respect of the child, and every such consent shall be a valid consent notwithstanding that an application in respect of the adoption of

the child has not been made or contemplated or, if an application has been made, that the person who gave the consent does not know the identity of the applicant or applicants.

(2) Where the applicant is a parent or relative of the child or (in the case of joint applicants) at least one of the applicants is a parent or relative of the child, a consent for the purposes of section 21 of this Act may be a consent to the adoption of the child by the applicant or applicants only.

(3) Where a consent of the kind referred to in subsection (1) of this section has been relied on in an application for an adoption order in respect of a child, but the application has been refused by the court, the consent remains in operation for the purposes of any further application for the adoption of the child.

Consents given under law of another State or a Territory of the Commonwealth.

23. Where an application is made under this Act by a person for an adoption order in respect of a child, a consent to the adoption of the child given by a person in accordance with the law of another State or of a Territory of the Commonwealth that would be a valid and effective consent under that law if the application had been made in that State or Territory under that law shall, subject to section 7 of this Act, be regarded as a valid and effective consent for the purpose of the application made under this Act.

Revocation of consent.

24. (1) A consent to the adoption of a child given for the purposes of this Act by a person other than the child may be revoked by notice in writing served on the Director before—

(*a*) the expiration of thirty days after the day on which the instrument of consent was signed ;

or

(*b*) the day on which an order for the adoption of the child is made,

whichever is the earlier, but may not otherwise be revoked.

(2) Service of a notice on the Director under subsection (1) of this section shall be effected by delivering it to him personally or by sending it by registered post to him at his office in Adelaide.

Form of consents.

25. (1) Subject to this section, a consent to the adoption of a child for the purposes of the preceding provisions of this Division shall be evidenced by an instrument of consent substantially in accordance with the appropriate form prescribed signed by the person giving the consent and attested in accordance with the regulations.

(2) A consent referred to in subsection (2) of section 22 of this Act has no force or effect unless it is attested by the Director or a person authorized in writing by the Director to attest that consent or generally to attest such consents.

Defective consents.

26. (1) A court shall not make an adoption order in reliance on a consent given or purporting to have been given by a person (other than the child in respect of whom the adoption order is sought) if it appears to the court that—

(*a*) the consent was not given in accordance with this Act;

(*b*) the consent was obtained by fraud, duress or other improper means;

(*c*) the consent was revoked at a time when it had not become irrevocable;

(*d*) the instrument of consent has been altered in a material particular without authority;

(*e*) the person giving or purporting to give the consent was not, on the date of the instrument of consent, in a fit condition to give the consent or did not understand the nature of the consent;

or

(*f*) in the case of the consent of a mother to the adoption of her child, the instrument of consent was signed before the birth of the child.

(2) The court shall not make an adoption order in reliance on an instrument of consent signed by the mother of the child on, or within five days after, the day on which the child was born unless the court is satisfied, on the certificate of a legally qualified medical practitioner or of a person who is a registered nurse within the meaning of the Nurses Registration Act, 1920-1966, or by other adequate evidence, that, at the time the instrument of consent was signed, the mother was in a fit condition to give it.

Court may dispense with consents.

27. (1) A court may, on application by or on behalf of the Director, or by or on behalf of an applicant for an adoption order, by order dispense with the consent of a person (other than the child) to the adoption of a child where it appears to the court—

(*a*) that the person cannot, after reasonable inquiry, be found or identified;

(*b*) that the person is in such a physical or mental condition as not to be capable of properly considering the question whether he should give his consent;

(*c*) that the person has abandoned, deserted or persistently neglected or ill-treated the child ;

(*d*) that the person has, for a period of not less than one year, failed, without reasonable cause, to discharge the obligations of a parent or guardian, as the case may be, of the child ;

or

(*e*) that there are other circumstances by reason of which the consent may properly be dispensed with.

(2) In order to facilitate the making of arrangements with a view to the adoption of a child, the court may, on application by or on behalf of the Director, make an order under this section dispensing with the consent of a person whose consent is required to the adoption of the child before an application for an adoption order has been made in respect of the child, and any such order under this section has effect for the purposes of any application for an adoption order that may subsequently be made under this Act.

(3) An order made by virtue of subsection (2) of this section may, on the application of the Director or of the person whose consent was dispensed with, be revoked by the court at any time before the making of an adoption order in respect of the child.

Consent of child.

28. (1) Subject to this Division, an order for the adoption of a child who has attained the age of twelve years shall not be made by a court unless the child has consented to the adoption or the court is satisfied that there are special reasons, related to the welfare and interests of the child, why the order should be made notwithstanding that the child has not consented to the adoption or that his consent has not been sought.

(2) For the purpose of being satisfied as to any matter mentioned in subsection (1) of this section, the court shall question the child in private, and no parent or guardian of the child, or any applicant for the adoption order, shall then be present.

(3) The court may, before or after so questioning the child, exercise any of the powers conferred on a court by section 35 of this Act, and may, after the exercise of any such power, again question the child as provided in subsection (2) of this section.

Guardianship of child awaiting adoption.

29. (1) Subject to this section, where every person whose consent to the adoption of a child is required under section 21 of this Act has consented to the adoption of the child by means of a general consent or his consent has been dispensed with under this Act, the Director shall be the guardian of the child for all purposes (other than the purposes of section 21 of this Act) to the exclusion of all other persons until—

(*a*) an adoption order is made in respect of the child ;

(*b*) in the case where a person has so consented to the adoption, the instrument of consent is lawfully revoked ;

(*c*) a court of competent jurisdiction, by order, makes other provision for the guardianship of the child ;

or

(*d*) the child becomes a State child within the meaning of the Social Welfare Act, 1926-1965.

(2) Subsection (1) of this section does not apply to a State child within the meaning of the Social Welfare Act, 1926-1965, except to the extent necessary for the purposes of paragraph (*d*) of that subsection.

(3) The Director may, upon such terms and conditions as he thinks fit, place any child of whom he is the guardian by virtue of subsection (1) of this section in the care of any person whom he considers suitable and who has agreed to have the child in his care.

(4) The fact that the Director is the guardian of a child under this section does not affect the liability of any person to make adequate provision for the maintenance of the child.

DIVISION III.

DIVISION 3—EFFECT OF ADOPTION ORDERS.

General effect of adoption orders.

30. (1) For the purposes of the laws of this State, but subject to this Act and to the provisions of any law of this State that expressly distinguishes in any way between adopted children and children other than adopted children, upon the making of an adoption order—

(*a*) the adopted child becomes a child of the adopter or adopters, and the adopter becomes a parent, or the adopters become the parents, of the child as if the child had been born to the adopter or adopters in lawful wedlock ;

(*b*) the adopted child ceases to be a child of any person who was a parent (whether a natural parent or a parent by adoption) of the child before the making of the adoption order, and any such person ceases to be a parent of the child ;

(*c*) the relationship to one another of all persons (including the adopted child and an adoptive parent or former parent or former adoptive parent of the adopted child) shall be determined on the basis of the foregoing provisions of this subsection, so far as they are relevant;

(*d*) any existing guardianship of the adopted child, except as provided in subsection (5) of this section, ceases to have effect;

and

(*e*) any previous adoption of the child (whether effected under the law of this State or otherwise) ceases to have effect.

(2) The provisions of subsection (1) of this section do not have effect so as to deprive an adopted child of any vested or contingent proprietary right acquired by the child before the making of the adoption order.

(3) Where—

(*a*) one of the natural parents of a legitimate child, or one of the adoptive parents of an adopted child, has died;

(*b*) the surviving parent remarries;

and

(*c*) the child is adopted by the surviving parent's spouse or by the surviving parent and that parent's spouse,

any property of any collateral or lineal next-of-kin of the deceased parent who dies intestate shall, notwithstanding subsection (1) of this section, devolve in all respects as if the child had not been so adopted.

(4) Notwithstanding subsection (1) of this section, for the purposes of any law of this State relating to a sexual offence, being a law for the purposes of which the relationship between persons is relevant, an adoption order, or the discharge of an adoption order, does not cause the cessation of any relationship that would have existed if the adoption order, or the discharging order, as the case may be, had not been made, and any such relationship shall be deemed to exist in addition to any relationship that exists by virtue of the application of that subsection in relation to that adoption order or by virtue of the discharge of that adoption order.

(5) Where—

(*a*) immediately before the making of an adoption order the child in respect of whom the adoption order is sought

was a State child within the meaning of the Social Welfare Act, 1926-1965 ;

and

(*b*) the guardianship of the child was accordingly vested in the Minister of Social Welfare under that Act,

the guardianship of the child so vested in that Minister shall cease to have effect and the child shall cease to be a State child within the meaning of that Act on the making of the adoption order unless before the adoption order is made, the Minister of Social Welfare has, at the request of the applicant or applicants for the adoption order, agreed with the applicant or applicants that the guardianship of the child so vested in that Minister shall not cease to have effect on the making of the adoption order, in which case that Minister shall after the making of the adoption order continue to be the guardian of the child and, for the purposes of the Social Welfare Act, 1926-1965, the child shall, until he ceases to be a State child under that Act, continue to be a State child and the provisions of that Act shall apply and have effect accordingly.

Effect of order as to disposition of property, etc.

31. (1) The provisions of subsection (1) of section 30 of this Act have effect in relation to dispositions of property, whether by will or otherwise, and whether made before or after the commencement of this Act, except that—

(*a*) those provisions do not affect a disposition of property by a person who, or by persons any of whom, died before the commencement of this Act ;

and

(*b*) those provisions do not affect a disposition of property that has taken effect in possession before the commencement of this Act.

(2) The provisions of subsection (1) of section 30 of this Act do not apply in relation to an agreement or instrument (not being a disposition of property) made or executed before the commencement of this Act.

(3) Where—

(*a*) before the commencement of this Act, a person made, by an instrument other than a will, a disposition of property ;

(*b*) the disposition had not taken effect in possession before the commencement of this Act ;

and

(*c*) it did not appear from the instrument that it was the intention of that person to include adopted children as objects of the disposition,

that person may, notwithstanding that the instrument could not, apart from this subsection, be revoked or varied, by a like instrument vary the first-mentioned instrument to exclude adopted children (whether adopted under this Act or otherwise) from participation in any right, benefit or privilege under the instrument.

(4) In relation to a disposition of property by a person who, or by persons any of whom, died before the commencement of this Act, an adoption order made under this Act has the same effect as if the repealed Act had continued in force and the adoption order had been made under that Act.

(5) Nothing in section 30 of this Act or in this section affects the operation of any provision in a will or other instrument (whether made or coming into operation before or after the commencement of this Act) distinguishing between adopted children and children other than adopted children.

Names of adopted child.

32. (1) Subject to subsection (2) of this section, upon the making of an adoption order, the adopted child shall have as his surname the surname of the adoptive parent or adoptive parents and shall have as his forename or forenames such name or names as the court, in the adoption order, approves on the application of the adoptive parent or parents.

(2) Where, before the making of the adoption order, the adopted child has been generally known by a particular surname, the court, on the application of the adoptive parent or adoptive parents, may, in the adoption order, order that the child shall have that name as his surname.

(3) Nothing in this section prevents the changing of any name of an adopted child, after the making of the adoption order, in accordance with the law of the State.

Effect of order on domicile.

33. (1) Subject to subsection (2) of this section, upon the making of an adoption order, the adopted child acquires the domicile of the adoptive parent or parents at the date of the adoption order and the child's domicile thereafter shall be determined as if the child had been born in lawful wedlock to that parent or those parents.

(2) The domicile acquired, upon the making of the order, by the child under subsection (1) of this section shall be deemed to be also the child's domicile of origin.

Adoption order not to affect the distribution of property by trustees or personal representatives unless notice given.

34. (1) Notwithstanding any other provision of this Act, a trustee or personal representative may, subject to this section, convey, transfer or distribute real or personal property to or among the persons appearing to be entitled to the property without having ascertained whether or not an adoption has been effected, or an adoption order has been made, by virtue of which a person is or is not entitled to an interest in the property.

(2) A trustee or personal representative who conveys, transfers or distributes real or personal property in the manner referred to in subsection (1) of this section shall not be liable to a person claiming directly or indirectly by virtue of an adoption or an adoption order unless the trustee or personal representative has notice of the claim before the time of the conveyance, transfer or distribution.

(3) Nothing in this section prejudices the right of a person to follow property into the hands of a person, other than a purchaser for value, who has received it.

DIVISION 4.—INTERIM ORDERS.

Making of interim orders.

35. (1) Where an application has been made to a court under this Act for an order for the adoption of a child, the court may postpone the determination of the application and make an interim order for the custody of the child in favour of the applicant or applicants.

(2) An interim order may be made subject to such terms and conditions relating to the maintenance, education and welfare of the child as the court thinks fit.

(3) The court shall not make an interim order in respect of a child in favour of any person or persons unless the court could lawfully make an order for the adoption of that child by that person or those persons.

(4) While an interim order remains in force in respect of a child, the person or persons in whose favour the order is made is or are entitled to the care and custody of the child.

(5) The court shall not make an interim order in respect of a child who is a State child within the meaning of the Social Welfare Act, 1926-1965.

Duration of interim orders.

36. (1) Subject to this Division, an interim order remains in force for such period, not exceeding one year, as the court specifies in the order and for such further periods, if any, as the court may, from time to time, order.

(2) An interim order shall not be in force for periods exceeding in the aggregate two years.

Discharge of interim orders.

37. (1) A court may, at any time, make an order discharging an interim order made under this Division or discharging a direction given under section 8 of the repealed Act and may make such further order for the care and control of the child in respect of whom the interim order was made or the direction was given as the court thinks fit.

(2) An interim order or a direction given under section 8 of the repealed Act ceases to have effect upon the making of an adoption order in respect of the child, whether made in this State or in another State or in a Territory of the Commonwealth.

PART IV.

PART IV.

RECOGNITION OF ADOPTIONS.

Recognition of Australian adoptions.

38. For the purposes of the laws of this State, the adoption of a person (whether before or after the commencement of this Act) in another State or in a Territory of the Commonwealth in accordance with the law of that other State or Territory has, so long as it has not been rescinded under the law in force in that other State or Territory, the same effect as if it were an order for the adoption of that person made in this State on the date on which such adoption became effective, and has no other effect.

Recognition of foreign adoptions.

39. (1) For the purposes of the laws of this State, the adoption of a person (whether before or after the commencement of this Act) in a country outside the Commonwealth and the Territories of the Commonwealth, being an adoption to which this section applies, has, so long as it has not been rescinded under the law of that country, the same effect as if it were an order for adoption of that person made in this State on the date on which such adoption became effective, and has no other effect.

(2) This section applies to an adoption in a country if—

(*a*) the adoption was effective according to the law of that country;

(*b*) at the time at which the legal steps that resulted in the adoption were commenced, the adopter, or each of the adopters, was resident or domiciled in that country;

(*c*) in consequence of the adoption, the adopter or adopters had, or would (if the adopted person had been a young child) have had, immediately following the adoption, according to the law of that country, a right superior to that of any natural parent of the adopted person in respect of the custody of the adopted person;

and

(*d*) under the law of that country the adopter or adopters were, by the adoption, placed generally in relation to the adopted person in the position of a parent or parents.

(3) The Governor may, from time to time, by proclamation, declare that all or any adoptions under the law of a particular country outside the Commonwealth and the Territories of the Commonwealth and specified in the proclamation shall be conclusively presumed to comply with the conditions specified in paragraphs (*c*) and (*d*) of subsection (2) of this section.

(4) On and after the making of such declaration and until such declaration is cancelled by a subsequent proclamation, which the Governor is hereby empowered to make, effect shall be given to the declaration in accordance with the tenor thereof.

(5) Notwithstanding the foregoing provisions of this section any court or other tribunal acting judicially (including the Supreme Court dealing with an application under section 40 of this Act) may refuse to recognize an adoption as being an adoption to which this section applies if it appears to the court or tribunal that the procedure followed, or the law applied, in connection with the adoption involved a denial of natural justice or did not comply with the requirements of substantial justice.

(6) Where, in any proceedings before a court or other tribunal (including proceedings under section 40 of this Act), the question arises whether an adoption is one to which this section applies, it shall be presumed, unless the contrary appears from the evidence, that the adoption complies with the conditions specified in subsection (2) of this section and has not been rescinded.

(7) Except as provided in this section, the adoption of a person (whether before or after the commencement of this Act) in a country outside the Commonwealth and the Territories of the Commonwealth does not have effect for the purposes of the laws of this State.

(8) Nothing in this section affects any right that was acquired by, or became vested in, a person before the commencement of this Act.

Declarations of validity of foreign adoptions.

40. (1) A person specified in subsection (2) of this section may apply to the Supreme Court for an order declaring that an adoption of a person was effected (whether before or after the commencement of this Act) under the law of a country outside the Commonwealth and the Territories of the Commonwealth, and that the adoption is one to which section 39 of this Act applies, and the Court may hear and determine the application and, if it thinks fit, make an order accordingly.

(2) The persons who may make an application under subsection (1) of this section in relation to an adoption are the adopted child or a guardian of the adopted child, the adoptive parent or either or both of the adoptive parents, or a person tracing a relationship, by virtue of the adoption, through or to the adopted child or a guardian of any such person.

(3) Where an application is made under this section, the Court shall, if it appears to the Court that the Director has not received notice thereof, direct that notice thereof be given to the Director and may—

(*a*) direct that notice of the application be given to such persons (including the Attorney-General) as the Court thinks fit;

(*b*) direct that a person be made a party to the application;

or

(*c*) permit a person having an interest in the matter to intervene in, and become a party to, the proceedings.

(4) Where the Court makes an order upon the application, it may include in the order such particulars in relation to the adoption, the adopted child and the adoptive parent or parents as the Court finds to be established.

(5) In relation to any proceedings under this section, the Court may make such orders as to costs and security for costs, whether by way of interlocutory order or otherwise, as the Court thinks just.

(6) For the purposes of the laws of this State, an order under this section binds the Crown in right of the State, whether or not notice was given to the Attorney-General, and any person who was—

(*a*) a party to the proceedings for the order or a person claiming through such a party;

or

(*b*) a person to whom notice of the application for the order was given or a person claiming through such a person,

but does not affect—

(*c*) the rights of any other person ;

or

(*d*) an earlier judgment, order or decree of any court of competent jurisdiction whatsoever.

(7) In any proceedings in any court in this State, the production of a copy of an order under this section, certified by the Master of the Supreme Court, to be a true copy, shall—

(*a*) where the proceedings relate to a person referred to in paragraph (*a*) or (*b*) of subsection (6) of this section, be conclusive evidence ;

and

(*b*) where the proceedings relate to the rights of any other person, be evidence,

that an adoption was effected in accordance with the particulars contained in the order and that the adoption is one to which section 39 of this Act applies.

PART V.

PART V.

OFFENCES.

Territorial application of Part.

41. This Part does not apply in respect of acts occurring outside this State but, except to the extent to which the contrary intention appears, does apply in respect of acts done in this State in relation to the adoption or the proposed adoption of children in, and to children adopted or to be adopted in, another State or a Territory of the Commonwealth, or a country outside the Commonwealth and the Territories of the Commonwealth.

Taking away etc., of adopted child by natural parent.

42. A person who was the father or mother or a guardian of a child but has, by reason of the adoption of the child, ceased to be the father or mother or guardian of the child shall not take, lead, entice or decoy the child away, or detain the child, with intent to deprive the adopter or adopters of possession of the child.

Penalty : Four hundred dollars or imprisonment for six months.

Harbouring child taken from adopters.

43. A person shall not receive or harbour a child on behalf of a person who, to his knowledge, has taken, led, enticed or decoyed the child away, or is detaining the child, in contravention of section 42 of this Act.

Penalty : Four hundred dollars or imprisonment for six months.

Payments in consideration of adoptions, etc.

44. (1) Subject to this section, a person who (whether before or after the birth of the child concerned) makes, gives or receives, or agrees or offers to make, give or receive, a payment or reward for or in consideration of or in relation to—

(*a*) the adoption or proposed adoption of a child ;

(*b*) the giving of consent, or the signing of an instrument of consent, to the adoption of a child ;

(*c*) the transfer of possession or custody of a child with a view to the adoption of the child ;

or

(*d*) the conduct of negotiations or the making of arrangements with a view to the adoption of a child,

is guilty of an offence against this Act and liable on conviction to a penalty not exceeding Four hundred dollars or imprisonment not exceeding six months.

(2) The references in subsection (1) of this section to the adoption or proposed adoption of a child shall be read as including references to the adoption or proposed adoption of a child under the law of any place (whether in or outside the Commonwealth and the Territories of the Commonwealth).

(3) Subsection (1) of this section does not apply to or in relation to either of the following payments or rewards in connection with an adoption or a proposed adoption under this Act—

(*a*) a payment made by the adopter or adopters, with the approval of the Director, in respect of the hospital and medical expenses reasonably incurred in connection with the birth of the child or the ante-natal or post-natal care and treatment of the mother of the child or of the child ;

or

(*b*) any other payment or reward authorized in writing by the Director or by a court.

(4) Subsection (1) of this section does not apply to or in relation to a payment or reward in connection with an adoption or proposed adoption under the law of another State or of a Territory of the Commonwealth or of a country outside the

Commonwealth and the Territories of the Commonwealth if the making of the payment or the giving of the reward, or any agreement so to do would have been lawful if it had taken place in that State or Territory or country.

Restriction on advertising, etc.

45. (1) Subject to this section, a person who publishes, or causes to be published, in a newspaper or periodical, or by means of broadcasting, television or public exhibition, any advertisement, news item or other matter indicating (whether or not in relation to a particular child, born or unborn) that—

(*a*) a parent or guardian of a child wishes to have the child adopted;

(*b*) a person wishes to adopt a child;

or

(*c*) a person is willing to make arrangements with a view to the adoption of a child,

is guilty of an offence against this Act and liable on conviction to a penalty not exceeding Four hundred dollars or imprisonment not exceeding six months.

(2) Subsection (1) of this section does not apply in relation to an advertisement or other matter that has been authorized or approved by the Director.

Restriction on publication of identity of parties.

46. (1) Subject to this section, a person who publishes or causes to be published, in a newspaper or periodical, or by means of broadcasting or television or public exhibition, in relation to any application under this Act or under a law of another State or of a Territory of the Commonwealth for the adoption of a child or for the discharge of an order for the adoption of a child, or in relation to the proceedings on any such application, the name of the applicant or applicants or of the child, the father or mother or a guardian of the child, or, where applicable, the name of the adopter or adopters of the child, or any matter reasonably likely to enable any of those persons to be identified is guilty of an offence against this Act and liable on conviction to a penalty not exceeding Four hundred dollars or imprisonment not exceeding six months.

(2) Subsection (1) of this section does not apply to the publication of any matter with the authority of the court to which the application was made.

Penalty for making unauthorized arrangements for adoptions.

47. (1) Subject to subsections (2) and (3) of this section any person who, without being authorized in writing for the purpose by or on behalf of the Director, conducts or attempts to conduct any negotiation, or makes or attempts to make any arrangement with a parent or guardian of a child for or towards or with

a view to the adoption of the child or transfers or causes to be transferred the possession, custody or control of a child to some other person or persons with a view to the adoption of the child by such person or persons is guilty of an offence against this Act and liable on conviction to a penalty not exceeding Four hundred dollars or imprisonment not exceeding six months.

(2) The provisions of subsection (1) of this section do not apply to any negotiations or arrangements made by or on behalf of a parent, guardian or relative of a child for the adoption of the child by a parent or relative of the child or to any negotiations or arrangements made by the principal officer of a private adoption agency, or a person authorized in writing by such a principal officer to act on his behalf, with a view to the adoption of a child by any other person.

(3) The Director may in writing, generally or in any special case, and subject to such terms and conditions as are approved by the Minister, authorize any person or persons approved by the Minister to conduct any negotiation or make any arrangement with a parent or guardian of a child for or towards or with a view to the adoption of the child, or to transfer the possession, custody or control of a child to some other person or persons with a view to the adoption of the child by such person or persons.

False statements in applications, etc.

48. A person shall not, whether orally or in writing, wilfully make a false statement for the purposes of or in connection with a proposed adoption or any other matter under this Act.

Penalty : Four hundred dollars or imprisonment for six months.

Personation.

49. A person shall not personate or falsely represent himself to be a person whose consent to the adoption of a child is required by this Act or by the law of another State or of a Territory of the Commonwealth.

Penalty : Four hundred dollars or imprisonment for six months.

Presenting forged consent.

50. A person shall not present, or cause to be presented, to any court in connection with an application for an order for the adoption of a child under this Act a document purporting to be an instrument of consent to the adoption signed by a person whose consent to the adoption is required by this Act knowing that the signature to the document is or was forged or obtained by fraud or duress.

Penalty : Four hundred dollars or imprisonment for six months.

Improperly witnessing consent.

51. A person shall not subscribe his name as a witness to the signature of a person to an instrument of consent to the adoption

of a child (whether under this Act or under the law of another State or of a Territory of the Commonwealth) unless—

(*a*) he is satisfied that the person signing the instrument is a parent or guardian of the child;

(*b*) he takes such steps as are prescribed to satisfy himself that the person signing the instrument understands the effect of the consent;

and

(*c*) the instrument bears the date on which he subscribes his name as a witness.

Penalty: Four hundred dollars or imprisonment for six months.

Authority to prosecute.

52. Proceedings for an offence against this Act shall not be commenced except with the written consent of the Minister.

General penalty.

53. Any person guilty of an offence against this Act for which no penalty is expressly provided shall be liable to a penalty of not more than Four hundred dollars or to imprisonment for a term of not more than six months.

Summary proceedings.

54. Proceedings for any offence against this Act shall be disposed of summarily.

PART VI.

MISCELLANEOUS.

Adopted Children Register.

55. The Adopted Children Register established and maintained under the repealed Act shall, subject to this Act, be continued and kept by the Principal Registrar of Births, Deaths and Marriages who shall cause such entries as are prescribed to be made therein.

Registration adoption orders.

56. (1) Every court in this State which makes an adoption order shall cause a memorandum, in accordance with the appropriate form prescribed of such adoption order to be sent to the Principal Registrar of Births, Deaths and Marriages.

(2) The Master of the Supreme Court shall cause a copy of every order discharging an adoption order to be sent to the Principal Registrar of Births, Deaths and Marriages.

(3) On receipt of a memorandum referred to in subsection (1) of this section or of a copy of an order referred to in subsection (2) of this section, the Principal Registrar of Births, Deaths and Marriages shall—

(*a*) register it, as prescribed, in the Adopted Children Register;

and

(*b*) if it relates to a child whose birth is registered in the register of births kept by him, make such alterations to or entries in the appropriate registers as are prescribed.

Sending of memoranda of orders to other States and to Territories of the Commonwealth.

57. Where an order for the adoption of a child or an order discharging such an order is made and the Principal Registrar of Births, Deaths and Marriages has reason to believe that the birth of the child is registered in another State or in a Territory of the Commonwealth, he shall, as soon as practicable, cause a memorandum, in accordance with the prescribed form, of the adoption order, or a copy of the discharging order, as the case may be, certified in writing by him to be a true memorandum or copy, to be sent to such officer of that State or Territory having functions in relation to the registration of births as is prescribed.

Particulars of orders received from other States.

58. Where the Principal Registrar of Births, Deaths and Marriages receives, in relation to a child whose birth is registered in this State, a memorandum or copy of an adoption order made under the law in force in another State or in a Territory of the Commonwealth, or of an order discharging such an order, certified in writing to be a true memorandum or copy by a person authorized so to certify under the law of that State or Territory, he shall—

(*a*) register it, as prescribed, in the Adopted Children Register;

and

(*b*) make such alteration to, or entries in, the appropriate registers of births as are prescribed.

Application for approval of adoption agency.

59. A charitable organization carrying on, or desiring to carry on, the activity of conducting negotiations and making arrangements with a view to the adoption of children may apply in writing to the Director for approval as a private adoption agency.

Director may grant or refuse application.

60. (1) The Director—

(*a*) may grant or refuse an application made under section 59 of this Act;

and

(*b*) shall give notice in writing served personally or by registered post of his decision to the person specified in the application as the principal officer of the organization.

(2) Without limiting the generality of subsection (1) of this section, the Director shall refuse an application if it appears to him that the applicant is not a charitable organization or is not suited to carrying on the activity of conducting negotiations and making arrangements with a view to the adoption of children, having regard to all relevant considerations, including the qualifications, experience, character and number of the persons taking part, or proposing to take part, in the management or control of the organization, or engaged or proposed to be engaged, on behalf of the organization, in the conducting of such negotiations or the making of such arrangements.

(3) Every approval of a charitable organization as a private adoption agency shall be subject to such conditions and requirements as may be prescribed, and to such additional conditions and requirements as the Director, in any particular case, thinks fit and specifies in the notice given to its principal officer under subsection (1) of this section.

Principal officer of private adoption agency.

61. (1) Before making an application under section 59 of this Act, a charitable organization shall appoint a person resident in South Australia to be its principal officer in South Australia for the purposes of this Act in the event of the granting of the application.

(2) If the application is granted, the private adoption agency shall, within seven days after the occurrence of a vacancy in the office of principal officer, appoint a person resident in South Australia to fill the vacancy and give notice in writing to the Director of the appointment.

(3) An application under section 59 of this Act shall specify the name of the principal officer, and the address of the principal office in South Australia, of the charitable organization making the application.

(4) For the purposes of subsection (2) of this section, the office of principal officer shall be deemed to become vacant if the person holding the office ceases to be resident in South Australia.

(5) Anything done or omitted by the principal officer of a private adoption agency, or with his approval, shall, for the purposes of this Part and any regulations relating to private adoption agencies but without prejudice to any personal liability of the principal officer, be deemed to be done or omitted by the private adoption agency.

Revocation or suspension of approval.

62. (1) The Director may, at any time, revoke or suspend the approval of a charitable organization as a private adoption agency under this Part—

(*a*) at the request of the agency ;

(*b*) on the ground that the agency is no longer suited to carrying on the activity of conducting negotiations and making arrangements with a view to the adoption of children, having regard to all relevant considerations, including the matters referred to in subsection (2) of section 60 of this Act ;

or

(*c*) on the ground that the agency or any of its officers has contravened, or failed to comply with, a provision of this Act that is applicable to it or him or any additional condition or requirement referred to in subsection (3) of section 60 of this Act or subsection (3) of section 63 of this Act.

(2) Where the Director has revoked or suspended the approval of a private adoption agency under the provisions of subsection (1) of this section, he shall give notice in writing served personally or by registered post on the principal officer of the private adoption agency of such revocation or suspension.

Appeal against refusal, revocation or suspension.

63. (1) Where the Director—

(*a*) refuses an application of an organization under section 60 of this Act ;

(*b*) approves of such an application subject to additional conditions or requirements referred to in subsection (3) of section 60 of this Act ;

or

(*c*) revokes or suspends the approval of a charitable organization as a private adoption agency in accordance with the provisions of section 62 of this Act,

the organization may appeal to the Supreme Court against the decision of the Director.

(2) Notice in writing of intention to appeal and the general grounds of the appeal shall be given on behalf of the organization to the Master of the Supreme Court and the Director within twenty-one days after the service of notice of the decision.

(3) On the hearing of an appeal under this section, the Supreme Court shall review the decision of the Director and may order that the decision of the Director be confirmed, or may order that the organization be approved as a private adoption agency subject to such conditions and requirements as may be prescribed and to such additional conditions and requirements as the Supreme Court thinks fit and specifies in its order, or may annul the revocation or suspension of the approval of the organization as a private adoption agency.

Notice of approval to be published in *Gazette*.

64. (1) The Director shall cause to be published in the *Gazette* notice of the approval of any charitable organization as a private adoption agency under this Part and of the revocation or suspension and of the annulment of the revocation or suspension of any such approval.

(2) Every such notice shall specify the address of the principal office of the agency concerned and the full name of the principal officer of the agency.

Hearing to be *in camera*.

65. (1) An application under this Act shall not be heard in open court and persons who are not parties to the proceedings and their counsel, solicitors and representatives shall, except as otherwise directed by the court and subject to section 16 of this Act, be excluded during the hearing of such an application.

(2) The court may, at the hearing of an application under this Act—

(*a*) order a child to leave the room or other place in which the court is hearing the application at any time during the hearing if it is of opinion that such a direction should be given in the interests of the child ;

and

(*b*) order any person to leave that room or other place during the examination of a witness.

Contents of report not to be disclosed.

66. A report to the court under section 16 of this Act, or any part of such a report, shall not be made available to any person, including a party to the proceedings unless, upon application made by that person to a judge of the Supreme Court, the judge is satisfied, having regard to all relevant matters, that the report or part of the report ought to be made available to that person and has made an order that it be made available accordingly.

Restriction on inspection of records.

67. Except as provided by the regulations, the records of any proceedings under this Act shall not be open to inspection.

Costs.

68. In proceedings in any court under this Act, the court may, subject to the regulations, make such orders as to costs and security for costs, whether by way of interlocutory order or otherwise, as the court thinks just.

Proof of adoptions.

69. In proceedings in any court in this State—

(*a*) a document purporting to be either the original or a certified copy of or a certified extract from an order effecting an adoption (whether made in this State or eleswhere) ;

or

(*b*) a certified copy of an entry in any public official record of the adoption of children (whether kept in this State or elsewhere) or a certificate or extract giving particulars of such an entry and purporting to be signed by the person having the custody of such record,

shall be *prima facie* evidence of the making of the order and of the facts stated therein.

Judicial notice of signatures.

70. (1) In proceedings under this Act, or affecting any matter under this Act, judicial notice shall be taken of the signature of a person who holds or has held or is acting or has acted in any of the following Offices, that is to say—

(*a*) the office of Director of Social Welfare under the Social Welfare Act, 1926-1965 ;

(*b*) the office of Chairman, Children's Welfare and Public Relief Board, under the Maintenance Act, 1926-1963 ;

and

(*c*) any office in another State or in a Territory of the Commonwealth corresponding with the office of Director of Social Welfare,

appearing on a document and of the fact that, at the time the document was signed by him, he held, or was acting in, that office.

(2) In proceedings under this Act, or affecting any matters under this Act, judicial notice shall also be taken of the signature of a person to whom any of the powers, functions or duties of the Director have been delegated (whether under this Act or otherwise).

Rules of Court.

71. The power to make rules of court conferred by the Supreme Court Act, 1935-1965, on Judges of the Supreme Court shall be deemed to include power to make rules for regulating the exercise of the jurisdiction conferred by this Act on the Supreme Court.

Regulations.

72. The Governor may make such regulations, not inconsistent with this Act, as may be necessary or convenient for the purpose of carrying out or giving effect to this Act or the objects thereof, including (but without limiting the generality of the foregoing) regulations prescribing or making provision for—

(*a*) matters of practice, procedure or evidence in or in connection with proceedings under this Act before a court which has jurisdiction to make adoption orders;

(*b*) the respective forms to be used for purposes of this Act;

(*c*) the mode of registering, and keeping proper registers of, orders made under this Act;

(*d*) fees to be paid in respect of proceedings and orders for the adoption of children and in respect of any matter provided for by or under this Act, and the waiving of any such fees;

(*e*) the form and manner in which any application for an adoption order is to be made and dealt with where the applicant or applicants desires or desire that the application be dealt with in such a way that—

(i) the identities of the child and of the parents and guardians of the child are not to be disclosed to the applicant or applicants;

(ii) the identity or identities of the applicant or applicants is not or are not to be disclosed to any parent or guardian of the child;

or

(iii) the identities of the child and of the parents or guardians of the child and of the applicant or applicants are not to be disclosed to one another;

(*f*) the practice and procedure to be followed in obtaining and giving notice of any consent required for the purposes of this Act;

(*g*) the payment of witnesses' expenses in connection with proceedings under this Act;

(*h*) the prohibition or regulation of access to the Adopted Children Register ;

(*i*) matters to be included in or excluded from the Adopted Children Register, and the correction, alteration or cancellation of any entries therein ;

(*j*) the furnishing of copies of, or extracts from, matters included in the Adopted Children Register ;

(*k*) the making, correction, alteration or cancellation of entries relating to adopted children in the registers of births kept under the law of this State ;

(*l*) the conduct of private adoption agencies and the conditions and requirements to be observed, and facilities to be provided, by private adoption agencies, including conditions and requirements with repect to the qualifications and experience necessary for persons acting for or employed by private adoption agencies ;

(*m*) the keeping of registers by the Director of persons approved by him as fit and proper persons to adopt children and the order in which persons whose names are included in any such list may be selected to be applicants for adoption orders ;

(*n*) the making of appeals against the exclusion of the name of any person from any such register and the conferring of jurisdiction on any special magistrate or court to hear and determine those appeals ;

(*o*) all matters which ought to be prescribed or provided for in order to carry out the objects of, or to give effect to, this Act ;

(*p*) all other matters and things arising under and consistent with this Act, not expressly provided for ;

and

(*q*) penalties, not exceeding One hundred dollars in each case, for offences under, or breaches of, the regulations.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.

THE SCHEDULE.

ACTS REPEALED. Section 3.

First Column. Short title of Act.	Second Column. Extent of Repeal.
Adoption of Children Act, 1925	The whole
Adoption of Children Act Amendment Act, 1931	The whole
Statute Law Revision Act, 1934	So much of the Second Schedule thereto as refers to or affects the Adoption of Children Act Amendment Act, 1931.
Statute Law Revision Act, 1936	So much of the Second Schedule thereto as refers to or affects the Adoption of Children Act, 1925.
Adoption of Children Act Amendment Act, 1940	The whole
Adoption of Children Act Amendment Act, 1943	The whole
Maintenance Act Amendment Act, 1965....	So much of the Schedule thereto as refers to or affects the Adoption of Children Act, 1925-1943 (including the new citation "Adoption of Children Act, 1925-1965" appearing in the Second Column of that Schedule).

ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

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No. 13 of 1967

An Act to amend the Libraries and Institutes Act, 1939-1964.

[*Assented to 6th April,* 1967.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short titles.

1. (1) This Act may be cited as the "Libraries and Institutes Act Amendment Act, 1967".

(2) The Libraries and Institutes Act, 1939-1964, as amended by this Act, may be cited as the "Libraries and Institutes Act, 1939-1967".

(3) The Libraries and Institutes Act, 1939-1964, is hereinafter referred to as "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment of long title of principal Act.

3. The long title of the principal Act is amended by striking out therefrom the passage "public library" and inserting in lieu thereof the passage "State Library".

Amendment of principal Act, s. 18— Officers.

4. Subsection (1) of section 18 of the principal Act is amended by inserting after the passage "principal librarian," the passage "(who, after the commencement of the Libraries and Institutes Act Amendment Act, 1967, shall be known as the 'State Librarian'),".

Amendment of principal Act, s. 19—
Department of the public service.

5. Subsection (2) of section 19 of the principal Act is amended by striking out therefrom the passage "principal librarian" and inserting in lieu thereof the passage "State Librarian".

Enactment of s. 19a of principal Act—
State Library of South Australia.

6. The following section is enacted and inserted in the principal Act after section 19 thereof:—

19a. On and after the commencement of the Libraries and Institutes Act Amendment Act, 1967—

(*a*) the library known as the Public Library or the Public Library of South Australia shall be known as the State Library of South Australia;

and

(*b*) any reference in any other Act, Regulation, Proclamation or document to the public library or to the principal librarian, shall be read and construed as a reference to the State Library of South Australia and to the State Librarian respectively unless the context otherwise requires.

Amendment of principal Act, s. 20—
General powers and duties of the board.

7. Section 20 of the principal Act is amended by striking out therefrom the passage "public library" wherever occurring therein and inserting in lieu thereof, in each case, the passage "State Library".

Amendment of principal Act, s. 22—
Disposal of moneys voted.

8. Subsection (1) of section 22 of the principal Act is amended by striking out therefrom the passage "public library" and inserting in lieu thereof the passage "State Library".

Amendment of principal Act, s. 23—
Vesting of certain property in the board.

9. Section 23 of the principal Act is amended by striking out therefrom the passage "public library" twice occurring therein and inserting in lieu thereof, in each case, the passage "State Library".

Amendment of principal Act, s. 149—
Regulations.

10. Section 149 of the principal Act is amended by striking out therefrom the passage "public library" wherever occurring therein and inserting in lieu thereof, in each case, the passage "State Library".

Amendment of principal Act, s. 156—
Transfer of certain trust property.

11. Subsection (3) of section 156 of the principal Act is amended by striking out therefrom the passage "public library" and inserting in lieu thereof the passage "State Library".

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.

ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

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No. 14 of 1967

An Act relating to Instruments of Transfer of Marketable Securities, to amend the Stamp Duties Act, 1923-1966, by making further Provision with respect to Duty on Sales and Purchases of Marketable Securities, and for other purposes.

[*Assented to 6th April,* 1967.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

PART I.

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the "Marketable Securities Transfer Act, 1967".

Commencement.

2. This Act shall come into operation on a day to be fixed by proclamation.

Arrangement.

3. This Act is arranged as follows :—

PART I.—PRELIMINARY, ss. 1-3.

PART II.—INSTRUMENTS OF TRANSFER OF MARKETABLE SECURITIES, ss. 4-12.

PART III.—AMENDMENT OF STAMP DUTIES ACT, 1923-1966, ss. 13-23.

THE SCHEDULE.

PART II.

PART II.

INSTRUMENTS OF TRANSFER OF MARKETABLE SECURITIES.

Interpretation.

4. (1) In this Part, unless the context otherwise requires—

"broker" means a person who is a dealer within the meaning of Part IIIA of the Stamp Duties Act, 1923-1967 :

"debenture" includes debenture stock, bonds, notes and any other securities of a company or prescribed corporation, whether constituting a charge on the assets of the company or prescribed corporation or not :

"marketable security" means any share, stock or debenture of a company or prescribed corporation and includes any other security of a kind prescribed for the purposes of this Part :

"prescribed corporation" means a body corporate that is, by virtue of subsection (3) of this section, a prescribed corporation for the purposes of this Part, but does not include a body corporate that, by virtue of subsection (4) of this section, has ceased to be a prescribed corporation for those purposes :

"prescribed instrument" means a proper instrument of transfer of a kind referred to in section 5 of this Act :

"right in respect of a marketable security" means a right, whether actual, prospective or contingent, of any person to have issued to him a marketable security, whether or not on payment of any money or other consideration for such marketable security :

"transferee", in relation to a prescribed instrument renouncing and transferring rights in respect of marketable securities, means the person in whose favour the rights are renounced and transferred :

"transferor", in relation to a prescribed instrument renouncing and transferring rights in respect of marketable securities, means the person by whom the rights are renounced and transferred.

(2) Unless the context otherwise requires, words and expressions used in this Part have the same respective meanings as they have in the Companies Act, 1962-1966.

(3) The Governor may, by proclamation, declare any body corporate to be a prescribed corporation for the purposes of this Part and upon the publication of the proclamation in the *Gazette* the body corporate so declared shall be a prescribed corporation for the purposes of this Part.

(4) The Governor may, by proclamation, declare that any prescribed corporation shall, on and after a day specified in the proclamation, cease to be a prescribed corporation for the purposes of this Part, and on and after that day that body corporate shall cease to be a prescribed corporation accordingly.

Proper instruments of transfer.

5. (1) Subject to section 8 of this Act, a duly completed instrument in or to the effect of Form 1 or of Part I of that form and Form 2 in the Schedule to this Act transferring fully paid marketable securities is—

(*a*) for the purposes of section 95 of the Companies Act, 1962-1966, or for the purposes of any other Act;

and

(*b*) for the purposes of any memorandum or articles or trust deed or other instrument governing or relating to the transfer of those marketable securities,

a proper instrument of transfer of those securities.

(2) Subject to section 8 of this Act, a duly completed instrument in or to the effect of Form 1 or of Part I of that form and Form 2 in the Schedule to this Act transferring marketable securities with an uncalled liability, if endorsed with or accompanied by a duly completed instrument in or to the effect of Form 3 in the Schedule to this Act, is—

(*a*) for the purposes of section 95 of the Companies Act, 1962-1966, or for the purposes of any other Act;

and

(*b*) for the purposes of any memorandum or articles or trust deed or other instrument governing or relating to the transfer of those marketable securities,

a proper instrument of transfer of those securities.

(3) Subject to section 8 of this Act, a duly completed instrument in or to the effect of Form 4 or of Part I of that form and Form 5 in the Schedule to this Act renouncing rights in respect of marketable securities in favour of the transferee named in the instrument is a proper instrument of renunciation and transfer of those rights in favour of that transferee where the whole of the moneys to be subscribed for the marketable securities to which the rights relate is payable in full on application being made therefor.

(4) Subject to section 8 of this Act, a duly completed instrument in or to the effect of Form 4 or of Part I of that form and Form 5 in the Schedule to this Act renouncing rights in respect of marketable securities in favour of the transferee named in the instrument, if endorsed with or accompanied by a duly completed instrument in or to the effect of Form 6 in the Schedule to this Act is a proper instrument of renunciation and transfer of those rights in favour of that transferee where

the whole of the moneys to be subscribed for the marketable securities to which the rights relate is not payable in full on application being made therefor.

Transfers need not state occupations of parties nor have signatures witnessed.

6. Notwithstanding anything contained in the memorandum or articles or in the constitution of a company or prescribed corporation, or in the terms or conditions upon which marketable securities are created or issued or may be transferred or upon which rights in respect of marketable securities are created or issued or may be renounced and transferred, it shall not be necessary in any instrument of transfer of marketable securities or of renunciation and transfer of rights in respect of marketable securities, by way of a prescribed instrument, to state the occupations of the transferee and transferor or to have the signatures of the transferee and transferor witnessed.

What constitutes execution of prescribed instrument by transferee, etc.

7. (1) Notwithstanding anything contained in the memorandum or articles or in the constitution of a company or prescribed corporation or in the terms and conditions upon which any marketable securities are created or issued or may be transferred, a prescribed instrument referred to in subsection (1) of section 5 of this Act shall be deemed to have been duly executed by the transferee named therein if the prescribed instrument—

(*a*) states the full name and address of the transferee ; and

(*b*) bears a stamp purporting to be that of the transferee's broker,

and upon the affixing of that stamp to the instrument, the transferee shall be deemed to have agreed to accept the securities subject to the several terms and conditions on which the transferor held them at the time of the sale of the marketable securities by the transferor to the transferee and, if the instrument is a transfer of marketable securities in favour of a person who, on his name being entered in the register of members of the company or prescribed corporation that issued those securities, becomes a member of the company or prescribed corporation, the transferee shall also be deemed to have agreed to become a member of the company or prescribed corporation and to be bound by the memorandum and articles or by the constitution of the company or prescribed corporation on becoming the registered holder of those securities.

(2) Notwithstanding anything contained in the memorandum or articles or in the constitution of a company or prescribed corporation or in the terms and conditions upon which any marketable securities are created or issued or may be transferred, a prescribed instrument referred to in subsection (2)

of section 5 of this Act shall be deemed to have been duly executed by the transferee named therein if the prescribed instrument—

(*a*) states the full name and address of the transferee ;

(*b*) bears a stamp purporting to be that of the transferee's broker ;

and

(*c*) is endorsed with or accompanied by a duly completed instrument in or to the effect of Form 3 in the Schedule to this Act.

(3) Notwithstanding anything contained in the memorandum or articles or in the constitution of a company or prescribed corporation or in the terms and conditions upon which any marketable securities are created, allotted or issued, or upon which rights in respect of marketable securities accrue or are created or may be renounced and transferred, a prescribed instrument referred to in subsection (3) of section 5 of this Act shall be deemed to have been duly executed by the transferee named therein if the prescribed instrument—

(*a*) states the full name and address of the transferee ;

and

(*b*) bears a stamp purporting to be that of the transferee's broker,

and upon the affixing of that stamp to the instrument, the transferee shall be deemed to have made application to the company or prescribed corporation for the allotment to him of the marketable securities to which the rights relate and to have agreed to accept the marketable securities to which the rights relate subject to the several terms and conditions upon which the securities were offered by the company or prescribed corporation for subscription and, if the instrument is a renunciation and transfer of rights in respect of marketable securities in favour of a person who, on his name being entered in the register of members of the company or prescribed corporation issuing those securities, becomes a member of the company or prescribed corporation, the transferee shall also be deemed to have agreed to become a member of the company or prescribed corporation and to be bound by the memorandum and articles or by the constitution of the company or prescribed corporation on becoming the registered holder of those securities.

(4) Notwithstanding anything contained in the memorandum or articles or in the constitution of a company or prescribed corporation or in the terms and conditions upon which any marketable securities are created, allotted or issued or upon

which rights in respect of marketable securities accrue or are created or may be renounced and transferred, a prescribed instrument referred to in subsection (4) of section 5 of this Act shall be deemed to have been duly executed by the transferee named therein if the prescribed instrument—

(*a*) states the full name and address of the transferee ;

(*b*) bears a stamp purporting to be that of the transferee's broker ;

and

(*c*) is endorsed with or accompanied by a duly completed instrument in or to the effect of Form 6 in the Schedule to this Act.

(5) The foregoing provisions of this section operate without prejudice and in addition to any other form of transfer of marketable securities or form of renunciation and transfer of rights in respect of marketable securities, as the case may be, or mode of execution of an instrument of transfer of marketable securities or mode of execution of an instrument of renunciation and transfer of rights in respect of marketable securities that is otherwise required or permitted by law.

As to effect of selling broker's stamp on prescribed instrument.

8. (1) Where a marketable security or a right in respect of a marketable security is sold by a broker on behalf of the transferor thereof and the instrument of transfer thereof or the instrument of renunciation and transfer thereof, as the case may be, is in the form of a prescribed instrument, such instrument shall not be a proper instrument of transfer or a proper instrument of renunciation and transfer for the purposes of section 5 of this Act if it does not bear that broker's stamp.

(2) Where a prescribed instrument bears the broker's stamp referred to in subsection (1) of this section, the transferor's broker shall be deemed to have certified to the matters in the certificate of the transferor's broker set out in the prescribed instrument and to have warranted that the transferor is the registered holder of or is entitled to be registered as the holder of the marketable security or the right in respect of the marketable security in question and is legally entitled or authorized to sell or dispose of the same, and by virtue of such warranty the transferor's broker indemnifies—

(*a*) the company or prescribed corporation that has issued or proposes to issue the marketable security which is the subject of the prescribed instrument ;

(*b*) the transferee ;

and

(c) the transferee's broker,

against any loss or damage arising from any forged or unauthorized signature of the transferor appearing in the instrument.

As to registration of transfers by corporations.

9. (1) Where a prescribed instrument that bears a stamp purporting to be the stamp referred to in section 7 or 8 of this Act is lodged with a company or a prescribed corporation for the purpose of registering a transfer of a marketable security or of the allotment of any marketable security to a person in whose favour a right to the marketable security has been renounced and transferred, the company or corporation and any officer thereof, in the absence of knowledge to the contrary, is entitled to assume without inquiry that the stamp is the stamp of the transferee's broker or the stamp of the transferor's broker, as the case may be; and where the stamp purports to be that of the transferor's broker, the company or prescribed corporation is, subject to but without limiting the effect of subsection (2) of section 8 of this Act, entitled to the benefit of, and to enforce, the indemnity referred to in that subsection.

(2) This Part, so far as it is applicable, shall apply and have effect in relation to the transfer of a marketable security or the renunciation and transfer of a right in respect of a marketable security notwithstanding anything to the contrary in any other enactment or in any instrument relating to the transfer of such security or the renunciation and transfer of such right; but nothing in this Part affects any right to refuse to acknowledge or register a person as the holder of any marketable security on any ground other than the form in which such security purports to be transferred to him.

Registration of transfer pursuant to prescribed instrument and omission of occupation of holder of marketable security, etc. not to constitute breach of memorandum, etc.

10. (1) The registration of a transfer of a marketable security, or an allotment of a marketable security to a person in whose favour a right thereto has been renounced and transferred pursuant to a prescribed instrument does not constitute a breach of the provisions of any memorandum or articles or trust deed or other instrument or enactment that relates to any such marketable security.

(2) The omission from any register, certificate or other document relating to a marketable security of the occupation of the person who is, or is entitled to be, the registered holder thereof does not constitute a breach of the provisions of any memorandum or articles or trust deed or other instrument or enactment that relates to any such marketable security.

Offence.

11. (1) A broker shall not affix his stamp to an instrument in the form of a prescribed instrument unless the instrument relates to a sale or purchase made in the ordinary course of business of such broker for a consideration not less than the unencumbered market value (at the time of the sale or purchase) of the marketable security or right to which the instrument relates.

Penalty : One thousand dollars.

(2) Proceedings in respect of any offence under this Part or under any regulations made under this Part shall be disposed of summarily.

Regulations.

12. The Governor may make regulations for or with respect to any matter or thing that is required, necessary or expedient to be prescribed or provided for for the purposes of this Part and, without limiting the generality of the foregoing, such regulations may—

(*a*) amend or revoke any form in any of the Schedules to this Act ;

(*b*) prescribe any form to be used for the purposes of this Part and substitute a new form for any form so revoked ;

and

(*c*) provide for any penalty, not exceeding two hundred dollars, for a breach of or any non-compliance with any provision of the regulations.

PART III.

PART III.

AMENDMENT OF STAMP DUTIES ACT, 1923-1966.

Short title.

13. (1) The Stamp Duties Act, 1923-1966, as amended by this Act, may be cited as the "Stamp Duties Act, 1923-1967".

(2) The Stamp Duties Act, 1923-1966, is in this Part referred to as "the principal Act".

Amendment of principal Act, s. 2— Arrangement of Act.

14. Section 2 of the principal Act is amended by inserting therein below the passage—

PART III.—Special Provisions with respect to certain Stamp Duties :

the passage—

PART IIIA.—Sales and Purchases of Marketable Securities by Brokers and Duty thereon :

Amendment of principal Act, s. 4— Interpretation.

15. Section 4 of the principal Act is amended—

(*a*) by inserting therein after the definition of "instrument" the following definition :—

"marketable security" includes—

(*a*) any stock, share or other security of any municipal or other corporation, company or society ;

(*b*) any debenture, debenture stock, bond, note or other security of a Government or of any municipal or other corporation, company or society, whether constituting a charge on the assets of the Government, municipal or other corporation, company or society or not ;

(*c*) any stock or other security whatsoever of such a kind as is or can be bought or sold through the agency of a member of any stock exchange in the Commonwealth ;

(*d*) a right in respect of a marketable security ;

and

(*e*) any other security of a kind prescribed for the purposes of this Act : ;

and

(*b*) by inserting therein after the definition of "money" the following definition :—

"right in respect of a marketable security" means a right, whether actual, prospective or contingent, of any person to have issued to him a marketable security, whether or not on payment of any money or other consideration for such marketable security.

Amendment of principal Act, s. 5—
Stamp duty to be recoverable as a debt.

16. Section 5 of the principal Act is amended by adding after subsection (3) thereof the following subsection :—

(4) Where by any provision of this Act any duty is expressed to be payable by any person or by any person of a class, such duty shall be a debt due to Her Majesty from such person, and shall be recoverable from such person in accordance with subsection (2) of this section as if it were duty chargeable upon an instrument executed by that person.

Amendment of principal Act, s. 54—
Provisions as to contract notes.

17. Section 54 of the principal Act is amended by inserting in subsection (1) thereof after the word "purchase" the passage "before the commencement of the Marketable Securities Transfer Act, 1967,".

Amendment of principal Act, s. 56—
Penalty for not making a stamped note.

18. Section 56 of the principal Act is amended—

(*a*) by striking out from subsection (1) thereof the word "effects" and inserting in lieu thereof the passage "before the commencement of the Marketable Securities Transfer Act, 1967, had effected" ;

and

(*b*) by inserting after the word "agent" in subsection (1) thereof the passage ", but had not made and executed a contract note in respect thereof and transmitted the same to his principal,".

Amendment of principal Act, s. 56a—
Certificate on conveyance or transfer.

19. Section 56a of the principal Act is amended by inserting after the passage "marketable security" first occurring in subsection (1) thereof the passage "(other than a marketable security to which Part IIIA of this Act applies)".

Amendment of principal Act, s. 59—
Contracts for options.

20. Section 59 of the principal Act is amended by inserting therein after the word "contract" secondly occurring therein the passage "entered into before the commencement of the Marketable Securities Transfer Act, 1967,".

Enactment of Part IIIa of principal Act.

21. The following Part is enacted and inserted in the principal Act immediately after section 90 thereof :—

PART IIIA.

SALES AND PURCHASES OF MARKETABLE SECURITIES BY BROKERS AND DUTY THEREON.

Interpretation.

90a. In this Part, unless inconsistent with the context or some other meaning is clearly intended—

"broker" means a person, firm or corporation who or which is a member of The Stock Exchange of Adelaide Limited :

"broker's agent" means a person who is an agent or employee of a broker within the meaning of any corresponding Act and is carrying on business for or on behalf of that broker in this State :

"corresponding Act" means an enactment in force in a State other than this State or in a Territory of the Commonwealth that is declared by proclamation to be a corresponding Act for the purposes of this Part of this Act :

"dealer" means a broker or a broker's agent within the meaning of this Act or any corresponding Act :

"South Australian dealer" means a broker or a broker's agent.

Application of this Part.

90b. This Part and the duty chargeable in accordance with the second schedule to this Act on the return referred to in section 90d of this Act applies and has effect to, and in relation to, a sale or purchase of a marketable security only where—

(*a*) the sale or purchase of the marketable security is made by or through a South Australian dealer ;

(*b*) the consideration for the sale or purchase is in money or money's worth not less than the unencumbered market value of the security ;

(*c*) the security is quoted on, or permission to deal therein has been granted by, a stock exchange that is a prescribed Stock Exchange for the purposes of paragraph (*h*) of subsection (6) of section 374 of the Companies Act, 1962-1966 ;

and

(*d*) no duty is charged against the transferor or the transferee under the second schedule to this Act in respect of the conveyance or transfer of the securities on the sale thereof.

Sales and purchases to be recorded.

90c. (1) Subject to subsections (3) and (4) of this section, a South Australian dealer shall, forthwith on a sale or purchase being made, or being deemed to have been made, whether within or outside the State—

(*a*) pursuant to an order to sell or an order to purchase lodged with him in the State ;

or

(*b*) on his own account or behalf,

being a sale or purchase to or in relation to which this Part applies, make a record relating to the sale or purchase showing—

(i) the date of the sale or the purchase ;

(ii) the name of the principal (if any) for whom such sale or purchase was made ;

(iii) the name of the dealer (if any) with whom the sale or purchase was effected ;

(iv) the quantity and full description of the marketable security sold or purchased ;

(v) the selling or purchase price of such marketable security or, if more than one, of each marketable security and the total selling or purchase price of all ;

(vi) the amount of stamp duty chargeable in accordance with the second schedule to this Act in respect of that sale or purchase on the particulars thereof being included in any return referred to in section 90d of this Act ;

and

(vii) such other particulars as are prescribed for the purposes of this section.

(2) For the purposes of subsection (1) of this section—

(*a*) a South Australian dealer who makes a purchase of a marketable security, whether on his own account or on behalf of another person, from any person who is not a dealer shall, notwithstanding that no order to sell was in fact lodged with him, be deemed to have also made a sale of such security pursuant to an order to sell lodged with him in the State by the person from whom he made the purchase ;

and

(*b*) a South Australian dealer who makes a sale of a marketable security, whether on his own account or on behalf of another person, to any person who is not a dealer shall, notwithstanding that no order to purchase was in fact lodged with him, be deemed to have also made a purchase of such security pursuant to an order to purchase lodged with him in the State by the person to whom he made the sale.

(3) Subsection (1) of this section does not require a South Australian dealer to make a record—

(*a*) in respect of the sale of a marketable security, where the sale is made pursuant to an order to sell lodged with him by or on behalf of another dealer;

or

(*b*) in respect of the purchase of a marketable security, where the purchase is made pursuant to an order to purchase lodged with him by or on behalf of another dealer.

(4) Subsection (1) of this section does not apply to the sale or purchase of a marketable security the conveyance or transfer in respect of which would be exempt from duty.

(5) A South Australian dealer may, in any record kept by him pursuant to subsection (1) of this section, incorporate therein additional information for his own use.

(6) Such record shall be kept by the South Australian dealer in a suitable and legible form for a period of not less than three years from the date of the sale or purchase.

(7) The Commissioner may require a South Australian dealer to make and keep such additional records relating to sales and purchases made by or through him of marketable securities as he considers necessary.

(8) A South Australian dealer who fails to make or keep a record as required by this section or who fails to make and keep such additional records as are required by the Commissioner under this section shall be guilty of an offence and liable to a penalty not exceeding five hundred dollars.

(9) Any person having the custody of any papers, records or documents of a South Australian dealer relating to the sale or purchase of any marketable security shall at all reasonable times permit the Commissioner, or any person authorized in that behalf by the Commissioner, to enter any premises occupied by him or on his behalf and to inspect such papers, records and documents.

Penalty: Five hundred dollars.

Returns to be lodged and duty paid.

90d. (1) Every South Australian dealer shall, not later than 2.30 p.m. on the Thursday of each week—

(*a*) lodge with the Commissioner a return in duplicate in the prescribed form in accordance with this section;

and

(*b*) if any stamp duty is payable, but not paid, in respect thereof, pay to the Commissioner the stamp duty in respect of each sale and each purchase shown in the return as prescribed by the second schedule to this Act.

(2) The return shall set out particulars relating to all sales and purchases, records relating to which have been made by the dealer under section 90c of this Act, being sales and purchases made during the week ended on the Saturday preceding the day on which the return is lodged and shall contain a certificate signed by the dealer that the record required by section 90c of this Act has been duly made and such other particulars as are prescribed; but where there has been no sale or purchase made during that week the South Australian dealer shall lodge with the Commissioner a "Nil" return.

(3) A South Australian dealer who fails to lodge a return as required under this section or who lodges a return which is false in any material particular shall be liable to a penalty not exceeding five hundred dollars, and, in addition, as a further penalty, shall be liable to pay any amount not exceeding twice the amount of the duty which would have been payable had a return been lodged in accordance with the requirements of this Act.

(4) A South Australian dealer who fails to pay the duty chargeable on a return lodged by him under this section shall be liable to a penalty not exceeding five hundred dollars and, in addition, as a further penalty, shall be liable to pay an amount equivalent to twice the duty which was payable in accordance with the requirements of this Act.

Endorsement of instrument of transfer as to payment of duty.

90e. (1) On making the record relating to a sale or purchase in accordance with subsection (1) of section 90c of this Act or on the making of a sale or purchase to which subsection (1) of that section does not apply by virtue of the operation of subsection (4) of that section, the South Australian dealer shall either endorse the instrument of transfer in respect of the sale or purchase, or ensure that it is endorsed, with a statement to the effect that the stamp duty (if applicable) has been or will be paid and shall affix his stamp and insert the date of the endorsement thereunder.

(2) A South Australian dealer who affixes his stamp under such an endorsement without making the appropriate record provided for in subsection (1) of section 90c of this Act, shall be liable to a penalty not exceeding one thousand dollars.

(3) Where an instrument of transfer of marketable securities has affixed thereto, in accordance with the provisions of this section or in accordance with any corresponding Act, the respective stamps of the dealers by whom the sale and purchase of those securities were effected, the instrument shall be deemed to be duly stamped.

Power of dealer to recover duty paid by him.

90f. Any South Australian dealer who, on lodging with the Commissioner a return pursuant to section 90d of this Act, pays any duty under this Act in respect of any sale or purchase of marketable securities shown in such return, may recover from the seller or purchaser for whom he made the sale or purchase or is deemed to have made the sale or purchase the amount of the duty so paid as a debt due to him and recoverable in a court of competent jurisdiction and may, in reimbursement of such amount, retain any moneys in his hands belonging to the seller or purchaser, as the case may be.

Enactment of s. 106a of principal Act—

22. The following section is enacted and inserted in the principal Act immediately after section 106 thereof:—

Transfers of marketable securities not to be registered unless duly stamped.

106a. (1) A transfer of a marketable security to which Part IIIA of this Act does not apply but which is otherwise liable to duty under this Act shall not be registered, recorded or entered in the books of the corporation, company or society by which the security was issued—

(*a*) unless a proper instrument of transfer has been delivered to the corporation, company or society wherein, in the case of a transfer by way of sale, the consideration therefor is expressed in terms of money and the actual date of sale and the date or dates of execution by the transferor and transferee are set out;

and

(*b*) unless the instrument is duly stamped under this Act.

(2) A transfer of a marketable security to perfect a sale or purchase to which Part IIIA of this Act applies shall not be registered, recorded or entered in the books of the corporation, company or society by which the security was issued—

(*a*) unless a proper instrument of transfer has been delivered to the corporation, company or society;

and

(*b*) unless the transfer is, under subsection (3) of section 90e of this Act, deemed to have been duly stamped.

(3) After a transfer of any marketable security has been registered, recorded or entered in the books of the corporation, company or society in this State, the instrument of transfer shall be retained in this State by the corporation, company or society for a period of not less than three years.

(4) If any corporation, company or society contravenes or fails to observe and comply with any of the provisions of this section, that corporation, company or society shall be guilty of an offence and shall, for each such offence, be liable to a penalty not exceeding one hundred dollars.

(5) The right or title of any transferee or subsequent holder of any marketable security shall not be invalidated by reason only that the transfer of such security was registered, recorded or entered in the books of a corporation, company or society in contravention of the provisions of this section.

23. The second schedule to the principal Act is amended— Amendment of principal Act, Second Schedule.

(*a*) by inserting after the word "purchase" where it occurs in each of the two items entitled "CONTRACT NOTE" the passage "before the commencement of the Marketable Securities Transfer Act, 1967,";

(*b*) by inserting after the word "CONTRACT" in the item commencing with the words "CONTRACT giving or taking any option" the passage ", made before the commencement of the Marketable Securities Transfer Act, 1967,";

(*c*) by inserting after the word "security" first occurring in paragraph (*a*) of the item entitled "CONVEYANCE OR TRANSFER" the passage "sold before the commencement of the Marketable Securities Transfer Act, 1967,";

(*d*) by inserting after paragraph (*a*) of the item entitled "CONVEYANCE OR TRANSFER" the following paragraph:—

(*aa*) In the case of the sale of any stock or marketable security sold after the commencement of the Marketable Securities Transfer Act, 1967 (where such sale is not shown in any return lodged with the Commissioner pursuant to section 90d of this Act)—

	$
Where the consideration for the sale is less than $100—	
For every $25 and any fractional part of $25..	0.10
Where the consideration for the sale is $100 or more—	
For every $100 and any fractional part of $100	0.40

and

(*e*) by inserting before the item entitled "TOTALIZATOR" the following item and exemptions :—

RETURN lodged with the Commissioner by a South Australian dealer pursuant to section 90d of this Act showing sales and purchases made by him after the commencement of the Marketable Securities Transfer Act, 1967. There shall be paid by the dealer to the Commissioner a duty on each sale and each purchase shown in the return in accordance with the following scale :—

	$
Where the consideration for each sale or purchase is less than $100—	
For every $25 and any fractional part of $25	0.05
Where the consideration for each sale or purchase is $100 or more—	
For every $100 and any fractional part of $100	0.20

Exemptions—

1. Any sale of marketable securities shown in the return which sale was made by a broker on his own account or behalf where the marketable securities concerned were purchased by him on, or within two clear days (not including any day on which the Stock Exchange of which he is a member is closed) of, the day of the sale.

2. Any purchase of marketable securities shown in the return which purchase was made by a broker on his own account or behalf where the marketable securities concerned were sold by him on, or within two clear days (not including any day on which the Stock Exchange of which he is a member is closed) of, the day of the purchase.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.

THE SCHEDULE.

FORM 1.

Section 5 (1). (2).

SECURITY TRANSFER FORM.	MARKING STAMP.
PART 1— Full Name of Company or Prescribed Corporation	
Description of Securities — Class — If not fully paid, paid to / c	Register
Quantity ..... — Words — Figures	Transferor's Broker hereby certifies :— (i) Validity of Documents. (ii) Stamp Duty (if applicable) has been or will be paid.
Transfer Identification Number	
Full Name(s) of Transferor(s) .... Surname(s) .... Christian Name(s)	(Transferor's Broker's Stamp and Date)
(Please use BLOCK letters)	Date of Sale

I/We hereby transfer the above securities out of the name(s) in Part 1 hereof to the transferee(s) named in Part 2 hereof or to the several transferees named in Part 2 of Broker's Transfer Forms relating to the above securities.

I/We have no notice of revocation of the power of Attorney under which this Transfer is signed.

Transferor(s) sign here.. .....
.....
.....
.....
.....

Date signed ..... / /

PART 2— Full Name(s) and Address(es) of Transferee(s)	Transferee's Broker hereby certifies :—
Mr. / Mrs. / Miss } ..... Surname(s) ..... Christian Name(s) .... State ..... (Please use BLOCK letters)	(i) That the securities set out in Part 1 above having been purchased in the ordinary course of business, are to be registered in the name(s) of the transferee(s) named in this Part. (ii) That Stamp Duty (if applicable) has been or will be paid, and hereby requests that such entries be made in the register as are necessary to give effect to this transfer. (Transferee's Broker's Stamp and Date)
	Date of Purchase

PLEASE ENTER THE ABOVE SECURITIES ON THE REGISTER.

Section 5 (1), (2).

FORM 2.

BROKER'S TRANSFER FORM.	MARKING STAMP.

PART 1—

Full Name of Company or Prescribed Corporation .....

Description of Securities	Class	If not fully paid, paid to / c	Register
Quantity	Words		Figures

Transfer Identification Number .....

Full Name(s) of Transferor(s) .....

..... Surname(s)

.....

.....

Christian Name(s)

.....

(Please use BLOCK letters)

Transferor's Broker hereby certifies :—

(i) That the Security Transfer Form relating to the securities set out above has been lodged at the company's/ corporation's office.

(ii) That Stamp Duty (if applicable) has been or will be paid.

(Transferor's Broker's Stamp and Date)

Date of Sale

PART 2—

Full Name(s) and Address(es) of Transferee(s) .....

Mr. / Mrs. / Miss } ..... Surname(s)

.....

.....

Christian Name(s)

.....

.....

.....

..... State.....

(Please use BLOCK letters)

Transferee's Broker hereby certifies :—

(i) That the securities set out in Part 1 above having been purchased in the ordinary course of business, are to be registered in the name(s) of the transferee(s) named in this Part,

(ii) That Stamp Duty (if applicable) has been or will be paid,

and hereby requests that such entries be made in the register as are necessary to give effect to this transfer.

(Transferee's Broker's Stamp and Date)

Date of Purchase

PLEASE ENTER THE ABOVE SECURITIES ON THE REGISTER.

FORM 3. Section 5 (2)

FOR COMPLETION BY TRANSFEREE(S) OF SECURITIES WITH AN UNCALLED LIABILITY.

To .....
(Name of Company/Prescribed Corporation whose securities are involved)

.....

I/We .....

of .....

being the transferee(s) of .....
(Quantity) (Description of Securities)

each paid to.....in the abovenamed company or corporation and being the person(s) named as such in *Security Transfer Form/Broker's Transfer Form relating to those securities and being of or over the age of twenty-one years HEREBY AGREE to accept the said securities subject to the several terms and conditions on which the transferor held them at the time of the sale of the said securities by the transferor to me/us and further agree to become a member (or members) of the company or corporation and to be bound by the memorandum and articles or by the constitution of the company or corporation.

Dated the.....day of.....19

Transferee's Signature.....

*Delete whichever not applicable.

Section 5 (3) (4).

FORM 4.

SECURITY RENUNCIATION AND TRANSFER FORM.		MARKING STAMP.
PART 1— Full Name of Company or Prescribed Corporation		
Description of Rights ..		Register
Quantity	Words Figures	Transferor's Broker hereby certifies :— (i) Validity of Documents. (ii) Stamp Duty (if applicable) has been or will be paid.
Transfer Identification Number		
Full Name(s) of Transferor(s)	..... Surname(s) .... Christian Name(s)	(Transferor's Broker's Stamp and Date)
	(Please use BLOCK letters)	Date of Sale

I/We hereby renounce and transfer the above Rights in favour of the transferee(s) named in Part 2 hereof or to the several transferee(s) named in Part 2 of the Broker's Renunciation and Transfer Forms relating to the above Rights.

I/We have no notice of revocation of the power of Attorney under which this renunciation and transfer is signed.

Transferor(s) sign here .	....	
Date signed	/ /	
PART 2— Full Name(s) and Address(es) of Transferee(s)	Mr. Mrs. Miss } ..... Surname(s) .... Christian Name(s) .... State ..... (Please use BLOCK letters)	Transferee's Broker hereby certifies :— (i) That the rights set out in Part 1 above having been purchased in the ordinary course of business, the marketable securities to which the rights relate are to be allotted to the transferee(s) named in this Part. (ii) That Stamp Duty (if applicable) has been or will be paid, and hereby requests that such marketable securities be allotted by the company/corporation to the transferee(s) and such entries be made in the register as are necessary to give effect to this renunciation and transfer. (Transferee's Broker's Stamp and Date)
APPLICATION MONEY OF IS ATTACHED		Date of Purchase

PLEASE ENTER THE ABOVE SECURITIES ON THE REGISTER.

FORM 5. Section 5 (3), (4).

BROKER'S RENUNCIATION AND TRANSFER FORM.		MARKING STAMP.
PART 1— Full Name of Company or Prescribed Corporation		
Description of Rights ..		Register
Quantity	Words	Figures
Transfer Identification Number		Transferor's Broker hereby certifies :— (i) That the Security Renunciation and Transfer Form relating to the rights set out above has been lodged at the company's / corporation's office. (ii) That Stamp Duty (if applicable) has been or will be paid. (Transferor's Broker's Stamp and Date)
Full Name(s) of Transferor(s)	..... Surname(s) .... Christian Name(s) (Please use BLOCK letters)	
		Date of Sale
PART 2— Full Name(s) and Address(es) of Transferee(s)	Mr. / Mrs. / Miss } ..... Surname(s) .... Christian Name(s) .... State ..... (Please use BLOCK letters)	Transferee's Broker hereby certifies :— (i) That the rights set out in Part 1 above having been purchased in the ordinary course of business, the marketable securities to which the rights relate are to be allotted to the transferee(s) named in this Part, (ii) That Stamp Duty (if applicable) has been or will be paid, and hereby requests that such marketable securities be allotted by the company/corporation to the transferee(s) and such entries be made in the register as are necessary to give effect to this renunciation and transfer. (Transferee's Broker's Stamp and Date)
APPLICATION MONEY OF IS ATTACHED		Date of Purchase

PLEASE ENTER THE ABOVE SECURITIES ON THE REGISTER.

Section 5 (4)

FORM 6

FOR COMPLETION BY TRANSFEREE(S) OF RIGHTS WHERE WHOLE OF MONEYS TO BE SUBSCRIBED FOR MARKETABLE SECURITIES TO WHICH RIGHTS RELATE IS NOT PAYABLE IN FULL ON APPLICATION.

To .....
(Name of Company/Prescribed Corporation whose rights are involved)

.....

I/We .....

of .....

being the transferee(s) of .....
(Quantity) (Description of Rights)

to marketable securities in respect of which there is an uncalled liability of..... per unit after the payment of application moneys and being the person(s) named as transferee(s) in the *Security Renunciation and Transfer Form/Broker's Renunciation and Transfer Form relating to those rights and being of or over the age of twenty-one years hereby agree to accept the marketable securities to which the rights relate subject to the several terms and conditions upon which the marketable securities were offered by the company or corporation for subscription and I/We hereby agree to become a member (or members) of the company or corporation and to be bound by the memorandum and articles or by the constitution of the company/corporation on becoming the registered holder of the marketable securities.

Dated the.....day of.....19

Transferee's Signature.....

*Delete whichever not applicable.

ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

****

No. 15 of 1967

An Act to consolidate and amend the law relating to weights and measures and for other purposes.

[*Assented to 6th April,* 1967.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

PART I.

PART I.

PRELIMINARY.

Short title and commencement.

1. This Act may be cited as the "Weights and Measures Act, 1967", and shall come into operation on a day to be fixed by proclamation.

Repeal.

2. The Acts mentioned in the First Schedule are hereby repealed.

Savings.

3. (1) Every proclamation, regulation, certificate, order, requisition, notice, registration, licence, register, record, instrument or other act of authority made, granted, issued, given, done, or originated under the repealed Acts and subsisting at the passing of this Act, shall, subject as hereinafter provided, continue in force for the purposes of this Act until it expires by effluxion of time or is repealed, amended, or otherwise modified, revoked, cancelled, suspended or surrendered under this Act: Provided that every such proclamation, regulation, certificate, order, requisition, notice, registration, licence, register, record, instrument, and act of authority shall be read and construed subject to this Act.

(2) Any and every stamp placed on any weight, measure, weighing instrument, or measuring instrument under and for the purposes of the repealed Acts and having force and effect thereunder immediately prior to the passing of this Act shall continue to have, subject to and for the purposes of this Act, the same force and effect, and where applicable, for the remainder of any period of time during which that stamp would have had force and effect if this Act had not been passed.

(3) All penalties and forfeitures imposed and fees, charges, and expenses payable under the repealed Acts and not recovered or, as the case may be, paid at the passing of this Act may be enforced or recovered, and applied as if this Act had not been passed.

(4) All actions and proceedings of whatever nature commenced or pending at the passing of this Act under the repealed Acts may be carried on and prosecuted as if this Act had not been passed, and no such action or proceeding shall abate or be discontinued or prejudicially affected by anything in this Act contained.

(5) The Warden of Standards and the Deputy Warden of Standards, all other Government Inspectors and inspectors (including assistant inspectors) and all other officers appointed under the repealed Acts and in office at the passing of this Act shall be deemed to have been appointed to their respective offices under and for the purposes of this Act and, subject to this Act shall continue to hold those offices respectively in terms of their appointment without further or other appointment under this Act.

(6) When in any other Act reference is made to the repealed Acts, or to any provision thereof, it shall be taken, unless the context otherwise indicates or requires, that that reference is to this Act or, as the case requires, to the corresponding provision of this Act, and that reference shall be read and construed accordingly.

(7) Without limiting the application of the Acts Interpretation Act, 1915-1957, the provisions of that Act relating to the effect of repeals shall, except where inconsistent with this Act, apply and have effect to and in relation to the repeals enacted by this Act.

Arrangement.

4. The provisions of this Act are arranged as follows :—

PART I.—PRELIMINARY, ss. 1-5.

PART II.—STANDARDS OF MEASUREMENT, ss. 6-12.

PART III.—ADMINISTRATION—

DIVISION 1.—CENTRAL ADMINISTRATION, ss. 13-14 :

DIVISION 2.—LOCAL ADMINISTRATION, ss. 15-27 :

DIVISION 3.—FINANCE, ss. 28-29 :

DIVISION 4.—PROVISION AS TO CERTAIN WEIGHTS, MEASURES, WEIGHING INSTRUMENTS AND MEASURING INSTRUMENTS, ss. 30-31.

PART IV.—INSPECTION VERIFICATION AND STAMPING, ss. 32-43.

PART V.—SALE OF GOODS, ss. 44-52.

PART VI.—MISCELLANEOUS, ss. 53-68.

5. In this Act, unless the context otherwise requires— Interpretation.

"area" means a municipality or a district council district as constituted under the Local Government Act, 1934-1966 and includes the Garden Suburb and the City of Whyalla :

"article" includes, but without limiting the generality of the meaning of that term, liquids, foods, chattels, wares, merchandize, and other goods of any and every description and, where necessary, any article and its package :

"certifying certificate" means any certificate in the form prescribed issued by an inspector in respect of any weight, measure, weighing instrument, or measuring instrument exempted by the regulations from being stamped with a certifying stamp by reason of the impracticability of stamping the same, for the purpose of signifying that the weight, measure, weighing instrument, or measuring instrument has been found upon inspection to be in accordance in every respect with the requirements of this Act :

"certifying stamp" means any stamp prescribed for use by an inspector for stamping pursuant to this Act any weight, measure, weighing instrument, or measuring instrument for the purpose of signifying that the weight, measure, weighing instrument or measuring instrument has been found upon inspection to be in accordance in every respect with the requirements of this Act :

"coal" includes coal, coke, briquettes, slack and charcoal of any and every description :

"Commission" means the National Standards Commission continued in existence by the Commonwealth Act :

"Commonwealth Act" means the *Weights and Measures (National Standards) Act* 1960-1964 of the Commonwealth, as amended from time to time :

"Commonwealth legal unit of measurement" means a unit of measurement prescribed by the Commonwealth Regulations :

"Commonwealth Regulations" means the regulations in force from time to time under the Commonwealth Act :

"Commonwealth Standard of Measurement" has the meaning ascribed thereto in the Commonwealth Act :

"contract" includes contract, bargain, sale, purchase, dealing and any transaction on which payment in money or kind depends :

"council" means a municipal or district council and includes the Garden Suburb Commissioner and the City of Whyalla Commission :

"driver" means any person driving or in charge of a vehicle :

"firewood" means any firewood in billets or in lengths not over five feet, and includes woodettes, mallee roots, mill ends, dockings, off-cuts, edgings and any other forest product which may be used for fuel :

"Government Inspector" means the Warden of Standards, the Deputy Warden of Standards, or any other Government Inspector appointed or deemed to be appointed under and for the purposes of this Act. The term includes any Assistant Government Inspector and any person acting in any office as aforesaid :

"inspection" used with reference to any weights, measures, weighing instruments or measuring instruments, includes, but without limiting the generality of its meaning, examination, testing, verification, reverification, comparison, adjustment, and stamping under this Act by a Government Inspector, or an inspector or all or any of those things :

"inspector" means an inspector of weights and measures appointed by a council and, in relation to an Inspector's Standard, includes a Government Inspector :

"measuring instrument" means any instrument or machine, other than standard measures of extension or capacity, used for the measurement of area, length, capacity or volume. The term includes any dipstick, flow-meter, self-measuring pump, machine or measuring appliance whatsoever :

"Minister" means the Minister of the Crown charged for the time being with the administration of this Act :

"office of the Director of Lands" includes any branch office, depot, or other premises under the control of the Director of Lands :

"owner" means the owner, whether jointly or severally, or authorized agent, manager, or superintendent of the owner, and includes a lessee or hirer from the owner:

"package" includes any form of packaging of goods for sale as a single item, whether by way of wholly or partly enclosing the goods or by way of attaching the goods to or winding them round some other article, and, in particular, includes a wrapper or confining band :

"place" includes any shop, factory, and any house and any other place whatsoever, whether a building or in the open air, whether open or enclosed, and whether a public place or a place of public resort, or not :

"public weighing instrument" means any weighing instrument open for use by the public, or for the use of which a charge is made :

"purchaser" includes a person purchasing as agent for any other person :

"sale" includes barter and also includes deal in, agree to sell, offer or expose for sale, keep or have in possession for sale, send forward or deliver, or receive, for or on sale, or authorize, direct, cause, permit, suffer or attempt any such acts or things :

"stamp" means stamp, impress, engrave, etch, brand, seal, or otherwise mark in such manner as to be, so far as practicable, indelible :

"subsidiary standard of measurement" has the meaning ascribed thereto in the Commonwealth Act :

"use for trade" means use in connection with or with a view to a transaction for—

(*a*) the transferring or rendering of money or money's worth in consideration of money's worth or money ;

or

(*b*) the making of a payment in respect of any tax, duty, charge, or toll,

where—

(i) the transaction is by reference to quantity in terms of measurement of a physical quantity or in terms of number, or is a transaction for the purposes of which there is made or employed a statement of the quantity in such terms of goods to which the transaction relates ;

and

(ii) the use is for the purpose of determination or statement of that quantity,

and the expression "have in possession for trade" shall have a corresponding meaning, and any weight, measure, weighing instrument or measuring instrument used in relation to any transaction shall for the purposes of this Act be deemed to be used for trade :

"vehicle" means any conveyance used on land whether self-propelled or not :

"Warden of Standards" means the Warden of Standards appointed or deemed to be appointed under and for the purposes of this Act. The term includes any person who for the time being occupies the office or performs the duties of the Warden of Standards :

"weighing instrument" means weighbridge, weighing machines, scales, balance, steelyard, or other instrument for weighing and includes the weights belonging thereto :

"working standard of measurement" has the meaning ascribed thereto in the Commonwealth Act.

PART II.

STANDARDS OF MEASUREMENT.

Uniformity of Weight and Measures.

Uniformity of weight and measures.

6. The same denominations of weights and measures shall be used throughout the State.

Standards of Measurement.

Standards of measurement.

7. (1) The Minister may arrange for the provision and maintenance of such working standards of measurement and subsidiary standards of measurement as are necessary to provide means by which, for the purposes of this Act, measurements may be made in terms of Commonwealth legal units of measurement. All such standards other than Inspectors' Standards shall be deposited in the office of the Director of Lands.

(2) For the purposes of this Act a working standard of measurement so provided and maintained—

(*a*) shall be called a Primary State Standard ;

and

(*b*) shall, subject to this Act, be a standard of measurement for the State.

(3) A subsidiary standard of measurement so provided and maintained and having a denomination referred to in the first column of Part I of the Second Schedule the true value of which is calculated not to be greater or less than its value as ascertained on verification or reverification by an amount exceeding the amount of variation specified opposite to that denomination in the second column of that Part of that Schedule, shall for the purposes of this Act, be called a Secondary State Standard.

(4) A subsidiary standard of measurement so provided and maintained (other than a Secondary State Standard) and having a denomination referred to in the first column of Part I of the Second Schedule the true value of which is calculated not to be greater or less than its value as ascertained on verification or reverification by an amount exceeding the amount of variation specified opposite to that denomination in the third column of that Part of that Schedule, shall for the purposes of this Act, be called a Tertiary State Standard.

(5) A subsidiary standard of measurement so provided and maintained (other than a Secondary State Standard, or a

Tertiary State Standard) and having a denomination referred to in the first column of Part II of the Second Schedule, that on verification or reverification is found not to be greater or less than its denomination by an amount exceeding the amount of permissible variation specified opposite to that denomination in the second column of that Part of that Schedule and that is, by virtue of the Commonwealth regulations, to be deemed to be of a value equal to its denomination, shall, for the purposes of this Act, be called an Inspector's Standard.

(6) The Governor may by proclamation add to or vary the provisions of the Second Schedule.

Replacing standards lost, destroyed, etc.

8. If any standard of measurement is lost, destroyed, defaced, or injured, another standard shall be provided by the Minister in place of the one so lost, destroyed, defaced or injured. Every such standard shall be deposited in the office of the Director of Lands.

Custody of standards.

9. The Primary, Secondary and Tertiary standards of measurement for the State, and all balances, apparatus, books, documents and things used in connection therewith or relating thereto, shall be in the custody of the Warden of Standards.

Inspectors' standards to be stamped.

10. (1) Unless its size or nature renders stamping impracticable or it is exempted by the regulations every Inspector's Standard shall be stamped as prescribed.

(2) The impression of the stamp prescribed under subsection (1) of this section on a weight or measure shall be *prima facie* evidence that such weight or measure is an Inspector's Standard.

Verification of standards.

11. (1) A standard of measurement provided and maintained under section 7 of this Act which has not been verified, or has not been reverified, as provided by section 9 of the Commonwealth Act or regulation 80 of the Commonwealth regulations, as the case may be, shall not be used for the purposes of this Act.

(2) A standard so provided and maintained which has become defective through use or accident or which has been broken or repaired shall not be used for the purposes of this Act until it has been reverified as mentioned in subsection (1) of this section.

(3) Any certificate of endorsement, if purporting to be signed by the Warden of Standards, shall be *prima facie* evidence of the verification or reverification of the weights measures and instruments therein referred to.

(4) The prescribed fee shall be payable on the verification or reverification of any Inspector's Standard.

(5) A record shall be kept by the Warden of Standards of all Inspectors' Standards verified or reverified.

Damaging or destroying standards.

12. Any person who falsifies or wilfully or maliciously damages or destroys any standard provided and maintained under this Act shall be guilty of an offence against this Act and liable to a penalty not exceeding two hundred dollars.

PART III.

PART III.

ADMINISTRATION.

DIVISION 1.—CENTRAL ADMINISTRATION.

DIVISION I.

Appointment of officers.

13. (1) The Governor may appoint a Warden of Standards and such other officers as are necessary for the proper administration of this Act.

(2) The Governor may appoint a Deputy Warden of Standards to discharge the duties of the Warden of Standards during the absence, illness or other temporary inability of the Warden of Standards to act.

(3) The Deputy Warden of Standards during his tenure of office shall have all the powers and authorities and shall perform all the duties of the Warden of Standards.

Administration.

14. (1) In the administration of this Act, which administration shall be divided into central and local administration, the Warden of Standards shall, subject to this Act, be responsible for the central administration.

(2) The central administration shall include—

(*a*) the preservation and maintenance of the primary standards of length and weight and the preservation and maintenance of the secondary, tertiary and other standards of length weight and capacity which are provided in accordance with this Act;

(*b*) the instruction of inspectors in the methods of testing of weights, measures, weighing instruments and measuring instruments and the general training of inspectors;

(*c*) the general supervision of the local administration, including the making of inspections by or at the direction of the Warden of Standards for the purpose of ensuring that the provisions of this Act are being effectively administered ;

(*d*) the verification, reverification, inspection and stamping in accordance with the regulations of weights, measures and weighing instruments or measuring instruments—

(i) the administration of which has ceased to be vested in any council or inspector thereof pursuant to the repealed Acts or Division 4 of Part III of this Act ;

and

(ii) in those parts of the State not within the area of any council and not being in a part of the State exempted from the provisions of this Act by this Act ;

and

(iii) under the control of the South Australian Railways Commissioner or any Government Department ;

(*e*) the charging and collection of fees for tests and verification performed ;

and

(*f*) such other duties as are prescribed by or under this Act.

DIVISION II.

DIVISION 2.—LOCAL ADMINISTRATION.

Councils to be responsible for local administration.

15. (1) The councils of the respective municipalities shall, subject to this Act, be charged with the local administration of this Act within their respective areas.

(2)—

(*a*) Any two or more councils may submit to the Minister in writing a scheme for carrying out jointly all or any of the provisions of this Act as regards the whole or any part of the areas of the councils ;

(*b*) The provisions of sections 386, 387, 388, 390, 391, 392, 393, 400, 401, 402 and 404 of the Local Government Act, 1934-1966, shall apply to any scheme submitted in accordance with paragraph (*a*) hereof as though the said sections were repeated in this Act and any

reference to the Minister in those sections shall, for the purposes of this Act, be construed as a reference to the Minister charged with the administration of this Act;

(*c*) An inspector appointed under a scheme entered into pursuant to paragraph (*b*) of subsection (2) of this section shall, subject to the terms of his appointment, have the same authority, jurisdiction and duties as if he had been appointed by each of the councils who are parties to any such scheme.

Except as provided in this section, the provisions of Part XIX of the Local Government Act, 1934-1966, shall not apply to any scheme entered into under this Act.

Content of local administration.

16. The local administration shall include—

(*a*) the verification, reverification, inspection and stamping of all types of weights, measures, weighing instruments and measuring instruments used in trade other than those which under this Act are the responsibility of the central administration;

and

(*b*) subject to this Act, the enforcement of this Act and the regulations.

Appointment of inspectors by councils.

17. Every council—

(*a*) shall from time to time appoint a sufficient number of inspectors for safely keeping the Inspector's Standards and for the discharge of the other duties of inspectors under this Act;

and

(*b*) may suspend or dismiss any inspector so appointed by it or appoint additional inspectors as occasion requires.

Notification of appointment of inspectors.

18. (1) No person shall be appointed as an inspector otherwise than as prescribed by the regulations.

(2) Every council shall advise the Warden of Standards of each appointment of an inspector made by it and the termination of any such appointment by resignation or otherwise.

Inspectors not to derive profit, etc.

19. An inspector shall not during the time he holds office—

(*a*) derive any profit from or be employed in the making,

adjusting or selling of weights, measures weighing instruments or measuring instruments;

or

(*b*) accept any gratuity or reward from any trader or manufacturer;

or

(*c*) recommend any particular manufacturer or tradesman for the supply, repair or adjustment of weights, measures, weighing instruments and measuring instruments and shall not exhibit in his office any advertisement relating to any manufacturer or tradesman:

Provided that—

(*a*) in any area where on the representation of the council it appears to be desirable for an inspector to be allowed to adjust weights, measures, weighing instruments and measuring instruments the Minister may, if he thinks fit, authorize such inspector to act as an adjuster of weights, measures, weighing instruments and measuring instruments;

and

(*b*) an inspector so authorized—

(i) may for any such adjustment make such charges as are prescribed;

and

(ii) shall account for and pay any money received by him in respect of such charges in such manner as the council directs.

Secrecy of information derived by inspectors.

20. No inspector shall—

(*a*) except in the course of the proper administration of this Act disclose or cause directly or indirectly to be disclosed any matter relating to the business of any person which comes to his knowledge in the discharge of his duties;

or

(*b*) otherwise betray the confidence of his office.

Offences by inspectors.

21. Any inspector who stamps any weight, measure, weighing instrument or measuring instrument in contravention of any provision of this Act or who is guilty of any breach of any duty imposed upon him by this Act, or otherwise misconducts himself in the execution of his office, shall be guilty of an offence against this Act.

Inspector to furnish bond or guarantee.

22. (1) Every inspector, immediately upon his appointment and before entering upon the duties of his office shall—

(*a*) with two sureties approved of by the council enter into a bond to the council ;

or

(*b*) obtain the guarantee of some company, society or association approved by the council,

in the sum of five hundred dollars to secure the due and punctual performance of the duties of his office and the payment at the times fixed by the council of all fees received by him under the authority of this Act and the safe custody and faithful and lawful use of the local standards and all other articles committed to his charge under this Act and their due restoration and surrender to such person and at such time as may be duly appointed in that behalf by the council and every inspector shall at all times have such a bond or guarantee in force : Provided that any such bond or guarantee may be entered into or given in respect to any two or more councils jointly where such councils have combined for the purposes of this Act pursuant to subsection (2) of section 15 of this Act.

(2) This section shall not apply in the case of an inspector whose conditions of employment are subject to the Local Government Act, 1934-1966.

Provision of Inspectors' Standards.

23. (1) Every council shall from time to time—

(*a*) provide such Inspectors' Standards as the Minister directs for the purpose of comparison by way of verification and inspection in accordance with this Act ;

(*b*) fix the places at which such standards are to be deposited ;

and

(*c*) provide proper means of verifying weights, measures, weighing instruments and measuring instruments by comparison with the Inspectors' Standards and for stamping the weights, measures, weighing instruments and measuring instruments so verified.

(2) Where—

(*a*) before the commencement of this Act local standards of weight and measure have been deemed to be Inspectors' Standards issued pursuant to subsection (3) of section 40 of the Weights and Measures Act, 1934-1966 ;

and

(*b*) such standards have been verified as provided by section 38 of that Act as then in force,

such standards shall for the purposes of this Act be deemed to be Inspectors' Standards provided pursuant to this section.

Penalty for non-compliance.

24. Any council failing to comply with a direction given by the Minister pursuant to section 23 of this Act shall be guilty of an offence and liable to a penalty not exceeding one hundred dollars for a first offence and not exceeding two hundred dollars for any subsequent offence.

Powers of Minister.

25. (1) If the Minister is satisfied that any council has failed or is failing to enforce strictly within its area the provisions of this Act, he may give notice to the council requiring the council within one month after the giving of the notice to enforce strictly the said provisions.

(2) If any such council fails to comply with such notice to the satisfaction of the Minister the Minister may himself enforce within its area the provisions of this Act and may recover from the council by action in any court of competent jurisdiction the costs of so doing or may deduct the said costs from any subsidy or grant payable to the council pursuant to any Act.

(3) For the purposes of this section the Minister may exercise all the powers of the council and may appoint any inspectors or other persons necessary to enforce as aforesaid the provisions of this Act.

Verification and stamping where no inspector.

26. Any person who keeps or uses any weight, measure, weighing instrument or measuring instrument in any place for which there is no inspector and who is desirous of having the same inspected shall have access to the Inspectors' Standards of weight and measure of the council nearest to such place. The inspector in whose charge the said Inspectors' Standards are shall compare and stamp any such weight, measure, weighing instrument or measuring instrument in the same manner, upon the same terms and subject to the same penalties for breach of duty, or otherwise misconducting himself in the execution of his office, as if such person kept or used the same within the area for which the inspector is appointed.

Annual statement of administration.

27. (1) The town clerk or district clerk as the case may be of every council shall, before the first day of November in every year, supply to the Minister a statement in the prescribed form giving the prescribed particulars of the administration of this Act by the council within its area for the preceding financial year.

(2) Any town clerk or district clerk who omits to supply any statement as required by subsection (1) of this section shall be guilty of an offence and liable to a penalty not exceeding one hundred dollars.

DIVISION III.

DIVISION 3.—FINANCE.

Expenses.

28. (1) Subject to this Act the expense of the central administration shall be paid out of moneys provided by Parliament for the purpose.

(2) The expense of providing, verifying and reverifying Inspectors' Standards, the salaries of inspectors and all other expenses incurred by a council under this Act shall be paid by the council.

Disposal of fees.

29. (1) Moneys received by a council or by an inspector of a council as fees under this Act shall be available for use by the council.

(2) Moneys received by the Warden of Standards or a Government Inspector as fees under this Act shall be paid into the General Revenue of the State.

DIVISION IV.

DIVISION 4.—PROVISIONS AS TO CERTAIN MEASURES AND MEASURING INSTRUMENTS.

Verification of certain weights and measures.

30. (1) If the Governor is satisfied that the verification of any kind or description of weight, measure, weighing instrument or measuring instrument is a matter of difficulty or is such that councils generally are unable to administer this Act with respect to the verification thereof without undue expense, he may by proclamation declare that the provisions of this Division shall apply to any kind or description of weight, measure, weighing instrument or measuring instrument specified in the proclamation. The Governor may, either in any proclamation made as aforesaid or in any subsequent proclamation, declare that any such weight, measure, weighing instrument or measuring instrument shall be a legal weight, measure, weighing instrument or measuring instrument for such period (which may be greater or less than the period provided in section 36) from the verifying and stamping thereof as is fixed in the proclamation. The Governor may by proclamation revoke or vary any such proclamation.

(2) The administration of this Act so far as it relates to the verifying and stamping of any weight, measure, weighing instrument or measuring instrument to which this Division applies shall cease to be vested in the council or any inspector thereof.

(3) Subject to this section and to any regulations made under this section and to any requirement of any proclamation relating to the period within which any weight, measure, weighing instrument or measuring instrument shall be a legal weight, measure, weighing instrument or measuring instrument, the provisions of this Act relating to the verifying and stamping thereof shall apply to any weight, measure, weighing instrument and measuring instrument to which this Division applies, but every such weight, measure, weighing instrument and measuring instrument shall be verified and stamped by a Government Inspector. For such purpose, the Government Inspector shall have all the powers of an Inspector.

Power to transfer administration to central administration.

31. (1) If any council fails to comply with a notice issued pursuant to section 25 of this Act, or if a council satisfies the Minister that it is unable to administer the Act, the Governor may by proclamation declare that the administration of this Act in respect to the area of that council shall be vested in the central administration.

(2) From a day specified in such proclamation the administration of this Act shall cease to be vested in the council and any inspector thereof.

(3) The council shall, not less than fourteen days after the day on which the administration of this Act ceased to be vested in the council, hand to the Warden of Standards all Inspectors' Standards and any stamp and seals used in connection therewith, owned by the council.

(4) The Minister may, if he thinks fit, pay to the council such amount for those Inspectors' Standards as may be mutually agreed upon.

(5) The Governor may by proclamation revoke any proclamation made under this section and thereupon the administration of this Act in respect to the area of the council concerned shall become revested in the council.

PART IV.

PART IV.

INSPECTION VERIFICATION AND STAMPING.

Powers of inspectors.

32. Every inspector may at all reasonable times—

(*a*) enter and search any building or place or stop and inspect any vehicle wherein or in connection with which weights, measures, weighing instruments or measuring instruments are used for trade;

(*b*) inspect any weights, measures, weighing instruments or measuring instruments in the possession of any person having a pack, basket or other receptacle containing goods for sale;

(*c*) examine and test such weights, measures, weighing instruments and measuring instruments;

(*d*) examine any pack, basket or other receptacle in which goods are being conveyed;

(*e*) examine any goods kept or exposed for sale or in course of delivery in or on any such building, place, vehicle pack basket or receptacle;

(*f*) in the presence of the person in charge thereof if such person desires to be present weigh, or measure or count or cause to be weighed or measured or counted any such goods and ascertain whether or not the provisions of this Act are being complied with;

(*g*) on payment or tender to the person in charge thereof of the current market value or of the rate prescribed, demand and procure any such goods;

(*h*) inspect all markings upon articles or packages containing articles for sale or upon labels affixed to articles or packages containing articles for sale, and for that purpose enter and search any place where there is or he has reasonable cause to believe there is any article or package containing any article for sale, and, on payment or tender to the person apparently in charge of the place in question of the current market value or at the rate prescribed, demand, select and take any such article or package;

and

(*i*) seize and detain any article or any package containing any article or any goods in respect of which a contravention of this Act appears to have been committed.

Power to seize weights, etc., not stamped.

33. Any weight, measure, weighing instrument or measuring instrument which—

(*a*) is not stamped as required by or under this Act;

or

(*b*) is incorrect or unjust,

may be seized and detained by an inspector.

Stamping of weights and measures.

34. Every weight, measure, weighing instrument and measuring instrument used for trade and every public weigh-bridge shall be stamped with a mark of verification as prescribed.

Stamping and verification of weights, etc.

35. Every weight, measure, weighing instrument and measuring instrument used for trade shall as prescribed be submitted for inspection at least once in every two years for verification and stamping: Provided that the Governor by regulations may—

(*a*) subject to such conditions as are prescribed exempt wholly or in part from the operation of this Part such classes of weights, measures, weighing instruments or measuring instruments as are prescribed;

(*b*) subject to such conditions as may be prescribed exempt from the provisions of this Act or of any part thereof any weights, measures or weighing instrument or measuring instruments which are situated in any prescribed part of the State outside the area of any council;

and

(*c*) provide for the more frequent verification and stamping of any prescribed classes of weights, measures, weighing instruments or measuring instruments.

Additional powers of inspectors.

36. (1) If upon inspection at any time of any weight, measure, weighing instrument or measuring instrument, it appears to the inspector that—

(*a*) the weight, measure, weighing instrument or measuring instrument is not stamped with a certifying stamp as required by this Act;

(*b*) where the weight, measure, weighing instrument or measuring instrument is exempted by the regulations from being stamped with a certifying stamp by reason of the impracticability of stamping the same, that a certifying certificate has not been issued in respect thereof;

or

(*c*) the weight is light or otherwise unjust or that the measure is incorrect or otherwise unjust or that the weighing instrument or measuring instrument is unjust,

the inspector may—

(i) seize the same or any part thereof;

(ii) give to the owner of or to the person found in possession of the same, notice in writing to have the same corrected, and made true and just within fourteen days of the date of the giving of such notice or within such shorter period as the inspector deems fit and in the meantime to cease to use the same ;

or

(iii) if the inspector is empowered by the Minister to adjust the same, adjust the same.

(2) Where any notice given under subparagraph (ii) of subsection (1) of this section is complied with to the satisfaction of the inspector, he shall not take any further action under this section, but, if such notice is not complied with, the inspector may, at the expiration of the time specified in the said notice, seize the weight, measure, weighing instrument or measuring instrument in question or any part thereof.

Type and design of weights, etc.

37. (1) After the date of commencement of the Commonwealth regulations relating to the approval of patterns of instruments as patterns of instruments suitable for use for trade, a weight or measure or a weighing instrument or measuring instrument shall not be verified and stamped in pursuance of this Act unless—

(*a*) it is of a pattern approved by or on behalf of the Commission under those Commonwealth regulations;

or

(*b*) it is of a type and design in respect of which there is in force an approval given—

(i) before that date ;

or

(ii) in the case of an application for approval that was pending at that date, after that date,

by the Warden of Standards under the regulations.

(2) Notwithstanding that any such approval has been given, the Minister may, if he has reasonable grounds for believing that the use of a weight, measure, weighing instrument or measuring instrument for trade might facilitate fraud, by notice in writing served by registered post upon the person using it or having it in his possession for the purposes of trade, specify the period, the purposes and the circumstances in which the weight, measure, weighing instrument or measuring instrument may be used for trade.

(3) Any person who contravenes or fails to comply with any specification in any such notice which is applicable to him shall be guilty of an offence and liable to a penalty not exceeding two hundred dollars.

Council to arrange inspections.

38. Every council shall arrange that at least once in every two years an inspector shall visit and inspect each place of business within its jurisdiction at which weights, measures, weighing instruments or measuring instruments are used for trade, or where goods are kept or exposed for sale.

Only stamped weights, etc., to be used.

39. (1) No person shall use or have in his possession for use for trade any weight, measure, weighing instrument or measuring instrument which—

(*a*) is not stamped as prescribed ;

or

(*b*) is incorrect or unjust.

(2) Any weight, measure, weighing instrument or measuring instrument which is stamped as prescribed shall, subject to this Act, be considered to be a legal weight, measure, weighing instrument or measuring instrument (as the case may be) throughout the State unless found to be defective or unjust.

Defective weights, etc. not to be used

40. (1) No person shall use for trade any weight, measure, weighing instrument or measuring instrument (not being a weight, measure or instrument exempted by the regulations from stamping) which—

(*a*) has become defective ;

or

(*b*) has been mended or repaired,

until the same has been restamped pursuant to this Act.

(2) Any person mending or repairing such a defective weight, measure, weighing instrument or measuring instrument shall obliterate any existing stamp thereon.

(3) Notwithstanding anything in the foregoing provisions of this section a person may, as prescribed by the regulations, temporarily use such a weight, measure, weighing instrument or measuring instrument which has been repaired but not restamped.

Offences in connection with weights, etc.

41. (1) No person shall—

(*a*) use or have in his possession for use for trade a weight or measure which is not of a denomination

authorized by this Act to be used: Provided that this paragraph shall not apply in connection with the import or export of goods from or to a place outside the State where other than the standard weights or measures ascertained in accordance with this Act are used;

(*b*) forge or counterfeit or cause to be forged or counterfeited, or assist in forging or counterfeiting, or unlawfully have in his possession, any stamp used for stamping under this Act, any weight, measure, weighing instrument or measuring instrument or, unless duly authorized under this Act, make on any weight, measure, weighing instrument or measuring instrument any impression purporting to be the impression of any such stamp or alter any date mark used in connection with the impression of any such stamp;

(*c*) in any way alter or tamper with so as to cause it to weigh or measure incorrectly or unjustly any weight, measure, weighing instrument or measuring instrument which has been stamped;

(*d*) use, sell, dispose of, or expose for sale any weight, measure, weighing instrument or measuring instrument so altered, or tampered with or any weight, measure, weighing instrument or measuring instrument with a forged or counterfeit stamp thereon;

(*e*) make, or sell, or cause to be made or sold any weight, measure, weighing instrument or measuring instrument which is false or unjust;

or

(*f*) increase or diminish any stamped weight or measure or use, sell, dispose of or expose for sale any increased or diminished weight or measure: Provided that nothing in this subsection shall apply to any person who increases or diminishes any stamped weight or measure when he adjusts the same to standard and entirely obliterates the stamp thereon.

(2) Any bargain, sale or contract made in reference to any false or unjust weight, measure, weighing instrument or measuring instrument shall be void: Provided that in any proceedings in which the validity of any such bargain sale or contract comes into question it shall not be held to be void if it is proved to the satisfaction of the court that the use of the false or unjust weight, measure, weighing instrument or measuring instrument was due to a *bona fide* mistake or any

accident or to any other cause beyond the control of the parties thereto and in spite of all reasonable precautions being taken and all due diligence exercised by them or was due to the action of a person over whom the parties had no control.

Prohibition of use or possession of unjust weights, etc.

42. Every person who uses or has in his possession for use for trade or for the purposes of or in connection with any contract, bargain, sale, purchase, or dealing, any weight, measure, weighing instrument, or measuring instrument, which is false or unjust shall be guilty of an offence against this Act, and any contract, bargain, sale, purchase or dealing made by the same shall be void, and the weight, measure, weighing instrument or measuring instrument shall be liable to be forfeited.

Application of this Part.

43. The provisions of this Part shall apply to any weight, measure, weighing instrument or measuring instrument the administration in respect of which is vested in either the central administration or the local administration, and when applicable to the central administration the term "inspector" shall be construed as "Government Inspector" and when so construed the Government Inspector shall have all the powers of an inspector under this Part.

PART V.

PART V.

SALE OF GOODS.

Trade, etc., to be in terms of standard weights and measures.

44. (1) Every contract, bargain, sale, purchase, transaction, or dealing, made or entered into in the State for any work, goods, wares, or merchandize, or other thing that has been or is to be done, sold, purchased, delivered, carried, or agreed for by measurement of a physical quantity, shall be made or entered into by reference to Commonwealth legal units of measurement of that physical quantity, and if not so made or had shall be void.

(2) Any person who sells by a denomination of weight or measure other than one of the Commonwealth legal units of measurement, shall be guilty of an offence and liable to a penalty not exceeding two hundred dollars.

(3) This section shall not apply—

(*a*) to any contract, bargain, sale, purchase or dealing made or had by any person in the State with any person carrying on business in any other State or

country in the course of such business according to the legal weights and measures of such State or country;

or

(*b*) to or in connection with timber in the log.

Sale by avoirdupois or metric weight.

45. (1) All articles sold by weight shall be sold by avoirdupois or metric weight: Provided that—

(*a*) gold and silver and articles made thereof, including gold and silver thread, lace or fringe, also platinum, diamonds and other precious metals or stones, may be sold by the ounce troy or by any decimal parts of such ounce; and all contracts, bargains, sales, purchases and dealings in relation thereto shall be deemed to be made and had by such weight and when so made or had shall be valid;

and

(*b*) drugs may be sold according to the metric system.

(2) Every person who acts in contravention of this section shall be guilty of an offence and liable to a penalty not exceeding two hundred dollars.

Use of metric weight.

46. (1) Subject to subsection (2) of this section, a package held for use in trade and marked in terms of metric weight or measure shall also be marked with the equivalent net avoirdupois weight or the equivalent measure of capacity as the case may be: Provided that drugs and chemicals for laboratory use may be marked in terms of metric weight or measure only.

(2) The Governor may, by regulation, exempt from the operation of this section, subject to such conditions as may be prescribed any goods or goods included in a prescribed class of goods.

(3) For the purposes of subsection (1) of this section, the regulations may prescribe a table setting out equivalent weights of the avoirdupois system and measures of capacity in terms of those in the metric system, and the table may lawfully be used in computing and expressing weights or measures of the metric system in terms of weights of the avoirdupois system or those measures of capacity as the case may require.

(4) Every person who holds for use in trade any package which does not comply with the requirements of this section shall be guilty of an offence and liable to a penalty not exceeding two hundred dollars.

Sales to be by net weight or measure.

47. (1) No person shall sell any article by weight or measure otherwise than by net weight or measure.

(2) When any person offers or exposes for sale by weight or measure any article in a shop or other place or in any vehicle, pack, basket, or other receptacle, he shall have in a convenient place, capable of being easily seen by the purchaser, suitable weights, measures, weighing instruments, or measuring instruments, for weighing or measuring the article and shall, at the request of a purchaser of any article sold by weight or measure, weigh or measure it in the presence of the purchaser.

(3) If any such person fails to have a weighing instrument, measuring instrument, or measure, or any necessary weights in a place as required by subsection (1) of this section he shall be guilty of an offence and liable to a penalty not exceeding one hundred dollars.

(4) If the article is less than the due weight or measure the person selling the same shall be guilty of an offence and liable to a penalty not exceeding two hundred dollars or in the case of a second or subsequent offence four hundred dollars.

(5) Subsections (2), (3) and (4) of this section shall not apply to bread when offered or exposed for sale in any vehicle, pack, basket or other receptacle.

False declaration as to weights, etc.

48. Any person who by means of words, description or other indication direct or indirect, makes any false declaration or statement, or wilfully misleads any person as to the number, quantity, measure, gauge or weight of any article sold or delivered by him shall be guilty of an offence and liable to a penalty not exceeding two hundred dollars or in the case of a second or subsequent offence, four hundred dollars.

Sales by short weight or measure.

49. (1) If any article sold by weight, measure, or number is upon sale or for the purpose of sale delivered to the purchaser or to some person on behalf of the purchaser short of the weight, measure or number purporting to be sold or delivered, the person selling the article or causing the same to be delivered shall be guilty of an offence against this section.

(2) Any person who sells, offers, exposes or has in his possession for sale any article in a package upon which the net weight, measure or number of the article is not legibly written or printed on the outside of the package shall be guilty of an offence against this section. This subsection shall not apply to any article weighed, measured, or counted in the presence of the purchaser or to any article exempted by regulation from the requirements of this subsection.

(3) This section shall not apply to any article exposed for sale or sold by weight in a package if the weight of such article is subject to variation by reason of climatic influences, and the package bears a conspicuous label or inscription showing the words "Net weight when packed".

(4) Any person guilty of an offence against this section shall be liable to a penalty not exceeding two hundred dollars, or, if for a second or subsequent offence, four hundred dollars.

Where net weight or measure not correctly stated.

50. (1) If the weight, measure or number of an article in a package is stated on such package and is not correctly so stated, the seller or the person offering or exposing such article for sale, or having such article in his possession for sale shall be guilty of an offence and liable to a penalty not exceeding two hundred dollars, or, if for a second or subsequent offence, four hundred dollars.

(2) Any such article found in the possession of any person manufacturing or trading in such article shall be deemed to be in possession of such person for sale until the contrary is proved.

(3) In any prosecution for a contravention of this section, it shall be sufficient defence if the defendant—

(*a*) proves that he purchased the article from some person resident in the State, or, if a company with a registered office in the State ;

(*b*) proves that he sold such article in the same state as when purchased by him ;

and

(*c*) proves that having taken all reasonable precautions against committing a contravention of this section he had at the time of the contravention of this section no reason to suspect that the weight, measure or number of the article was not correctly stated.

Sales by bushel.

51. In any contract for the sale by the bushel of any articles mentioned in the Third Schedule, the bushel shall be determined by weighing, the weight equivalent to a bushel of any such articles being that stated in the Third Schedule.

Sales of coal and firewood.

52. (1) A person shall not sell coal or firewood otherwise than by net weight : Provided that coal or firewood may be sold otherwise than by net weight if, but only if—

(i) the quantity thereof sold exceeds five hundredweights ;

(ii) the seller obtains the consent in writing of the purchaser to the coal or firewood being so sold ;

(iii) the date of the giving of that consent is clearly shown thereon ;

and

(iv) the sale is effected on or within seven days of the giving of that consent.

The driver of any vehicle delivering or conveying coal or firewood of a quantity exceeding five hundredweights sold otherwise than by net weight shall produce on demand by an Inspector the consent in writing required by this subsection to be obtained to that sale.

(2) Any person who—

(i) sells coal or firewood by description which is false as to the sort of coal or firewood sold ;

or

(ii) sells or delivers wet coal or firewood with intent to defraud the purchaser as to the weight of coal or firewood sold or delivered,

shall be guilty of an offence against this Act.

(3) Any seller, or purchaser of coal or firewood, or any person in charge of a vehicle in or on which coal or firewood is carried or any inspector may require that coal or firewood or any vehicle used for the carriage of coal or firewood be weighed or reweighed, in his presence, or that any firewood sold by measure be measured or remeasured in his presence.

(4) Save as herein expressly provided, the provisions of this section are in addition to and not in derogation of any other section of this Act relating to the sale of articles.

PART VI.

MISCELLANEOUS.

Offences, Penalties, Etc.

Summary procedure.

53. All proceedings for offences against this Act shall be disposed of summarily.

General penalty for offences.

54. (1) Any person who contravenes or fails to comply with any provision of this Act shall be guilty of an offence against this Act.

(2) Where anything is by or under this Act directed or forbidden to be done or where by or under this Act authority is given to any person to direct anything to be done or to forbid anything to be done and anything so directed to be done is not done or anything so forbidden to be done is done every person who offends against any such direction or prohibition shall be guilty of an offence against this Act.

(3) Any person guilty of an offence against any provision of this Act shall be liable, if no specific penalty is provided for that offence, to a penalty not exceeding two hundred dollars.

(4) A prosecution for an offence against this Act may be instituted at any time within twelve months after the commission of the offence or within twelve months after the commission of the offence comes to the knowledge of the complainant, whichever is the later period.

(5) Where a person is convicted of any offence against this Act and the court by which he is convicted is of opinion that such offence was committed with intent to defraud, he shall be liable in addition to or in lieu of any penalty, to be imprisoned for any term not exceeding six months.

(6) Where a person is convicted of any offence against this Act and the court by which he is convicted is of opinion that some person was defrauded or suffered pecuniary loss by reason of the commission of the offence the court may, in addition to imposing any penalty, order that the defendant shall pay to such last-mentioned person by way of recoupment of his loss such sum as the court thinks fit.

(7) Proceedings under this Act for a penalty for any offence by a body corporate may be taken against any person who is the manager or who acts in the management of such body corporate and such person shall be personally liable in such proceedings for such offence.

Onus of proof.

55. In any proceedings for an offence against this Act in respect of any weight, measure, weighing instrument or measuring instrument the onus shall be on the defendant to prove that the weight, measure, weighing instrument or measuring instrument was tested verified or stamped as required by this Act.

Limitation as to conviction for second offences.

56. A person shall not be liable to any increased penalty for a second offence under any section of this Act unless that offence was committed after a conviction within five years previously for an offence under the same section.

Evidentiary provision.

57. (1) In any prosecution or legal proceedings under this Act no proof shall, unless evidence is given to the contrary, be required of the appointment of the Warden of Standards or any other officer purporting to have been appointed under this Act.

(2) Any document certifying that—

(*a*) specified weights or measures in the possession of an inspector are Inspectors' Standards ;

or

(*b*) such weights or measures have been verified or reverified within the prescribed period ;

or

(*c*) a specified person is or was acting under this Act in the capacity stated therein,

and any other document relating to or arising out of the administration of this Act shall, if purporting to be signed by the Warden of Standards be received as evidence in all courts and be deemed to be issued or written by or under the direction of the Warden of Standards without proof unless the contrary is shown.

Defence to proceedings for offence.

58. It shall be a sufficient defence in any proceedings under this Act if the defendant proves to the satisfaction of the court that the offence was due to a *bona fide* mistake or an accident or to any other cause beyond his control and in spite of all reasonable precautions being taken and all due diligence exercised by him to prevent the occurrence of the offence or was due to the action of a person over whom the defendant had no control.

Preservation of civil rights.

59. No proceeding or conviction for any offence against this Act shall affect any civil right or remedy to which any person aggrieved by the offence may be entitled.

Power to award costs in certain cases.

60. If under this Act a complaint is laid by any person other than an inspector or other person appointed under this Act and the proceedings are withdrawn or dismissed, the court may if it thinks fit order that the first-mentioned person pay to the defendant such compensation for costs and loss of time as seems reasonable.

Evidentiary provision.

61. Judicial notice shall be taken of every notification or proclamation published in the *Gazette* under this Act.

Appropriation of penalties.

62. (1) All fines and penalties for any offence against this Act which are recovered on the complaint of any inspector or officer of a council shall be paid to that council. All other fines and penalties shall be paid into the General Revenue of the State.

(2) The Governor may remit the whole or any part of any fine although the same may be appropriated to any council.

Evidence as to possession.

63. When any weight, measure, weighing instrument or measuring instrument is found in the possession of any person carrying on trade or on the premises of any person which whether a building or in the open air, whether open or closed are used for trade such person shall be deemed for the purposes of this Act, until the contrary is proved, to have such weight, measure, weighing instrument or measuring instrument in his possession for use for trade.

Forfeiture.

64. (1)—

(*a*) Any weights, measures, weighing instruments or measuring instruments or goods in connection with which any offence against this Act or regulations is committed may on conviction of any person guilty of the offence be forfeited by order of the court :

(*b*) Such forfeiture may extend to the whole of any similar goods in similar packages found on the defendant's premises or in his possession at the time the offence was committed :

(*c*) If the court does not convict any such person all such weights, measures, weighing instruments, measuring instruments and goods shall be returned to the owner thereof.

(2) Any council or (as the case requires) the Warden of Standards may without instituting any prosecution apply

to a court for the forfeiture of any weights, measures, weighing instrument or measuring instruments or goods seized and detained under this Act, and the court in its discretion may make such an order; but if the court declines to make such an order the council or (as the case requires) the Warden of Standards shall return them to the owner thereof immediately.

(3) Where any weights, measures, weighing instruments measuring instruments or goods have been seized and detained under this Act and at the expiration of two months from such seizure—

(*a*) no prosecution has been instituted in relation thereto; and

(*b*) no application has been made for an order under the last preceding subsection,

the council or (as the case requires) the Warden of Standards shall return them to the owner thereof.

Provision as to forfeited weights, etc.

65. All weights, measures, weighing instruments or measuring instruments and goods forfeited under this Act shall become the property of the council or (when the prosecution was instituted by the Warden of Standards or the Crown) of the Crown and (save where other provision is made by or under this Act) may be disposed of as the council or (as the case requires) the Minister thinks fit.

Recovery of fees, etc.

66. Any amount of fees, charges or expenses payable under this Act and not paid shall be recoverable by the council or (as the case requires) the Minister by action as for a debt in any court of competent jurisdiction.

Offences.

67. Any person who—

(*a*) hinders or obstructs an inspector in the execution of his duty;

(*b*) does not when requested by an inspector produce all weights, measures, weighing instruments or measuring instruments in his possession for examination or testing;

(*c*) refuses on request to state his name and address to an inspector or states to an inspector a false name or address;

(*d*) uses abusive language to or directly or indirectly threatens an inspector;

(*e*) assaults an inspector while executing his duties under this Act;

(*f*) impersonates an inspector;

or

(*g*) falsely pretends to be engaged in or associated with the administration of this Act,

shall be guilty of an offence against this Act.

Regulations.

68. The Governor may from time to time make regulations providing for all or any purposes, whether general or to meet particular cases, that may be convenient for the administration of this Act or that may be necessary or expedient to carry out the objects and purposes of this Act and without limiting the generality of the foregoing provisions of this section, regulations may be made for or in respect of all or any of the following purposes, matters and things:—

(1) The supply, custody, care and verification of Primary, Secondary and Tertiary Standards and Inspectors' Standards; the certifying of such verification; and the fees chargeable for such verification.

(2) Prescribing conditions relating to the duties, responsibilities, qualifications, appointment and dismissal of inspectors and the provision of identification certificates.

(3) Prescribing conditions under which weights, measures, weighing instruments or measuring instruments may be repaired or adjusted; and providing for the qualifications, registration, supervision and control of repairers and adjusters of weights, measures, weighing instruments or measuring instruments, including the prohibition of the use of the designation of repairer and adjuster of such weights, measures, weighing instruments or measuring instruments or any like designation by persons not so registered.

(4) The fixing of times and places for the submitting for verification and the testing verifying and stamping of weights, measures, weighing instruments or measuring instruments.

(5) Regulating and controlling the inspecting, examining, testing, verification, reverification, comparison and stamping of weights, measures, weighing instruments or measuring instruments for the purposes of this Act and without limiting the generality thereof prescribing any method or methods by which or the manner in and the

means by which and the persons by whom all or any of those things shall or shall not be done, prescribing stamps including certifying stamps and rejection stamps for the purposes of this Act, prescribing the circumstances and conditions under which and the manner in which and the persons by whom stamps may be obliterated or defaced.

(6) Prescribing fees chargeable for testing verifying adjusting or stamping weights, measures, weighing instruments or measuring instruments.

(7) The payment of the fees prescribed for the testing verifying adjusting or stamping of weights, measures, weighing instruments or measuring instruments.

(8) The shape, dimensions and proportions to be required in weights, measures, weighing instruments and measuring instruments and the materials of which they shall be made.

(9) Prescribing what weights, measures, weighing instruments or measuring instruments shall or shall not be admitted to verification and the tests to be applied to ascertain their accuracy and efficiency.

(10) Prescribing the amount of error which may be tolerated in weights, measures, weighing instruments or measuring instruments.

(11) Prescribing instruments for testing and verifying weights, measures, weighing instruments and measuring instruments.

(12) Limiting the purposes or trades for or in which prescribed weights, measures, weighing instruments or measuring instruments may lawfully be used, and prescribing the classes of weights, measures, weighing instruments and measuring instruments to be used in prescribed trades.

(13) Prescribing the method of use and limiting or regulating the use in trade of prescribed weights, measures, weighing instruments or measuring instruments.

(14) The marking on weights and measures of their several denominations and on weighing instruments and measuring instruments of their capacities and other markings; and the obliteration of stamps in weights, measures, weighing instruments and measuring instruments found to be incorrect or not in accordance with the regulations.

(15) Prescribing the denominations of weights and measures permissible for use in trade.

(16) Providing the classes of weights to be used in connection with prescribed weighing instruments.

(17) The registration of public weighbridges by the owners thereof; and the registration of weighmen.

(18) The conditions to be observed in the giving and taking of weight tickets; and the procedure to be followed in the weighing of goods.

(19) The taking of tare weights of any vehicle used for the conveyance of goods sold or carried by weight; the issue and production of tickets showing such weight or the weight of the loading on such vehicle or the weight of the loading and the vehicle; providing for such weighing on demand by a purchaser or an inspector and for preventing frauds in connection with goods conveyed on vehicles and sold or carried by weight.

(20) Prohibiting the sale of prescribed goods by measure of capacity and prescribing the method by which prescribed classes of goods shall be sold.

(21) Providing that where goods in packages are sold, offered or exposed or had in possession for sale, the net weight of the goods in the packages shall, in the circumstances prescribed by regulation, be one or other of the weights prescribed by regulation.

(22) Regulating and controlling the marking upon articles or packages or labels affixed to articles or packages—

(*a*) of the net weight, measure or number of the article or contents of the package;

(*b*) of any matter stating or representing by implication that the article or package and its contents is for sale at a price lower than the ordinary and customary sale price or, in the case of a package, that a sale price advantage is accorded to purchasers thereof by reason of the size of the package or the quantity of its contents;

and

(*c*) prescribing the means or method or means and method of any such marking.

(23) Regulating and controlling the size of packages by reference to the volumes respectively of the package and of its contents and, where the package containing any article is packed in an outer package or container, regulating and controlling the size of the outer package or container by reference to the volumes respectively of the outer package or container and of the article.

(24) Providing for the supervision of the administration of this Act by councils.

(25) Providing for exemptions in pursuance of this Act.

(26) For imposing penalties not exceeding one hundred dollars for any breach of any regulation.

(27) Generally for other matters for carrying out the provisions of this Act.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.

THE SCHEDULES.

FIRST SCHEDULE.

Section 2.

ACTS REPEALED.

Weights and Measures Act, 1934.
Weights and Measures Act Amendment Act, 1938.
Weights and Measures Act Amendment Act, 1939.
Weights and Measures Act Amendment Act, 1940.
Weights and Measures Act Amendment Act, 1941.
Weights and Measures Act Amendment Act, 1944.
Weights and Measures Act Amendment Act, 1953.
Weights and Measures Act Amendment Act, 1958.
Weights and Measures Act Amendment Act, 1962.
Weights and Measures Act Amendment Act, 1964.
Weights and Measures Act Amendment Act, 1966.
So Much of the Statute Law Revision Act, 1952 as relates to the Weights and Measures Act, 1934-1944.
So much of the Decimal Currency Act, 1965, as relates to the Weights and Measures Act, 1934-1964.

SECOND SCHEDULE.

Section 7.

Part I.—Provisions Concerning Secondary and Tertiary State Standards.

Denomination of Standard.		Maximum range within which values of the Standard as determined on verification or reverification may be expected to lie.	
First Column.		Second Column.	Third Column.
Standards in the Form of Rigid Bars (Scales).		Secondary State Standard.	Tertiary State Standard.
Denominations not exceeding 1yd. but exceeding 1ft.		±0.0005 in.	—
Denominations not exceeding 1ft. but exceeding 1in.		±0.0003in.	—
Denominations not exceeding 1in.		±0.0002in.	—
Denominations not exceeding 1m. but exceeding 30cm.		±0.012 mm.	—
Denominations not exceeding 30cm. but exceeding 25mm.		±0.0075 mm.	—
Denominations not exceeding 25mm.		±0.005mm.	—
Standards in the form of Flexible Tapes.		Parts per hundred thousand of the nominal value.	
Denominations exceeding 33ft.	Denominations exceeding 10m.	±2	—
Denominations not exceeding 33ft. but exceeding 10ft.	Denominations not exceeding 10m. but exceeding 3m.	±5	—
Denominations not exceeding 10ft.	Denominations not exceeding 3m.	±2	—
Metric Denominations.		Secondary State Standard.	Tertiary State Standard.
		Parts per million of the nominal value.	
Denominations exceeding 5kg.		±3	—
Denominations not exceeding 5kg. but not less than 1kg.		±3	±6
Denominations less than 1kg. but not less than 100g.		±3	±10
Denominations less than 100g. but not less than 10g.		±5	±20
		Milligrammes.	
Denominations less than 10g. but not less than 1g.		±0.05	±0.2
Denominations less than 1g. but not less than 100mg.		±0.03	±0.1
Denominations less than 100mg. but not less than 10mg.		±0.02	±0.04
Denominations less than 10mg.		±0.02	—

Part I.—Provisions Concerning Secondary and Tertiary State Standards—continued.

Denomination of Standard.			Maximum range within which values of the Standard as determined on verification or reverification may be expected to lie.	
First Column.			Second Column.	Third Column.
Systems in terms of which denominations are expressed.			Secondary State Standard.	Tertiary State Standard.
Avoirdupois.	Troy.	Grain.	Parts per million of the nominal value.	
Exceeding 14 lb.	Exceeding 100oz. tr.	—	±3	—
Not exceeding 14 lb. but not less than 2 lb.	Not exceeding 100oz. tr. but not less than 20oz. tr.	—	±3	±6
Less than 2 lb. but not less than 2oz.	Less than 20oz. tr. but not less than 2oz. tr.	Not exceeding 10,000gr. but not less than 1,000gr.	±3	±10
Less than 2oz. but not less than 4dr.	Less than 2oz. tr. but not less than 0.2oz. tr.	Less than 1,000 gr. but not less than 100gr.	±5	±20
			Grains.	
Less than 4dr.	Less than 0.2oz. tr. but not less than 0.02oz. tr.	Less than 100gr. but not less than 10gr.	±0.0005	±0.002
—	Less than 0.02 oz. tr. but not less than 0.002 oz. tr.	Less than 10gr. but not less than 1gr.	±0.0003	±0.001
—	—	Less than 1gr. but not less than 0.1gr.	±0.0002	±0.0004
—	Less than 0.002 oz. tr.	Less than 0.1gr.	±0.0002	—

Part I.—Provisions Concerning Secondary and Tertiary State Standards—continued.

Denomination of Standard.	Maximum range within which values of the Standard as determined on verification or reverification may be expected to lie.	
First Column.	Second Column.	Third Column.
Denominations expressed in metric units.	Secondary State Standard.	Tertiary State Standard.
Denominations exceeding 1,000 c.c.	±1 ten-thousandth of the nominal value	±2.5 ten-thousandths of the nominal value
Denominations not exceeding 1,000 c.c. but exceeding 50 c.c.	±1 ten-thousandth of the nominal value	±5 ten-thousandths of the nominal value
Denominations not exceeding 50 c.c. but exceeding 20 c.c.	±0.005 c.c.	±5 ten-thousandths of the nominal value
Denominations not exceeding 20 c.c.	±0.005 c.c.	±0.01 c.c.
Denominations expressed in gallons, quarts, pints or gills.		
Denominations exceeding 1qt.	±1 ten-thousandth of the nominal value	±2.5 ten-thousandths of the nominal value
Denominations not exceeding 1qt. but exceeding 2 fl. oz.	±1 ten-thousandth of the nominal value	±5 ten-thousandths of the nominal value
Denominations not exceeding 2 fl. oz. but exceeding 2 fl. drachms	±0.1 min.	±1 thousandth of the nominal value
Denominations not exceeding 2 fl. drachms	±0.1 min.	±0.15 min.

Part I.—Provisions Concerning Secondary and Tertiary State Standards—continued.

Denomination of Standard.	Maximum range within which values of the Standard as determined on verification or reverification may be expected to lie.	
First Column.	Second Column.	Third Column.
Metric Carat Denominations.	Secondary State Standard.	Tertiary State Standard.
	Parts per million of the nominal value.	
Denominations less than 5,000 cm. but not less than 500 cm.	±3	—
Denominations less than 500 cm. but not less than 50 cm.	±5	—
	Milligrammes.	
Denominations less than 50 cm. but not less than 5 cm.	±0.05 (±0.00025 cm.)	—
Denominations less than 5 cm. but not less than 0.5 cm.	±0.02 (±0.0001 cm.)	—
Denominations less than 0.5 cm. but not less than 0.05 cm.	±0.01 (±0.00005 cm.)	—

Part II.—Provisions concerning Inspector's Standards.

Denomination of Standard.	Maximum permissible variation of Inspector's Standard from denomination on verification or reverification.
First Column.	Second Column.
Denominations expressed in metric units.	Maximum variation in millimeters.
Denominations exceeding 1 m.	One-tenth of the denomination in metres
Denominations not exceeding 1 m. but exceeding 1 mm.	One-tenth of the cube root of the denomination in metres
Denominations not exceeding 1 mm.	0.01
Denominations expressed in chains, links, fathoms, yards, feet or inches.	Maximum variation in inches.
Denominations exceeding 1yd.	Four-thousandths of the denomination in yards
Denominations not exceeding 1yd. but exceeding 0.05in.	One-thousandth of the cube root of the denomination in inches
Denominations not exceeding 0.05in.	0.0004
Denominations expressed in metric units.	Maximum variation in milligrammes.
Denominations exceeding 10 kg.	Eight times the denomination in kilogrammes
Denominations not exceeding 10 kg. but exceeding 1 mg.	Eight-tenths of the square root of the denomination in grammes
Denominations not exceeding 1 mg.	0.025
Denominations expressed in tons, short tons, hundredweights, centals, quarters, stones, pounds, ounces or drams.	Maximum variation in grains
Denominations exceeding 50 lb.	Six-hundredths of the denomination in pounds
Denominations not exceeding 50 lb. but exceeding 3 dr.	Four-tenths of the square root of the denominations in pounds.
Denominations not exceeding 3 dr.	0.05
Denominations expressed in grains.	Maximum variation in grains.
Denominations exceeding 0.01 gr.....	Three-thousandths of the square root of the denomination in grains
Denominations not exceeding 0.01 gr.	0.0003

Part II.—Provisions concerning Inspector's Standards—continued.

Denomination of Standard. Denominations expressed in troy ounces, pennyweights, Apothecaries ounces, drachms or scruples.	Maximum permissible variation of Inspector's Standard from denomination on verification or reverification. Maximum variation in grains.
First Column.	Second Column.
Denominations exceeding 300 oz. tr.	Four-thousandths of the denomination in troy ounces
Denominations not exceeding 300 oz. tr. but exceeding 0.01 gr.	Three-thousands of the square root of the denomination in grains
Denominations not exceeding 0.01 gr.	0.0003
Denominations expressed in metric units.	Maximum variation in cubic centimetres.
Denominations exceeding 0.05 cub. m.	Six hundred times the denomination in cubic metres
Denominations not exceeding 0.05 cub. m. but exceeding 0.5 c.c.	Two-hundredths of the cube root of the square of the denomination in cubic centimetres
Denominations not exceeding 0.5 c.c.	0.01
Denominations expressed in quarts, pints or gills.	Maximum variation in minims.
Denominations exceeding 10 gall.	Fifty times the denomination in gallons
Denominations not exceeding 10 gall.	One hundred times the cube root of the square of the denomination in gallons
Denominations expressed in fluid ounces, fluid drachms or minims.	Maximum variation in minims.
Denominations exceeding 20 min.....	Twice the cube root of the square of the denomination in fluid ounces
Denominations not exceeding 20 min.	0.2

Section 51.

THIRD SCHEDULE.

Weights for Bushel.

Article.	Weight.
Amber Cane	60 lb.
Barley	50 lb.
Beans	60 lb.
Beans (fresh)	20 lb.
Bran	20 lb.
Broom corn	50 lb.
Buckwheat	50 lb.
Clover, red or white	20 lb.
Grasses—Couch, cocksfoot, paspalum, rib, rye	20 lb.
Hungarian millet	60 lb.
Imphee	60 lb.
Lucerne	20 lb.
Maize	56 lb.
Oats	40 lb.
Planter's friend	60 lb.
Peas	60 lb.
Peas (in Pod)	28 lb.
Pollard	20 lb.
Rye corn	60 lb.
Sorghum	60 lb.
Tares or vetches	60 lb.
Wheat (seed)	60 lb.

ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

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No. 16 of 1967

An Act to consolidate and amend the law relating to the registration of births, deaths and marriages, and to the legitimation of children.

[*Assented to* 13*th April*, 1967.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

PART I.

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the "Births, Deaths and Marriages Registration Act, 1966".

Commencement.

2. Part VII of this Act shall come into operation on the day this Act is assented to and the remaining provisions of this Act shall come into operation on a day to be fixed by proclamation.

Repeal.

3. The Acts mentioned in the First Schedule are hereby repealed to the extent therein mentioned.

Arrangement.

4. The provisions of this Act are arranged as follows :—

PART I.—PRELIMINARY, ss. 1-5.
PART II.—ADMINISTRATION, ss. 6-13.
PART III.—REGISTRATION OF BIRTHS, ss. 14-24.
PART IV.—CHILDREN NOT BORN ALIVE, s. 25.
PART V.—REGISTRATION OF MARRIAGES, ss. 26-28.

PART VI.—REGISTRATION OF DEATHS, ss. 29-40.
PART VII.—REGISTRATION OF DEATHS OF PERSONS DYING OUTSIDE THE STATE WHILST ON WAR SERVICE, ss. 41-45.
PART VIII.—REGISTRATION OF DEATHS OF PERSONS DYING WITHIN THE STATE WHILST ON WAR SERVICE OR DYING AT SEA, ss. 46-52.
PART IX.—LEGITIMATION OF CHILDREN, ss. 53-65.
PART X.—MISCELLANEOUS, ss. 66-80.

Interpretation.

5. In this Act, unless the context otherwise requires—

"Adoption of Children Act" means the Adoption of Children Act, 1925-1943, and any Act in substitution therefor :

"assistant district registrar" means a person appointed to act as assistant district registrar in any district :

"authorized celebrant" means an authorized celebrant as defined in the *Marriage Act* 1961, of the Commonwealth :

"child" when used without qualification means a child born alive. A child shall be deemed to have been born alive if the child's heart has beaten after the child has been completely expelled or extracted from its mother :

"child not born alive" means a child whose heart has not beaten after its complete expulsion or extraction from its mother and who is either—

(*a*) where the period of its gestation is reliably ascertainable, a child of not less than twenty weeks gestation ;

or

(*b*) in any other case, a child weighing not less than four hundred grammes at birth :

"christian name" means any name preceding a surname and includes a forename :

"deputy registrar" means the Deputy Registrar of Births, Deaths, and Marriages :

"district" means a district created under or continued by this Act :

"district registrar" means a district registrar of births, deaths and marriages appointed for a district :

"Minister" means the Minister of the Crown to whom, for the time being, the administration of this Act is committed by the Governor :

"occupier of the building or place" means the principal occupier for the time being of any building or place, and, in the case of a prison, gaol, hospital, mental hospital, or other public or charitable institution, the principal officer or the person in actual charge thereof :

"parent" means the father or mother, or where both the father and mother are dead, the guardian of the child, or where a person is the legal guardian of the child to the exclusion of the parent or parents, the legal guardian of the child :

"person" when used without qualification shall be deemed to exclude reference to a child not born alive :

"principal registrar" means the Principal Registrar of Births, Deaths, and Marriages :

"registered midwife" means any person registered as a midwife pursuant to the Nurses Registration Act, 1920-1966 :

"repealed Act" means any Act repealed by this Act, or any other repealed Act relating to the registration of births, deaths or marriages :

"undertaker" includes any person having charge of the burial of any dead body.

PART II.

PART II.

ADMINISTRATION.

6. (1) The Governor may appoint a Principal Registrar of Births, Deaths, and Marriages and may appoint a Deputy Registrar of Births, Deaths, and Marriages. Principal registrar. 2335, 1936, s. 6.

(2) The deputy registrar may exercise such of the powers of the principal registrar as the Minister from time to time directs, and shall, in the exercise of those powers, be subject to the same liabilities, penalties, and forfeitures as the principal registrar.

(3) The persons holding the offices of Principal Registrar of Births, Deaths, and Marriages and Deputy Registrar of Births, Deaths, and Marriages at the commencement of this Act shall, without any further appointment, be respectively the Principal Registrar of Births, Deaths, and Marriages, and the Deputy Registrar of Births, Deaths, and Marriages.

(4) Any reference in any Act to the Registrar-General of Births, Deaths and Marriages shall be deemed to be a reference to the principal registrar.

(5) In the event of the absence, through illness or otherwise, of the principal registrar, or of a vacancy in the office of principal registrar, the deputy registrar shall exercise all the powers and shall perform all the duties and functions of the principal registrar during the absence or vacancy, and shall, in the exercise of those powers, be subject to the same liabilities, penalties and forfeitures as the principal registrar.

General registry office. 2335, 1936, s. 7.

7. (1) The office in the city of Adelaide at the commencement of this Act for keeping a general register of births and deaths in the State, shall continue to be the office in the city of Adelaide for keeping a general register of births, deaths, and marriages.

(2) The Minister may, by notice in the *Government Gazette*, appoint any other building in the city of Adelaide to be the office for keeping the general register of births, deaths, and marriages.

Districts. 2335, 1936, s. 8.

8. (1) The Governor may by proclamation divide the State into districts for the purpose of this Act, and may by proclamation revoke or alter any such proclamation.

(2) The districts existing pursuant to any repealed Act at the commencement of this Act shall, until revoked or altered by proclamation, be districts for the purposes of this Act.

District registrars. 2335, 1936, s. 9.

9. (1) The Minister may appoint any person to be the district registrar for any district.

(2) The principal registrar may appoint any person to be an assistant district registrar for any district.

(3) Any person who at the commencement of this Act was under any repealed Act a district registrar for any district shall without any further appointment continue to be the district registrar for that district.

(4) Any person who at the commencement of this Act was under any repealed Act an assistant registrar for any district shall without any further appointment be an assistant district registrar for that district.

Administration of Act. 2335, 1936, s. 10.

10. Subject to the directions of the Minister, the principal registrar shall be charged with the general administration of this Act.

Registration by district registrars. cf. 2335, 1936, ss. 11, 12 and 13.

11. (1) The principal registrar shall register and record all births, deaths, and marriages occurring in the State in the manner prescribed by or pursuant to this Act, and the registrations so made shall, together with the registrations made pursuant to any repealed Act, constitute the "General Register of Births", "General Register of Deaths", and "General Register of Marriages" respectively.

(2) The general register shall be kept in the office appointed pursuant to section 7 of this Act.

(3) A district registrar shall register and record all births, deaths, and marriages occurring in his district in the manner prescribed by or pursuant to this Act, and the registrations so made shall, together with the registrations made pursuant to any repealed Act, constitute the "District Register of Births", "District Register of Deaths", and "District Register of Marriages" respectively.

(4) The district register shall be kept in the office of the district registrar.

(5) The principal registrar and the deputy registrar—

(*a*) may register births, deaths, and marriages occurring in any district;

(*b*) may make any other registration or do anything which may be made or done by a district registrar or an assistant district registrar;

and

(*c*) shall be subject to the like penalties as a district registrar in respect to any such registration.

Requirements on furnishing particulars. cf. 2335, 1936, s. 14.

12. (1) Every person by whom any particulars are furnished for the registration of any birth or death shall furnish the particulars in an information statement in the manner prescribed by or pursuant to this Act, and shall either sign or attest his name and place of abode in the information statement and shall certify that the particulars so furnished are correct to the best of his knowledge and belief.

(2) The information statement shall, as soon as practicable, be forwarded to the principal registrar, district registrar, or assistant district registrar, as the case may be.

(3) When the information statement is received by a district registrar or an assistant district registrar he shall, within seven days, forward the information statement to the principal registrar.

(4) When the information statement is received by the principal registrar he shall forthwith register the birth or death in the manner prescribed by or pursuant to this Act, and shall within seven days forward a duplicate of the registration to the district registrar of the district in which the birth or death took place. The district registrar shall, as soon as practicable, record the registration in the district register of births or deaths.

(5) Within one month after a certificate of registration of a birth has been entered in the register in the office of the principal registrar, the principal registrar shall notify the person by whom the particulars were furnished for the registration of the birth, that the birth has been duly registered.

(6) The birth of any person shall be deemed to have been registered on the day of the receipt by the principal registrar, district registrar or assistant district registrar of an information statement to register the birth of that person.

Registration of births and deaths to be in accordance with Forms in the Second and Third Schedules.

13. (1) A birth shall be registered in accordance with the form in the Second Schedule.

(2) A death shall be registered in accordance with the form in the Third Schedule.

PART III.

PART III.

REGISTRATION OF BIRTHS.

Duty of occupier of premises to notify birth.
cf. 2335, 1936, s. 16.

14. (1) The occupier of the premises in which a child is born whether or not the child was born alive, shall, within seven days after the birth, furnish to the principal registrar notice of the birth together with such of the following particulars as are within the knowledge of or are ascertainable with accuracy by the occupier :—

(*a*) Whether the child was born alive or not :

(*b*) The date and place of the birth :

(*c*) The sex of the child :

(*d*) The full names and usual place of residence of the mother of the child :

and

(*e*) The full names and usual place of residence of the medical practitioner or other person who was in attendance on the mother during her confinement.

(2) Where a child is not born in any premises, but is admitted to premises shortly after birth, this section applies as if the child had been born in the premises to which the child had been so admitted.

(3) The notice referred to in this section shall be in accordance with the form in the Fourth Schedule.

Duty of parent. cf. 2335, 1936, s. 15.

15. (1) The parent of every child born alive in the State shall, within sixty days from the date of birth, furnish or cause to be furnished particulars for the registration of the birth.

(2) The particulars to be furnished for the registration of a birth shall be furnished in an information statement in accordance with the form in the Fifth Schedule.

Duty of occupier where parent absent, dead, etc. to furnish information. cf. 2335, 1936, s. 16.

16. Where, owing to the death, absence, or inability of the parent of any child born in the State, registration of the birth has not been effected in accordance with the provisions of this Act, the occupier of the premises where the child was born, shall, within sixty days after the birth, furnish particulars for the registration of the birth in the manner prescribed by section 15 of this Act.

Registration of children born at sea. cf. 2335, 1936, s. 17.

17. (1) If a child is born at sea whose parents ordinarily reside in the State, the birth may be registered in the State by a parent of the child in manner provided by this Part for the registration of children born within the State.

(2) Particulars for the registration of the birth shall be furnished to the principal registrar in the manner prescribed by section 15 of this Act.

Notification required where new-born child found exposed. 2335, 1936, s. 18.

18. Where any new born child is found exposed, the person who discovers the child shall report the discovery to the member of the police force in charge of the nearest police station, who shall furnish to the principal registrar such particulars as have come to his knowledge in respect of the child.

Registration of illegitimate child cf. 2335, 1936, s. 19.

19. (1) In the case of the birth of a child born out of lawful marriage, the mother of the child shall furnish or cause to be furnished the particulars required by section 15 of this Act.

(2) On registering the birth of a child born out of lawful marriage the principal registrar shall, except in the circumstances mentioned in subsection (4), of this section enter the words "not stated" in the column of the certificate for the name of the father.

(3) The father of a child born out of lawful marriage shall not be required to give information under this Act concerning the birth of that child. No particulars relating to the father of the child shall be included in the information statement with respect to the birth of any such child unless at the joint request of the mother and of the person acknowledging himself to be the father and the person so acknowledging himself shall, in any such case, sign the information statement jointly with the mother.

(4) The principal registrar shall not enter in the register the name of any person as father of any child born out of lawful marriage unless at the joint request of the mother and of the person acknowledging himself to be the father ; and the father shall, in any such case, together with the mother, authorize the principal registrar to enter his name in the register by duly completing the form of authorization on the information statement.

(5) If in the entry of the registration of the birth of any child born out of lawful marriage the father of the child is not stated, but the principal registrar is satisfied that the paternity of the child has been established by an affiliation order or otherwise by a decree of a court of competent jurisdiction, the principal registrar shall cause to be entered in the register of births the name of the father of the child, The principal registrar shall give notice of the entry to the district registrar having the custody of the register in which the birth is entered who shall indorse in the relative entry a copy of the entry made by the principal registrar.

(6) The principal registrar, a district registrar or assistant district registrar shall, as occasion requires, bring the provisions of this section, of Part IX of this Act, and of Part VI of the *Marriage Act*, 1961, of the Commonwealth to the notice of every informant of the birth of any child born out of lawful marriage.

Registration in cases where birth not registered within prescribed period
cf. 2335, 1936, s. 20.

20. (1) Where the provisions of sections 15, 16 or 17 of this Act have not been complied with, the birth of any person shall not be registered except as follows :—

(*a*) The birth may be registered within a period of six months from the date of birth of the child by the principal registrar after the parent or some person present at the birth furnishes the particulars required in accordance with this Part, and makes a declaration in accordance with the form in the Sixth Schedule.

(*b*) The birth may be registered after six months but not after seven years from the date of birth of the child by the principal registrar if the parent of the child or some person with knowledge of the birth furnishes the particulars required in accordance with the form in the Sixth Schedule, and the principal registrar is satisfied that the particulars so furnished are correct; for the purposes aforesaid the principal registrar may require any documents in evidence relating to the birth to be produced to him.

(*c*) No birth shall be registered after the expiration of seven years from the date of birth of the child unless a Judge of the Supreme Court, or Local Court, or a Stipendiary Magistrate, makes a written order authorizing the principal registrar to register the birth. The order shall contain the necessary particulars for the registration of the birth.

(2) Upon any registration being made pursuant to this section, the fees prescribed in the Nineteenth Schedule shall be paid by the informant.

Entry of child's surname in register.

21. The name to be entered in the register of births as the surname of a child shall be—

(*a*) if—

(i) the child was born the legitimate child of his parents, or is deemed by virtue of section 91 of the *Marriage Act* 1961, of the Commonwealth to be the legitimate child of his parents as from the date of his birth;

or

(ii) the registration of his birth is effected under the provisions of Part IX of this Act;

or

(iii) the name of the father of the child, at the time when the birth was registered, has been entered in the register of births under the provisions of section 19 of this Act,

the surname of the father;

and

(*b*) in any other case the surname of the mother of the child at the date when the child was born.

Circumstances in which christian names may be inserted in register.

22. (1) If any child whose birth is registered in this State—

(*a*) has been registered without a christian name, and has had such a name given to it after registration ;

or

(*b*) has had a christian name given to it in addition to that given at the time of registration :

or

(*c*) has had another christian name given to it in place of a registered name,

the parents of the child, at any time within two years of the date of the birth may, by signing a form in accordance with the Ninth Schedule, request the principal registrar to register the name so given, and the principal registrar may, on receipt of the form, cause the name to be entered accordingly in the appropriate column of the relevant registration : Provided that the principal registrar may register the name so given under this section, on the request of one parent if the other is dead. In the case of an illegitimate child a request by the mother alone shall be sufficient.

(2) Not more than one altered or one additional entry to the register in respect of the name of any child shall be made under this section.

(3) The principal registrar shall give notice of any name registered under this section to the district registrar having custody of the district register in which the birth is registered, who shall indorse in the relative column in the register a copy of the entry made by the principal registrar.

Fees for additional name, etc.

23. The fee prescribed in the Nineteenth Schedule shall be paid upon the registration of any name given under section 22 of this Act.

Change of surname. cf. 2335, 1936, s. 24.

24. (1) A person who has attained the age of twenty-one years, or has previously been married, and—

(*a*) whose birth is registered in the register of births ;

or

(*b*) in respect of whom an entry has been made in the Adopted Children Register under the provisions of the Adoption of Children Act,

may, by signing an instrument in accordance with the form in the Tenth Schedule, change his surname or any of his names.

(2) The instrument shall not be effective until it is deposited with the principal registrar.

(3) In subsection (1) of this section reference to the change of name includes a reference to the addition or omission of a surname or other name in substitution for his existing surname or other name.

(4) The parents of any child whose birth is registered in the register of births, and who has not attained the age of twenty-one years and who has not been previously married, may, by signing an instrument in accordance with the form in the Eleventh Schedule change the surname of the child.

(5) The instrument may be signed by—

(*a*) one parent if the other is dead;

or

(*b*) the mother alone if the child is illegitimate.

(6) Nothing in this section shall permit the change of surname of a child referred to in subsection (4) of this section, who was over the age of 16 years when the instrument was signed unless the consent of the child is written on the instrument.

(7) The instrument shall not be effective until it is deposited with the principal registrar.

(8) Where the mother of a child whose birth is entered in the register of births is married to a person other than the father of the child, and the person to whom she is married consents in writing on the instrument, the mother may, by signing an instrument in accordance with the form in the Twelfth Schedule, change the surname of the child to the surname of the person to whom she is married.

(9) Nothing in this section shall permit the mother to change the surname of a child referred to in subsection (8) of this section who was over the age of sixteen years when the instrument was signed unless the consent of the child is written on the instrument.

(10) Where the marriage of the parents of the child has been dissolved or annulled by the order of a court, the instrument shall not be effective to change the surname of a child unless when the instrument was signed the mother of the child had custody of the child by order of a court.

(11) The instrument shall not be effective until it is deposited with the principal registrar.

(12) Upon lodgement of evidence to the satisfaction of the principal registrar that—

(*a*) the provisions of subsections (1), (4) or (8) of this section have been complied with ;

or

(*b*) a change of name has been effected in another State or in any part of the British Commonwealth by deed poll, Royal licence or other legal process, and that such instrument effecting the change has been duly deposited and registered in the appropriate office in the State or part of the British Commonwealth in which the change was made,

he may cause an entry referring to the change of name to be made in the appropriate registration or entry.

(13) Nothing in this section shall permit the change of the surname of a woman who has been married to be entered in the registration of her birth.

(14) The principal registrar shall give notice of the entry to the district registrar having the custody of the register in which the birth is registered, who shall indorse in the relative entry in the register a copy of the entry made by the principal registrar.

(15) Upon any instrument being deposited or any entry being made pursuant to subsection (12) of this section the fee prescribed in the Nineteenth Schedule shall be paid.

PART IV.

PART IV.

CHILDREN NOT BORN ALIVE.

Duty of medical practitioner where child is not born alive.

25. (1) Where a child is not born alive, the medical practitioner who was in attendance on the mother at the time of her confinement shall sign a medical certificate of cause of perinatal death in accordance with the form in the Thirteenth Schedule, stating to the best of his knowledge and belief the particulars stated in the certificate, and shall within forty-eight hours after such confinement forward the certificate to the principal registrar.

(2) After he has signed the certificate referred to in subsection (1) of this section the medical practitioner shall sign a notice in accordance with the form in the Fourteenth Schedule and deliver the notice to the occupier of the premises where the birth took place, who shall deliver it to the person disposing of, or responsible for the disposal of, the body of the said child.

(3) A person shall not dispose of the body of a child not born alive unless—

(*a*) he has received the notice in accordance with the form in the Fourteenth Schedule ;

or

(*b*) the disposal is authorized in writing by a member of the police force not under the rank of sergeant, who has personally made inquiries into the circumstances relating to the birth.

(4) Any person who disposes of the body of a child not born alive shall forthwith forward to the principal registrar either the notice in accordance with the form in the Fourteenth Schedule or the authorization referred to in paragraph (*b*) of subsection (3) of this section.

Transitional provisions re still births.

(5) Until the coming into operation of this Act the provisions of Part IV of the Births and Deaths Registration Act, 1936, dealing with the registration of still births shall, notwithstanding the repeal of that Act by this Act, continue in force and have effect as if enacted in this Act.

PART V.

PART V.

REGISTRATION OF MARRIAGES.

Duty of principal registrar upon receipt of certificate of marriage. cf. 2325, 1936, s. 33.

26. (1) When the principal registrar receives an official certificate of marriage from an authorized celebrant under the provisions of the *Marriage Act* 1961, of the Commonwealth or any amendment of that Act, he shall, as soon as practicable, enter the certificate in the General Register of Marriages.

(2) The principal registrar shall, within seven days of the receipt of the official certificate, cause a copy to be made and forwarded to the district registrar of the district in which the marriage was solemnized.

(3) When the district registrar receives the copy he shall as soon as practicable enter the copy in the District Register of Marriages.

Alteration of register. cf. 2335, 1936, s. 66.

27. (1) Upon lodgement of evidence to the satisfaction of the principal registrar that a person whose marriage is registered in the register of marriages has changed his name and complied with the requirements of section 24 of this Act the principal registrar may cause an entry referring to the change of name to be made in the appropriate registration.

(2) Notice of any such entry shall be given by the principal registrar to the district registrar having the custody of the register in which the marriage is registered, who shall indorse in the relative entry a copy of the entry made by the principal registrar.

(3) Upon any entry of change of name being made pursuant to this section the fees prescribed in the Nineteenth Schedule shall be paid.

Notice of dissolution of marriage to be entered in marriage register. 2325. 1936, s. 67.

28. (1) The master of the Supreme Court shall forward to the principal registrar a certificate of any order made by the Supreme Court whereby any marriage celebrated in South Australia has been finally dissolved or decreed a nullity.

Any number of such certificates may be included in a return to be made by the Master to the principal registrar. The said return shall be made from time to time as thought fit by the Master. The first such return shall include certificates in respect of all orders to which this section applies made after the commencement of this Act, and every subsequent return shall include certificates in respect of all such orders made after the next preceding return.

(2) Every such certificate shall specify the names of the parties and the date and place of marriage, the date of the order, and such other relevant particulars as may be required by the principal registrar.

(3) On receipt of any such certificate the principal registrar shall cause to be entered on the certificate of the marriage filed in his office a memorandum of the particulars disclosed in the certificate.

(4) If notice in writing is received by the principal registrar from an officer of any competent court within any part of the British Commonwealth other than South Australia or from any officer in whose charge is placed the keeping of any principal register of marriage in that part, that any marriage registered in South Australia has been finally dissolved or decreed a nullity by a competent court in that part, the principal registrar, if satisfied that the marriage has been so dissolved or decreed a nullity, may cause to be entered on the certificate of marriage a memorandum of the particulars disclosed in the notice.

(5) The principal registrar shall forthwith give notice of any entry made pursuant to this section to the district registrar having custody of any register in which the marriage is registered, and the district registrar shall indorse on the relative entry in the register a copy of the entry made as aforesaid by the principal registrar.

PART VI. PART VI.

REGISTRATION OF DEATHS.

Notification of deaths. cf. 2335, 1936, s. 28.

29. (1) In the case of a death occurring in any building or place, the occupier of the building or place shall, within fourteen days thereafter, furnish or cause to be furnished particulars for the registration of the death.

(2) The particulars to be furnished for the registration of a death shall be furnished in an information statement in accordance with the form in the Seventh Schedule.

Notification of deaths on ships and planes.

30. (1) Where a person dies—

(*a*) in an aircraft during a flight to an airport in the State ; or

(*b*) on a ship during a voyage to a port in the State,

the person in charge of the aircraft or of the ship, as the case may be, shall, as soon as practicable, after the arrival of the aircraft at an airport or of a ship at a port in the State, report the death to a coroner.

(2) Where the death of any person is reported to the coroner under the provisions of subsection (1), of this section the coroner shall make such inquiries as he considers reasonable to inform himself correctly of the identity of the person, the cause of death and the place at which the death occurred, and, shall furnish to the principal registrar such of the particulars contained in the information statement in relation to the person as he has been able to ascertain, and the cause of death. The principal registrar shall thereupon register the death.

Late registration of death. cf. 2335, 1936, s. 29.

31. (1) When the provisions of section 29 of this Act have not been complied with, the death of any person shall not be registered except as follows :—

(*a*) Where particulars are furnished by a coroner under section 30 or section 33 of this Act the death shall be registered :

(*b*) The death may be registered within a period of six months from the date of death of the person by the principal registrar after the occupier of the premises where the death occurred or some other person furnishes the particulars required in accordance with this Part and makes a declaration in accordance with the form in the Eighth Schedule :

(*c*) The death may be registered after six months but not after seven years from the date of death of the person by the principal registrar if some person with knowledge of the death furnishes the particulars required in accordance with this Part and makes a declaration in accordance with the form in the Eighth Schedule and the principal registrar is satisfied that the particulars so furnished are correct; for the purposes aforesaid the principal registrar may require any documents in evidence relating to the death to be produced to him:

and

(*d*) No death shall be registered after the expiration of seven years from the date of death of the person unless a Judge of the Supreme Court, or Local Court, or a Stipendiary Magistrate makes a written order authorizing the principal registrar to register the death. The order shall contain the necessary particulars for the registration of the death.

(2) The fees prescribed in the Nineteenth Schedule shall be paid by the informant upon any registration pursuant to paragraphs (*c*) and (*d*) of subsection (1) of this section.

(3) The death of any person shall be deemed to have been registered on the day of receipt by the principal registrar, district registrar or assistant district registrar of an information statement to register the death provided that a medical certificate of the cause of death of that person or a copy of a coroner's order for burial pursuant to section 34 of this Act has been received by the principal registrar, district registrar or assistant district registrar on or before that day.

Notification of finding of body.
2335, 1936, s. 30.

32. In the event of any person finding any dead body he shall forthwith notify a member of the police force, who shall forthwith notify a coroner.

Notification of result of inquest inquiries.
cf. 2335, 1936, s. 31.

33. (1) Where a coroner exercises jurisdiction in respect of the death of any person he shall after due inquiry notify the principal registrar of the death and the cause thereof and shall furnish such other particulars as are required in accordance with this Part to be furnished in an information statement concerning the death.

(2) Upon receipt of the notification and particulars the principal registrar shall forthwith register the death.

(3) If, after notification of the death, an inquest is held into the death the coroner shall notify the principal registrar of his decision or finding and the principal registrar shall if necessary alter the register to accord with the decision or finding which alteration shall be signed by him and marked with the date upon which the alteration was made.

(4) Where a coroner or justice of the peace certifies under paragraph (III) of section 5 of the Cremation Act, 1891-1964, that the cause of a death has been duly inquired into and that no further examination of the body is necessary, the death may be registered before the decision or finding is given but the coroner or justice shall, as soon as the decision or finding is given, notify the principal registrar of the decision or finding and furnish him with such particulars relating to the death as are required to be furnished in an information statement in accordance with this Part, and the principal registrar shall thereupon insert in his records relating to the registration of the death such particulars as are appropriate including the cause of the death.

Coroner may order burial.

34. A coroner holding an inquest or inquiry upon any dead body may order the body to be buried. A copy of such order shall be forwarded to the principal registrar together with a statement signed by a coroner setting forth the cause of death or that the cause of death is unknown and further inquiry is necessary.

Circumstances in which death may be registered.

35. Except as is otherwise expressly provided in this Part, a death shall not be registered by the principal registrar, a district registrar or an assistant district registrar unless there has been produced to him in relation to the deceased person either—

(*a*) a certificate referred to in paragraph (*a*) of subsection (1) of section 39 of this Act;

or

(*b*) a copy of the order and statement referred to in section 34 of this Act.

Death may be registered if cause of death unknown.

36. (1) Where an order is made by a coroner under the provisions of section 34 of this Act stating that the cause of death is unknown and that further inquiry is necessary to establish the cause of death, the death may be registered by the principal registrar.

(2) When a coroner has completed his inquiry he shall notify the principal registrar of the cause of death. The principal registrar shall thereupon enter the cause of death in the registration certificate.

(3) Any certified copy of the death registration or any extract therefrom issued before the cause of death has been entered, shall be indorsed with the words "Incomplete Registration—Cause of Death unknown pending coronial inquiry".

Burials. 2335, 1936, s. 33.

37. A person shall not bury any dead body or cause any dead body to be buried unless he has received—

(*a*) a notice referred to in paragraph (*b*) of subsection (1) of section 39 of this Act;

or

(*b*) an order referred to in section 34 of this Act.

Non-application to cremations. cf. 2335, 1936, s. 34.

38. Nothing in sections 34, 35 or 37 of this Act shall apply to any cremation, in which case the requirements of the Cremation Act, 1891-1964, shall be complied with.

Duty of medical practitioner, cf. 2335, 1936, s. 35.

39. (1) Every legally qualified medical practitioner who has attended the last illness of any deceased person, or who has attended a child who has died within twenty-eight days after birth, or who has made a post-mortem examination of the body of any such person or such child after death, shall, within forty-eight hours after such death—

(*a*) sign a medical certificate of cause of death or a medical certificate of cause of perinatal death of a child dying within twenty-eight days after birth, whichever is appropriate, in accordance with the form in the Thirteenth or Fifteenth Schedules, and deliver or forward the certificate to the principal registrar;

and

(*b*) sign and deliver or forward to the person required by section 29 to furnish particulars for the registration of the death a notice in accordance with the form in the Fourteenth Schedule, :

except that in all cases of sudden unexpected death, or where it has come to the knowledge of the medical practitioner that the death has occurred from unnatural causes or under any circumstances of suspicion, or where he is unable to certify the cause of death, he shall not issue any such certificate or notice, but report the case to the coroner.

(2) Any legally qualified medical practitioner who—

(*a*) refuses or neglects to sign, deliver or forward any such certificate or notice;

(*b*) signs, delivers or forwards any such certificate or notice which is lacking in any material particular as to which he has knowledge;

(*c*) signs, delivers or forwards any such certificate or notice where he is required by this section to report the death to the coroner;

or

(*d*) knowingly makes any false statement in any such certificate or notice,

shall be guilty of an offence and on conviction shall be liable to a penalty of not more than twenty dollars.

(3) The person required by section 29 of this Act to furnish particulars for the registration of a death, or the person referred to in section 37 of this Act who buries any dead body, shall, when furnishing particulars or when the burial has taken place, as the case may be, deliver or forward the notice to the principal registrar, district registrar or assistant district registrar.

(4) Any person who by virtue of any regulation made pursuant to the *National Security Act* 1939-1940, of the Commonwealth, as amended, is authorized or licensed to practise as a medical practitioner or to practise medicine in South Australia or any part thereof, shall during such time he is so authorized or licensed to practise, be deemed to be a legally qualified medical practitioner for the purposes of this section and, notwithstanding section 33 of the Medical Practitioners Act, 1919-1955, as amended, any such person shall, during the time aforesaid, be qualified to give a certificate of cause of death.

Duty of undertaker after burial, etc. 44, 1947, s. 12.

40. (1) Every undertaker or other person who carries out the burial, cremation, or other disposal of any dead body shall, within seven days after the burial, cremation or disposal, cause to be transmitted to the principal registrar a certificate in the form in the Sixteenth Schedule which shall be signed by the undertaker or person and countersigned either by the clergyman or other officiating person at the burial, cremation or disposal or by two reputable witnesses of the burial, cremation or disposal.

(2) Every undertaker or other person who fails to comply with this section shall be guilty of an offence and on conviction liable to a penalty not exceeding twenty dollars.

(3) Upon receipt of any certificate as aforesaid, the principal registrar shall cause to be included in the certificate of registration of the death of the deceased person to which the first-mentioned certificate applies, particulars of the place and date of the burial, cremation or other disposal of the body of the deceased.

PART VII.

PART VII.

REGISTRATION OF DEATHS OF PERSONS DYING OUTSIDE THE STATE WHILST ON WAR SERVICE.

Definition of "war service". 21, 1940, s. 3.

41. (1) In this Part and in Part VIII of this Act "war" means any hostilities in which the naval, military or air forces of the Commonwealth are engaged or any operation in which the police forces of the Commonwealth or the State are engaged as part of a United Nations force.

(2) For the purposes of this Part a person shall be deemed to be engaged on War Service—

(*a*) if he is engaged outside the State as a member of any naval, military, or air force of the Commonwealth or of any other part of the British Commonwealth during any war in which the Commonwealth is engaged;

or

(*b*) if, during any such war, he is engaged on service outside the State in connection with any nursing service, voluntary aid detachment, red cross society, ambulance association or any similar body or organization attached to or accompanying any such force as is described in paragraph (*a*) hereof;

or

(*c*) if, during any such war, he is engaged on service outside the State as a representative attached to or accompanying any such force as is described in paragraph (*a*) hereof, of any organization which is providing philanthropic, welfare or medical services for members of that force;

or

(*d*) if, in connection with any such war, he is a prisoner of war in an enemy country or is interned in the country of a neutral power;

or

(*e*) if he is engaged on service outside the State in connection with any operation in which the police forces of the Commonwealth or the State are engaged as part of a United Nations force.

(3) For the purposes of this Part, a war shall be deemed to continue from the commencement thereof until the day on which a proclamation is issued by the Commonwealth declaring that the war has ceased.

Registration of persons dying on War Service. 21, 1940, s. 3.

42. (1) If the principal registrar is satisfied—

(*a*) that any person has died (whether before or after the passing of this Act), at any place outside the State whilst engaged on war service;

and

(*b*) that prior to engaging in such war service the said person's usual place of residence was within the State,

the principal registrar may, subject to compliance with this Part, register the death of that person.

(2) The principal registrar shall not register the death of any person as aforesaid unless the principal registrar is supplied with a certificate given by some officer who the principal registrar is satisfied is the officer in charge of the proper records of any naval, military or air force of the Commonwealth or any other part of the British Commonwealth or any police force of the Commonwealth or the State, that the said person has died at a place outside the State whilst engaged on war service.

(3) If the principal registrar is supplied with a certificate of a competent authority within the meaning of the National Security (Supplementary) Regulations made under the *National Security Act* 1939-1940, of the Commonwealth, that any person whilst engaged on war service outside the State became missing on a particular date and is for official purposes presumed to be dead, the principal registrar may (whether the certificate aforesaid was given before or after the passing of this Act) register the death of the said person.

(4) Upon registering any death as aforesaid, the principal registrar shall make a memorandum in the certificate of registration to the effect that the death is registered pursuant to this Part.

Sufficiency of certificate. 21, 1940, s. 3. 21, 1942, s. 5.

43. A statement in such a certificate as mentioned in subsection (2) of section 42 of this Act to the effect that the person named therein has died may, in the absence of any evidence to the contrary, be accepted for the purpose of registration pursuant to this Part as sufficient evidence of the death of that person, and a statement in such a certificate as mentioned in subsection (3) of section 42 of this Act to the effect that the person named therein became missing on a particular date and is for official purposes presumed to be dead may, in the absence of any evidence to the contrary, be accepted for the purpose of registration pursuant to this Part as sufficient evidence of the death of that person on the date he became missing.

Particulars and filing of certificate of registration. 21, 1940, s. 3. 44, 1947, s. 3.

44. (1) The person applying for the registration of the death of any person pursuant to this Part shall state, to the best of his knowledge and belief, the several particulars concerning the person whose death is sought to be registered as are required to be furnished pursuant to section 29 of this Act.

(2) For the purpose of filling in the columns in the certificate of registration in the Third Schedule respectively headed "When

Died", "Cause of Death", and "Place where Death Occurred" the particulars (if any) relating thereto respectively which are contained in the certificate referred to in section 42 of this Act shall be sufficient and if any of the said columns cannot, owing to lack of such particulars, be filled in, that column may be left blank.

(3) The certificate of registration shall be made out in duplicate.

(4) One of the copies shall be filed in the office of the principal registrar and the other shall be filed in the office of the district registrar of the district in which was situated the usual place of residence prior to engaging on war service of the person to the death of whom the certificate of registration relates.

Application of other provisions of this Act. 21, 1940, s. 5.

45. The provisions of section 31 of this Act shall not apply to the registration of a death pursuant to this Part, but except as aforesaid, the provisions of this Act shall *mutatis mutandis* apply to and with respect of every such registration.

PART VIII.

PART VIII.

REGISTRATION OF DEATHS OF PERSONS DYING WITHIN THE STATE WHILST ON WAR SERVICE OR DYING AT SEA

Continuance of war. 11, 1942, s. 6.

46. For the purposes of this Part, a war shall be deemed to continue from the commencement thereof until the day on which a proclamation is issued by the Commonwealth declaring that the war has ceased.

Registration of deaths of members of armed forces. 11, 1942, s. 6.

47. (1) If—

(*a*) any member of any naval, military or air force of the Commonwealth or of any other part of the British Commonwealth;

or

(*b*) any person serving with any nursing service, voluntary aid detachment, red cross society, ambulance association or any similar body or organization attached to or accompanying any such force as is described in paragraph (*a*) hereof;

or

(*c*) any person being a representative attached to or accompanying any such force as is described in paragraph (*a*) hereof, of any organization which is providing philanthropic, welfare or medical services for members of that force;

or

(*d*) any member of any naval, military or air force of any country allied or associated with Her Majesty for the purposes of the prosecution of any war in which the Commonwealth is engaged;

or

(*e*) any person engaged in connection with any operation in which the police forces of the Commonwealth or the State are engaged as part of a United Nations force,

dies or has died (whether before or after the passing of this Act) within the State during the continuance of any war in which the Commonwealth is engaged or within a period of twelve months after any such war has ceased, the principal registrar may register the death of that person as provided by this Part.

(2) Any such death may be registered if the principal registrar is supplied with—

(*a*) a certificate in the form in the Fifteenth Schedule or in a form substantially to the same effect of a person who the principal registrar is satisfied is a medical officer of any such naval, military or air force;

or

(*b*) a certificate of some officer of any such naval, military or air force or police force who the principal registrar is satisfied is the officer in charge of the proper records of such naval, military or air force, or police force, that the said person has died within the State whilst a member of such force.

(3) Notwithstanding the provisions of section 39 of this Act and of section 33 of the Medical Practitioners Act, 1919-1955, as amended, any certificate such as is described in paragraph (*a*) of subsection (2) of this section may be given by any such medical officer although he is not registered as a medical practitioner under the Medical Practitioners Act, 1919-1955, as amended, or is not otherwise qualified in accordance with section 33 of that Act to give a certificate of cause of death.

(4) If the principal registrar is supplied with a certificate of a competent authority within the meaning of the National Security (Supplementary) Regulations made under the *National Security Act* 1939-1940, of the Commonwealth, as amended, that any person such as is described in paragraphs (*a*), (*b*) or (*c*) of subsection (1) of this section became missing within the State on a particular date and is for official purposes presumed to be dead, the principal registrar may (whether the certificate aforesaid was given before or after the passing of this Act) register the death of the said person.

Registration of person dying at sea. 11, 1942, s. 6.

48. (1) If the principal registrar is satisfied that any person has died (whether before or after the passing of this Act) whilst at sea on any British or Australian ship during the continuance of any war in which the Commonwealth is engaged, the principal registrar may register the death of that person as provided by this Part.

(2) Any such death may be registered if the principal registrar is supplied with a certificate of some person who the principal registrar is satisfied is the master of the ship or a duly qualified medical practitioner carried as part of the complement of the ship, that the deceased died whilst at sea on a British or Australian, ship during the continuance of any such war.

Indorsement of certificate. 11, 1942, s. 6.

49. Upon registering any death as provided by this Part, the principal registrar shall make a memorandum in the certificate of registration to the effect that the death is registered pursuant to this Part.

Sufficiency of certificate. 11, 1942, s. 6.

50. A statement in any certificate such as is mentioned in subsection (2) of section 47 or in section 48 of this Act to the effect that the person named therein has died may, in the absence of any evidence to the contrary, be accepted for the purpose of registration pursuant to this Part as sufficient evidence of the death of that person, and a statement in a certificate such as is mentioned in subsection (4) of section 47 of this Act to the effect that the person named therein became missing on a particular date and is for official purposes presumed to be dead may, in the absence of evidence to the contrary, be accepted for the purpose of registration pursuant to this Part as sufficient evidence of the death of that person on the date he became missing.

Particulars and filing of certificate of registration. 11, 1942, s. 6. 44, 1947, s. 14.

51. (1) The person applying for the registration of the death of any person pursuant to this Part shall state, to the best of his knowledge and belief, the several particulars concerning the person whose death is sought to be registered as are required to be furnished pursuant to section 29 of this Act.

(2) For the purpose of filling in the columns in the certificate of registration in the Third Schedule respectively headed "When Died", "Cause of Death", and "Place where Death Occurred" the particulars (if any) relating thereto respectively which are contained in the certificate referred to in section 47 or in section 48 of this Act shall be sufficient, and if any of the columns in the said certificate cannot, owing to lack of particulars, be filled in, that column may be left blank.

(3) The certificate of registration shall be made out in duplicate.

(4) One of the copies shall be filed in the office of the principal registrar and the other shall be filed in such place as the principal registrar shall direct.

Application of other provisions of this Act.

52. The provisions of section 31 of this Act shall not apply to the registration of a death pursuant to this Part, but except as aforesaid, the provisions of this Act shall *mutatis mutandis* apply to and with respect of every such registration.

PART IX.

PART IX.

LEGITIMATION OF CHILDREN.

Interpretation. 2335, 1936, s. 37.

53. In this Part, unless the context otherwise requires—

"disposition" means an assurance of any interest in property by any instrument whether *inter vivos* or by will:

"legitimated person" means any person legitimated by this Part or any repealed Act, or by under or in pursuance of the *Marriage Act* 1961, of the Commonwealth, or any amendment thereof.

Legitimation by subsequent marriage of parents. 2335, 1936, s. 38.

54. Where the parents of an illegitimate person marry one another after the commencement of this Act, the marriage shall, if the father of the said person is at the date of the marriage domiciled in this State, render the said person legitimate as from the date of the marriage.

Rights of legitimated person. 2335, 1936, s. 39.

55. (1) Subject to the provisions of this Part, a legitimated person, legitimated after the commencement of this Act, and his spouse, children, or more remote issue shall be entitled to take any interest—

(*a*) in the estate of an intestate person dying after the day when the legitimated person became legitimated by virtue of this Act or the *Marriage Act* 1961, of the Commonwealth, or any amendment thereof;

(*b*) under any disposition coming into operation after that day;

and

(*c*) by descent under an entailed interest created after that day,

in like manner as if the legitimated person had been born legitimate.

(2) Any legitimated person legitimated before the commencement of this Act shall be entitled to all the rights of a child born in wedlock, including the right to such real and personal property as might have been claimed by that person if born in wedlock, and also to any real or personal property in the succession of any other person which might have been claimed through the parent by a child born in wedlock.

(3) Where the right to any property, real or personal, depends on the relative seniority of the children of any person, and those children include one or more legitimated persons, the legitimated persons or person shall rank as if he or they had been born on the day when he or they became legitimated by virtue of this Act, or any repealed Act, or of the *Marriage Act* 1961, of the Commonwealth, or any amendment thereof, and if more than one such legitimated person became legitimated at the same time, they shall rank as between themselves in order of seniority.

(4) This section applies only if and so far as a contrary intention is not expressed in any disposition, and shall have effect subject to the terms of the disposition, and to the provisions therein contained.

Succession on intestacy of legitimated persons and their issue. 2335, 1936, s. 40.

56. Where a legitimated person or a child, or more remote issue of a legitimated person, dies intestate in respect of all or any of his real or personal property, the same persons shall be entitled to take the same interests therein, as they would have been entitled to take if the legitimated person had been born legitimate.

Application to illegitimate persons dying before marriage of parents. 2335, 1936, s. 41.

57. (1) Where an illegitimate person dies after the commencement of this Act, and before the marriage of his parents, leaving any spouse, children, or more remote issue living at the date of the marriage, then, if that person would, if living at the time of the marriage of his parents, have become a legitimated person, the provisions of this Part with respect to the taking of interests in property by, or in succession to, the spouse, children, and more remote issue of a legitimated person, shall apply as if such person as aforesaid had been a legitimated person, and the date of the marriage of his parents had been the date of legitimation.

(2) The issue of any person legitimated pursuant to any repealed Act, who has died before the commencement of this Act and before the marriage of his parents, shall take by operation of law the same real and personal property which would have acrued to that person if he had been born in wedlock.

Saving of existing legitimations.

58. Nothing in this Part or any other law renders ineffective any legitimation that took place before the commencement of this Act or shall be taken to exclude the continued operation of any Act in relation to such legitimation.

Provisions as to persons legitimated by extraneous law. 2335, 1936, s. 43.

59. (1) Where the parents of an illegitimate person marry or have married one another, whether before or after the commencement of this Act, and the father of the illegitimate person was or is, at the time of the marriage, domiciled in a country, other than this State, by the law of which the illegitimate person became legitimated by virtue of such subsequent marriage, that person, if living, shall in this State be recognised as having been so legitimated from the commencement of this Act or from the date of the marriage, whichever last happens, notwithstanding that his father was not at the time of the birth of such person domiciled in a country in which legitimation by subsequent marriage was permitted by law.

(2) All the provisions of this Act relating to legitimated persons and to the taking of interests in property by or in succession to a legitimated person and the spouse, children, and more remote issue of a legitimated person shall apply in the case of a person recognized as having been legitimated under this section, or who would, had he survived the marriage of his parents, have been so recognised; and, accordingly, this Part shall have effect as if references therein to a legitimated person legitimated after the commencement of this Act included a person so recognised as having been legitimated.

(3) For the purposes of this section, the expression "country" includes any part of the British Commonwealth as well as a foreign country.

Savings. 2335, 1936, s. 44.

60. Nothing in this Part shall effect the succession to any dignity or title of honour or render any person capable of succeeding to or transmitting a right to succeed to any such dignity or title.

Indorsement of legitimation. 2335, 1936, s. 45.

61. (1) The principal registrar may, on production to him of a declaration in one of the forms in the Seventeenth Schedule, or a form to the like effect, with respect to the legitimation under the provisions of this Act and before the commencement of the *Marriage Act* 1961, of the Commonwealth, of a person whose birth is already registered under this Act or any repealed Act, indorse or cause to be indorsed on the register a note of the fact of legitimation and shall re-register or cause to be re-registered the birth according to the form in the Second Schedule with such modifications as the principal registrar considers necessary.

(2) The principal registrar may, on the receipt by him pursuant to the provisions of regulations made under the *Marriage Act* 1961, of the Commonwealth, or any amendment thereof, of information with respect to the legitimation under the provisions of that Act of a person whose birth is already registered under this Act, or any repealed Act, indorse or cause to be indorsed on the register a note of the fact of legitimation and shall re-register or cause to be re-registered the birth according to the form in the Second Schedule with such modifications as the principal registrar considers necessary.

(3) Subject to subsection (4) of this section, the principal registrar may make or cause to be made any such indorsement and re-registration in any case where—

(*a*) the information with a view to obtaining the indorsement and re-registration is furnished to him by both parents;

(*b*) the information is furnished by one of the said parents of the legitimated person, and the name of a person acknowledging himself to be the father of the legitimated person has been entered in the register in pursuance of particulars furnished by that person in pursuance of this Act, or any repealed Act;

(*c*) the information is furnished by one of the said parents of the legitimated person, and the paternity of the legitimated person has been established by an affiliation order or otherwise by a decree of a court of competent jurisdiction;

or

(*d*) the information is furnished by one of the said parents and a declaration of the legitimacy of the legitimated person has been made by a court of competent jurisdiction.

(4) In any case where the principal registrar is of opinion that the matter is one for inquiry by a special magistrate, or in any case other than a case mentioned in subsection (3) of this section, the principal registrar shall not make or cause to be made any such indorsement or re-registration except upon the order of a special magistrate.

(5) Every such application to a special magistrate shall be made in form 1 of the Eighteenth Schedule. Where the special magistrate is satisfied by proof upon oath or otherwise that an order should be made, he may make an order in form 2 of the Eighteenth Schedule with respect to a person legitimated under the provisions of this Act or any repealed Act and in form

3 of the Eighteenth Schedule with respect to a person legitimated under the provisions of the *Marriage Act* 1961, of the Commonwealth, or any amendment thereof.

Duty of parents. 2335, 1936, s. 46.

62. (1) It shall be the duty of the parents of a legitimated person, or, in cases where indorsement and re-registration can be effected on information furnished by one parent and if one of the parents is dead, of the surviving parent, within the time hereinafter specified, to furnish to the principal registrar information with a view to obtaining an indorsement on the entry registering the birth of that person and the re-registering of the birth within three months after the date of the marriage.

(2) The failure of the parents or either of them, to furnish information as required by this section in respect of any legitimated person shall not affect the legitimation of that person.

(3) No fee for indorsement and re-registration under section 61 of this Act shall be charged if the necessary information for the purpose is furnished within the time specified in this section ; but in any other case there shall be charged in respect of the indorsement and re-registration the fee prescribed in the Nineteenth Schedule.

Savings provisions. 2335, 1936, s. 47.

63. (1) Every person legitimated pursuant to The Legitimation Act, 1898, or The Legitimation Amendment Act, 1902, shall, except for the purposes of subsection (1) of section 55 and subsection (1) of section 57 of this Act, be deemed to be a legitimated person for the purposes of this Part.

(2) If the parents of any illegitimate person have before the commencement of this Act, intermarried under such circumstances that upon registration as provided by either of the said Acts, that person would be legitimated upon the said registration, the said person shall be deemed to be legitimated upon the indorsement upon the entry of the birth and the re-registration of the birth in the manner provided by section 61 of this Act and that section shall, *mutatis mutandis*, apply to any application for indorsement and re-registration as aforesaid.

Certified copies of birth certificate. 2335, 1936, s. 48.

64. (1) Every certified copy of the entry relating to the birth of any person which is re-registered pursuant to this Part shall contain the particulars of the birth as so re-registered.

(2) Every certified copy of the entry relating to the birth of any person in respect of which any note or indorsement has been

made pursuant to The Legitimation Act, 1898, or The Legitimation Amendment Act, 1902, shall contain the particulars of the note or indorsement.

Application to adopted children. 2335, 1936, s. 49.

65. (1) Nothing in this Part shall in anyway affect the operation of the provisions of the Adoption of Children Act.

(2) If pursuant to any provision of the Adoption of Children Act, an order of adoption in respect of any person is discharged, the order shall, for the purposes of the application of this Part to the said person, be deemed never to have been made.

PART X.

PART X.

MISCELLANEOUS.

Index to be kept. 2335, 1936, s. 50.

66. (1) The principal registrar and every district registrar shall cause indexes of the registry books in his office to be made and kept with the other records of his office.

(2) Subject to subsection (3) of this section, every person shall be entitled at all reasonable hours to require those indexes to be searched, and to have a certified copy of, or extract from, any entry or entries in those register books under the hand of the principal registrar, the deputy registrar or district registrar on payment of the fees mentioned in the Nineteenth Schedule.

(3) The principal registrar, the deputy registrar or the district registrar may in any case he thinks fit, require the person seeking to have any such search made to disclose the reasons for the search and any other relevant matters and if the principal registrar, the deputy registrar or district registrar is of opinion that the search is required for improper reasons or that the person requiring the search has not proper reasons for making the search, he may refuse to allow the search or to issue any such certified copy or extract.

Certified copies to be evidence. 2335, 1936, s. 51.

67. (1) All certified copies of entries purporting to be under the hand and seal of the principal registrar, the deputy registrar or of any district registrar as aforesaid shall be received as *prima facie* evidence in any court of the birth, death or marriage, to which the same relates without any further or other proof of the entry.

(2) Upon a certificate being made by the principal registrar that the register of births, register of deaths, or register of marriages for any specified period, and for any particular

district is lost or destroyed, then and in all such cases the certificate of the principal registrar, under his hand and seal, shall be received as evidence in any court of the matter to which the same relates without further proof being required.

Correction of errors. 2335, 1936, s. 52.

68. (1) If the principal registrar is satisfied by declaration, or in any other manner he thinks fit, that any particular in any register of births, register of deaths, or register of marriages is incorrect, he may correct the register, which correction shall be signed by him and marked with the date upon which the correction is made.

If it is practicable so to do, the principal registrar may require the person by whom the information for the registration was furnished to countersign the correction or to sign a document in writing certifying that the correction is necessary to be made.

(2) If the principal registrar is satisfied that by any judgment of any court of competent jurisdiction it has been adjudged by the court that any particular in any register of births, register of deaths, or register of marriages, is not in accord with the judgment of the court relating to any such particular, he may alter the register to accord with that judgment, which alteration shall be signed by him and marked with the date upon which the alteration was made.

(3) Notice of any such correction or alteration shall be given by the principal registrar to the district registrar having custody of the register in which the birth, death or marriage is registered, and the district registrar shall indorse on the relative entry in the register a copy of the correction or alteration made as aforesaid by the principal registrar.

(4) If any certified copy or extract from any entry so corrected or otherwise altered or added to pursuant to this Act, is issued by the principal registrar, the deputy registrar, or a district registrar, the copy shall be of the entry as so corrected, altered, or added to : Provided that in any case in which the principal registrar thinks fit the certified copy shall be a copy of the original entry showing all alterations and additions made thereon pursuant to this Act or any repealed Act.

(5) The fees prescribed in the Nineteenth Schedule shall be paid upon any correction of entry being made pursuant to this section.

Forms. 2335, 1936, s. 53.

69. (1) Strict compliance with the prescribed forms shall not be required, but substantial compliance shall be sufficient for the purposes of this Act.

(2) Nothing in this Act shall prevent the acceptance by the principal registrar, a district registrar or assistant district registrar of information, certificates, notices, or applications in accordance with any form legally in use immediately before the commencement of this Act, or prevent the registration of any birth or death by virtue of any such information, certificate, notice or application.

Duty to supply information. 44, 1947, s. 16 (1).

70. It shall be the duty of every person furnishing particulars for the purpose of this Act to furnish particulars which are correct to the best of his knowledge and belief and, except as provided by this Act, the principal registrar, district registrar, or assistant district registrar, as the case may be, shall not be bound to inquire as to the accuracy of any information so furnished.

Penalties for failure to register. cf. 2335, 1936, s. 54.

71. Any person who—

(*a*) being a person obliged to register any birth, death or marriage, fails so to do within the time prescribed in this Act ;

or

(*b*) obtains the registration of the birth of any child, or the death or marriage of any person, contrary to this Act,

shall be guilty of an offence and liable to a penalty not exceeding forty dollars.

Penalty for burying body contrary to the Act. 2335, 1936, s. 55.

72. Any person who buries or otherwise disposes of any body in contravention of this Act, shall be guilty of an offence and liable to a penalty not exceeding forty dollars.

Penalty for giving false information. 2335, 1936, s. 56.

73. Any person who makes or causes to be made any false statement with respect to any particulars to be included in any register under this Act or in any information statement under this Act, shall be guilty of an offence and liable to a penalty not exceeding forty dollars unless he proves that the false statement was not made wilfully.

Offences of registrar. cf. 2335, 1936, s. 57.

74. If the principal registrar, the deputy registrar or any district registrar or assistant district registrar—

(*a*) omits or refuses without reasonable cause to register any birth, death or marriage in accordance with the provisions of this Act ;

or

(*b*) negligently registers false particulars in relation to any birth, death or marriage under this Act,

he shall be guilty of an offence and liable to a penalty not exceeding forty dollars.

Destruction or alteration or forgery of register. cf. 2335, 1936, s. 58.

75. (1) Any person who—

(*a*) wilfully destroys or injures or causes to be destroyed or injured, any register book, or any part or certified copy of any part thereof;

or

(*b*) falsely makes or counterfeits or causes to be falsely made or counterfeited, any part of any such register book or certified copy thereof;

or

(*c*) wilfully inserts or causes to be inserted, in any register book or certified copy thereof, any false entry of any birth, death or marriage;

or

(*d*) wilfully gives any false certificate;

or

(*e*) certifies any writing to be a copy or extract of any register book, knowing the same to be false in any part thereof:

or

(*f*) forges or counterfeits the seal or signature of the principal registrar, the deputy registrar, or any district registrar,

shall be guilty of an offence and liable to imprisonment for any term not exceeding three years.

(2) The principal registrar may impound and keep any certified copy of or extract from any registration of birth, death or marriage which has, subsequent to its issue, been altered or changed in any particular by any unauthorized person.

Regulations. 2335, 1936, s. 59.

76. The Governor may make regulations for and in relation to—

(*a*) the forms to be used in connection with this Act and the modification or variation of the forms in the schedules or the substitution of other forms for those forms;

(*b*) the fees to be charged for the performance of the several acts, matters, and things provided for in this Act in lieu of or in addition to the fees prescribed in the schedule ;

(*c*) the duties of district registrars and assistant district registrars ;

or

(*d*) such matters as are necessary or convenient to be prescribed for giving effect to this Act.

Power to take declaration. 2335, 1936, s. 60.

77. Any declaration required to be made under or pursuant to this Act may be taken before the principal registrar, the deputy registrar, or a district registrar or assistant district registrar, and the principal registrar, deputy registrar, and every district registrar and assistant district registrar is hereby authorized to take any such declaration.

Power to remit fees. 2335, 1936, s. 61.

78. The Minister may remit the whole or any part of any fee required to be paid pursuant to this Act.

Power to direct retention of fees. 2335, 1936, s. 62.

79. The Minister may from time to time by general or special direction, direct that the whole or any part of any fees paid pursuant to this Act to any district registrar or assistant district registrar may be retained by the district registrar or assistant district registrar. Any such direction may be revoked or varied by the Minister.

Summary proceedings. 2335, 1936, s. 63.

80. All proceedings for an offence against this Act shall be disposed of summarily.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.

SCHEDULES

THE FIRST SCHEDULE

Section 2.

ACTS REPEALED.

Number and Year of Act.	Title of Short Title.	Extent of Repeal.
No. 1755 of 1926	Notification of Births Act, 1926 ...	The whole
No. 2293 of 1936	Statute Law Revision Act, 1936 ...	So far as relates to the Notification of births and deaths.
No. 2335 of 1936	Births and Deaths Registration Act, 1936	The whole
No. 2325 of 1936	Marriage Act, 1936-1961	The whole
No. 21 of 1940	Births and Deaths Registration Act Amendment Act, 1940	The whole
No. 18 of 1941	Marriage Act Amendment Act, 1941	The whole
No. 11 of 1942	Births and Deaths Registration Act Amendment Act, 1942	The whole
No. 7 of 1944	Marriage Act Amendment Act, 1944	The whole
No. 44 of 1947	Births and Deaths Registration Act Amendment Act, 1947	The whole
No. 21 of 1950	Marriage Act Amendment Act, 1950	The whole
No. 21 of 1957	Marriage Act Amendment Act, 1957	The whole
No. 47 of 1959	Births and Deaths Registration Act Amendment Act, 1959	The whole
No. 30 of 1960	Births and Deaths Registration Acts Amendment Act, 1960	The whole
No. 31 of 1961	Marriage Act Amendment Act, 1961	The whole
No. 47 of 1962	Births and Deaths Registration Act Amendment Act, 1962	The whole

SECOND SCHEDULE

Section 13 (1).

District of..... No.....19

Child :—
- Surname .....
- Christian names.....
- Date of birth.....
- Place of birth.....
- Sex .....

Father :—
- Surname .....
- Christian names.....
- Age.....years
- Place of birth.....
- Occupation .....

Mother :—
- Surname .....
- Christian names.....
- Maiden surname .....
- Former married surname(s).....
- Age.....years
- Place of birth.....

Marriage of Parents :—
- Year of present marriage.....
- Number of previous issue—Living..... Deceased.....

Informant :—
- Name .....
- Description.....
- Residence .....
- Date of registration.....

FOR OFFICIAL USE ONLY.

Entered at the District General Registry Office this .....day of.....19

....

 District Registrar Pro *Deputy Registrar*

Section 13 (2)

THIRD SCHEDULE

District of..... No..... 19
Surname .....
Christian names.....
Date of death.....
Place of death .....
Date of burial, cremation or other disposal of body.....
Place of burial, cremation or other disposal of body.....
Sex.....
Age.....years
Occupation.....
Usual residence.....
Place of birth.....
Length of residence in Commonwealth.....years
Conjugal status.....
Age at first marriage.....years
Total issue—Living M. F. Deceased M. F.
Cause of death ..... Duration.....

Informant :—
Name .....
Description.....
Residence .....
Name of undertaker and address.....
Date of registration.....

FOR OFFICIAL USE ONLY

Entered at the District / General Registry Office this

.....day of.....19

....
District Registrar Pro *Deputy Registrar*

Section 14 (3)

FOURTH SCHEDULE

BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT, 1966.

Notification of Birth

(To be forwarded to the Principal Registrar, Box 1351 H, G.P.O., Adelaide, within seven days after the birth.)

(*a*) Was child born alive? .....
(*b*) Date of birth..... (*c*) Sex.....
(*d*) Place of birth.....
(*e*) Full names of mother.....
(*f*) Usual residence of mother .....
(*g*) Full names and usual residence of medical practitioner or other person in attendance
.....

Signature .....

SOUTH AUSTRALIA

BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT, 1966.

Section 15 (2)

FIFTH SCHEDULE.

Information Statement for Birth Registration

Live Births.

Child.

1. Surname .....
2. Christian name(s) .....
3. Date of birth .....
4. Place of birth .....
5. Sex .....

Father of Child

(Note that information regarding the father must not be furnished in the case of a child not born in lawful marriage UNLESS the person who acknowledges himself to be the father signs this form jointly with the mother.)

1. Surname .....
2. Christian name(s) .....
3. Date of birth of father...../...../.....Age last birthday at birth of child.....
4. Place of birth of father.....
5. Occupation .....

Mother of Child.

1. Present Surname .....
2. Christian name(s) .....
3. Maiden surname .....
4. Former married surnames (if any) 1 .....2.....
5. Date of birth of mother...../...../.....Age last birthday at birth of child.....
6. Place of birth of mother .....
7. Usual residence of mother .....

Marriage of Parents.

1. Date of marriage of parents .....
2. Place of marriage .....
3. Previous children of present marriage only—no other children to be included.
   Living—(*a*) Full names and dates of birth of such children as were alive at the date of birth of this child.
   Deceased—(*b*) Number of such children as were deceased at the date of birth of this child (exclude those not born alive or adopted).

Certification of Informant.

I certify that I have read the foregoing particulars and that the information is, to the best of my knowledge and belief, correct for the purpose of being inserted in the register of births. I hereby authorize the Principal Registrar or his officers to register the birth accordingly.

Signed by me this.....day of.....19

.....

Signature of Parent

Relationship to child .....

Full address .....

Certification by Father.

In case of child not born in lawful marriage.

I certify that I am the father of the child mentioned herein, that I have read the foregoing particulars and that the information is, to the best of my knowledge and belief, correct for the purpose of being inserted in the register of births. I authorize the Principal Registrar or his officers to register the birth accordingly.

Signed by me this.....day of.....19

.....

Signature of Father

SOUTH AUSTRALIA.

BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT, 1966.

Section 20 (1)

SIXTH SCHEDULE.

Declaration to be made on Late Registration of Birth

I,..... of.....
do solemnly and sincerely declare that a.....(male or female) child was born at.....on the.....day of..... 19 , and that the particulars now furnished for the registration of the said birth are the true particulars of the birth.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Oaths Act, 1936.

.....

Declared at.....this.....day of.....19

Before me

.....
Justice of the Peace.

SOUTH AUSTRALIA

BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT, 1966.

Section 29 (2)

SEVENTH SCHEDULE

Information Statement for Death Registration.

Particulars of Deceased.

1. Name of deceased—
   (*a*) Surname.....
   (*b*) Christian name(s) .....
2. Date of death...../...../.....
3. Place where death occurred.....
4. Intended date of burial or cremation...../...../.....
5. Intended place of burial or cremation.....
6. Sex..... Date of birth..../..../.... Age last birthday at date of death....
7. Usual profession or occupation.....
8. Usual residence.....
9. Birthplace of deceased.....
10. Length of residence in Australia.....years.
11. To be completed where deceased is UNDER 16 years of age at death :—
    (*a*) Father of deceased—
        Name and surname.....
        Profession or occupation.....
    (*b*) Mother of deceased—
        Name and surname.....
        Maiden surname.....
12. State whether deceased was bachelor, spinster, married, widowed or divorced.....

Particulars of Marriage and Issue.

(This part is to be completed if the deceased has been married at any time, whether or not the deceased was married at date of death).

Each subsequent marriage (if any). Specify Second, Third, etc.

13. Date of or age at first marriage.....
14. To whom married (1).....(2).....
15. Issue living at death of deceased (insert names and date of birth) :—
    (*a*) Issue of first marriage—

Males		Females	
Name	Date of Birth	Name	Date of Birth
.....		.....	

    (*b*) Issue of subsequent marriages. Specify second, third, etc.—
    .....
16. Issue not living (dates of birth are not necessary—insert names only) .....
    .....

Other Particulars.

Certification of Informant.

I certify that I have read the foregoing particulars and that the information is, to the best of my knowledge and belief, correct for the purpose of being inserted in the Register of Deaths.

Signed by me this.....day of.....19

.....

Signature of Informant.

.....

Description (occupier of building where death occurred, relationship to deceased, etc.)

.....

Address of Informant.

SOUTH AUSTRALIA

Births, Deaths and Marriages Registration Act, 1966.

EIGHTH SCHEDULE Section 31 (1)

DECLARATION TO BE MADE ON LATE REGISTRATION OF DEATH.

I,.....of .....

do solemnly and sincerely declare that the particulars furnished by me in the Information Statement with respect to the death of.....are correct, and that the death was not previously registered in consequence of.....

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Oaths Act, 1936.

Declared at.....this.....day of.....19

Before me—

.....

Justice of the Peace.

SOUTH AUSTRALIA

BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT, 1966.

NINTH SCHEDULE Section 22 (1)

Declaration of Additional or Altered name of Child.

We, / I, ... hereby declare that we are / I am the parents / the surviving parent of a male / female born on the.....day of.....19 , at.....

and whose birth was registered :

(*a*) without any Christian name

or

(*b*) with the Christian name(s) of .....

We / I hereby declare that We / I have named our said child .....

and request the Principal Registrar to :—

(*a*) enter the Christian name(s) of.....
in the appropriate column of the relevant registration, the names to read....
.....

(*b*) delete the Christian name(s) of.....
from the appropriate column of the relevant registration and add the Christian name(s) of.....
in lieu thereof, the names to read.....
Signature of father .....
Signature of mother .....

Declared at.....on the.....day of.....19

before me—

.....

Justice of the Peace.

In the case of a declaration by one parent only.

I,.....the mother / father of the above mentioned child hereby certify that the father / mother of the said child died at.....

.....on the.....day of.....19 .

Signature.....

SOUTH AUSTRALIA

BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT, 1966.

Section 24 (1)

TENTH SCHEDULE.

Instrument to Change a Person's Name.

I,.....of.....born at.....
.....on the.....day of.....19
do hereby—

(*a*) change my said name of.....to.....

(*b*) declare that as from this date I shall at all times, in all records, deeds and instruments, in all actions, suits and proceedings, in all dealings and transactions and upon all occasions use the name of.....
as my full name in place of the name of.....

(*c*) authorize and require all persons to designate and address me by the name of
.....

Dated the.....day of.....19

.....
Signature

Declared by the said.....
in the presence of—

.....
Justice of the Peace.

Signature in new name.....

SOUTH AUSTRALIA

BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT, 1966.

Section 24 (4)

ELEVENTH SCHEDULE.

Instrument changing Child's Surname.

We,
I, ...
of.....do solemnly and sincerely declare :—

1. That We are / I am the surviving parent of parents / mother .....
who was born at.....on the.....day of.....19
and whose birth is registered in the general register of births, book .....
page....., in the surname of.....

2. That the father / mother died at.....on the .....
day of.....19

2. That the father was not married to me at the birth of the abovenamed child.

3. That, whereas the said child consents, by signing this instrument, to his / her surname being changed to.....

We / I do, as from this day by this instrument, on our / my behalf as well as for and on behalf of our / my said child, absolutely renounce and abandon the use of our / my child's former surname of
.....
and do assume, in its place, the surname of.....

4. That We / I and our / my said child will at all times, in all records, deeds and instruments in all actions, suits and proceedings, in all dealings and transactions and upon all occasions, use and sign the name of.....as the surname of the child in place of the surname of.....so renounced and abandoned.

5. That We / I authorize and require all persons to designate and address our / my said child by the name of.....

I,.....being the father of the above named .....hereby declare the foregoing to be true and request the Principal Registrar to enter the surname of..... in the appropriate column of the relevent register of births.

Signed by the said.....in the presence of..... this.....day of.....19 .

.....
Justice of the Peace.

I,.....being the mother of the above named .....hereby declare the foregoing to be true and request the Principal Registrar to enter the surname of..... in the appropriate column of the relevant register of births.
Signed by the said.....in the presence of..... this.....day of.....19 .

.....
Justice of the Peace.
I,.....hereby consent to my surname being changed from.....to.....

.....
Signature of child.
Dated this.....day of.....19 .
Signed by the said.....in the presence of.....

SOUTH AUSTRALIA

BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT, 1966.

TWELFTH SCHEDULE. Section 24 (8)

Instrument changing child's surname.

I,..... of ..... do solemnly and sincerely declare :—

1. That I am the mother of..... who was born at.....on the.....day of.....19 , and whose birth is registered in the general register of births, book....., page....., in the surname of.....

2. That my marriage to....., the father of the said child was terminated by :—

(*a*) the death of the said father on the.....day of..... 19 , at.....

OR

(*b*) the dissolution of our marriage by decree of the Supreme Court of..... on the.....day of.....19 , and that custody of the said child was granted to me alone by order of the Supreme Court.

3. That on the.....day of.....19 , at..... I was married to.....

4. That, whereas my said child consents, by signing this instrument, to his/her surname being changed to..... and whereas my said husband also consents, I do, as from this day by this instrument on my behalf as well as for and on behalf of my said child, absolutely renounce and abandon the use of my child's former surname of..... and do assume in its place the surname of.....

5. That I and my said child will at all times, in all records, deeds and instruments, in all actions suits and proceedings, in all dealings and transactions and upon all occasions use and sign the name of.....as the surname of the child in place of the surname of.....so renounced and abandoned.

6. That I authorize and require all persons to designate and address my said child by the name of.....

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Oaths Act, 1936.

I,.....hereby request the Principal Registrar to enter the surname of.....in the appropriate column of the relevant register of births.

Dated this.....day of.....19

Signature of mother.....

I,.....being the husband of the above named .....hereby consent to her changing the surname of her son / daughter to .....

Dated this.....day of.....19

Signature of husband of mother .....

Signed by the said.....

in the presence of.....

I,.....hereby consent to my surname being changed to .....

Dated this.....day of.....19

Signature of child.....

Signed by the said.....

in the presence of.....

SOUTH AUSTRALIA

BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT, 1966.

Section 25 (1)
Section 39 (1)

THIRTEENTH SCHEDULE.

Medical Certificate of Cause of Perinatal Death

To be completed in respect of—

(i) a child not born alive, of at least 20 weeks gestation or 400 grammes weight

(ii) a live born child dying within twenty-eight days after birth

NOTE: Please √ in relevant boxes thus ☑

A. Particulars relating to Mother—

1. Full Name.....

2. Address of usual residence.....

3. Age last birthday.....years.

B. Particulars relating to Child—

4. Name, if given.....

5. Place of death.....

6. Sex: Male ☐ Female ☐ Indeterminate ☐

7. Time and Date of Birth.....*a.m./p.m. on.....of.....19...

8. This birth was: Single ☐ Twins ☐ Triplets ☐

9. Weight at birth.....grammes, or alternatively.....lb.....oz.

10. Period of gestation.....completed weeks from first day of last menstrual period to date of delivery.

11. Did heart beat cease—

(*a*) Before labour commenced ☐

(*b*) During labour but before delivery ☐

(*c*) Before delivery but not known whether before or during labour ☐

(*d*) After delivery ☐

(*e*) Not known whether before or after delivery ☐

12. If heart beat ceased before labour commenced, please estimate how long before .....hours, or.....days.

13. If heart beat ceased after delivery, please state time.....*a.m./p.m. and date.....

14. Cause of Death— PART I. State approximate interval between onset and death, if known.

A. Causes in Child or Foetus—

Disease or condition directly leading to death .....

due to } †
due to } †

† Morbid conditions, if any, giving rise to the above cause, stating the underlying condition last.

B. Maternal Conditions or Other Causes giving rise to the underlying cause in the child or foetus—

.....
due to.....

PART II.

Other significant conditions in child, foetus or mother contributing to the death but not related to the disease or condition causing it .....
.....

15. (*a*) Post mortem : *carried out ; *to be carried out ; *not to be carried out.

(*b*) If post mortem has been carried out, are the answers to question 14 based on the results ? *Yes/No.

Signature..... Date.....

Surname..... Address.....
(in BLOCK LETTERS)

*Strike out whatever is inapplicable.

SOUTH AUSTRALIA

BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT, 1966.

FOURTEENTH SCHEDULE. Sections 25 and 39

Notice of signing of Medical Certificate of Cause of Death.

I hereby give notice that I have this day signed :—

*(*a*) a Medical Certificate of the cause of death.

(*b*) a Medical Certificate of the cause of perinatal death.

concerning the death of.....
who died at.....
on the.....day of.....19 .

.....
Signature of Medical Practitioner.

Surname of Medical Practitioner .....
Address .....
Date.....

*Delete whichever is inapplicable.

SOUTH AUSTRALIA

BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT, 1966.

Sections 39 and 47

FIFTEENTH SCHEDULE

Medical Certificate of the Cause of Death.

Name of deceased.....

Died on the.....day of.....19 .

Age (as stated to me).....years last birthday. Sex.....

Cause of Death.

Approximate interval between Onset and Death.....

I. Direct Cause :—

Disease or condition directly leading to death*..... (*a*) Due to (or as a consequence of).....

Antecedent Causes.....(*b*) Due to (or as a consequence of).....

Morbid conditions, if any, giving rise to the above cause, stating the underlying condition last..... (*c*).....

II. Other Significant Conditions contributing to the death, but not related to the disease or condition causing it.

*This means the disease, injury, or complication which caused death—

NOT the mode of dying, for example, heart failure, asphyxia, asthenia, etc.

I hereby certify that I—

(*a*) was in medical attendance during the last illness of the abovenamed deceased ; or

(*b*) have made a post mortem examination of the body of the abovenamed deceased and that the particulars and cause of death above written are true to the best of my knowledge and belief.

Signature..... Date.....

Surname..... Address.....

(in BLOCK LETTERS)

SOUTH AUSTRALIA

BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT, 1966.

Sections 40 (1)

SIXTEENTH SCHEDULE

Certificate of Undertaker.

I,.....

of.....

hereby certify that on the.....day of.....19 ,

the body of.....

late of.....

who died at.....on.....19 ,

was *buried/*cremated at.....

Dated this.....day of 19

.....

Signature of Undertaker or other person carrying out the burial, cremation, or other disposal.

Countersigned—

.....

Clergyman or other person officiating at the burial, cremation, or other disposal.

or—

..... } *Witnesses present at the burial, cremation,*

..... } *or other disposal.*

*Delete word not required. If otherwise disposed of, state manner of disposal.

SOUTH AUSTRALIA.

BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT, 1966.

SEVENTEENTH SCHEDULE. Section 61 (1)

FORM No. 1.

BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT, 1966.

Declaration by Both Parents for Indorsement of Legitimation of Children.

We,....., of..... and.....

of....., do solemnly and sincerely declare as follows :—

1. We are the parents of a child named....., born on the.....

   day of....., at.....

2. We were married on the.....day of.....

   at.....

3. At the date of the said marriage, the said (*father of child*).....was domiciled in South Australia.

4. No legal impediment to our marriage existed at the time of the birth of the said child.

5. The said (*mother of the child*) had not before her said marriage to the said (*father of the child*) been married to any other person *or* the said (*mother of the child*) was before her said marriage to the said (*father of the child*) married on the .....day of.....to (*state name of previous husband*) which marriage was determined on the.....day of .....by (*state reason, whether death or divorce*).....

6. The documents hereunto annexed are a certificate of our marriage and a certificate of the birth of the said child.

7. We are desirous of having indorsed on the registration of the birth of the said child a note of the fact of the legitimation of the said child, and of having the birth of the said child re-registered.

And we make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths Act, 1936.

Declared at.....by the above-named

.....and .....

this.....day of.....

before me.....

FORM NO. 2.

BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT, 1966.

Declaration by One Parent for Indorsement of Legitimation of Child.

I,....., of....., do solemnly and sincerely declare as follows:—

1. I and.....of....., are the parents of the child named ....., born on the.....day of..... at.....
2. I and the said....., were married on the..... day of....., at.....
3. At the date of the said marriage (*state the father of the said child*).....was domiciled in South Australia.
4. No legal impediment to the said marriage existed at the time of the birth of the said child.
5. I *or* The said (*mother of the child*) had not before my (*or* her) said marriage to the said (*father of the child*) been married to any other person *or* I *or* The said (*mother of the child*) was before my (*or* her) said marriage to the said (*father of the child*) married on the.....day of.....to (*state name of previous husband*) which marriage was determined on the.....day of.....by (*state reason, whether death or divorce*).
6. Hereunto annexed are a certificate of the said marriage and a certificate of the birth of the said child.
7. The name of the said.....(*father of child*) has been entered in the registration of the birth of the said child in pursuance of particulars furnished by him, *or* The said.....was by an order of..... adjudged to be the father of the said child, *or* By an order of..... (*name the court*) made on the.....day of..... the said child was declared to be the legitimate child of me and the said.....
8. A certified copy of the order referred to in paragraph 7 hereof is hereunto annexed.
9. I am desirous of having indorsed on the registration of the birth of the said child a note of the fact of the legitimation of the said child, and of having the birth of the said child re-registered.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths Act, 1936.

Declared at.....by the above-named
.....this.....day of
.....before me.....

SOUTH AUSTRALIA

BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT, 1966.

EIGHTEENTH SCHEDULE

Section 61 (5)

FORM NO. 1.

BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT, 1966.

Application for Order of Special Magistrate for Indorsement of Legitimation.

To.....Esquire,
Special Magistrate.

We.....of.....
and.....of.....
do apply to you for an order for the indorsement of the legitimation and the re-registration of the birth of....., born on the.....day of.....,
at.....
Dated this.....day of.....

.....

.....
Signatures of Applicants.

FORM NO. 2.

BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT, 1966.

Order of Special Magistrate.

Application of.....for an order for the indorsement of the legitimation of.....

I,.....Esquire, Special Magistrate, being satisfied on proof—

(*a*) that.....of..... and
..... of .....
are the parents of a child.....
who was born on the.....day of
.....at .....

(*b*) that the said .....and the said.....
.....were married on the.....
day of.....at.....

(*c*) that at the date of the said marriage the said (*father of the child*).....was domiciled in South Australia :

(*d*) that at the date of the birth of the said.....
no legal impediment existed to the marriage of the said.....

(*e*) that the person referred to in the certificate of birth produced to me is the said .....and that the persons referred to in the said certificate of marriage are the said.....and the said
.....

I therefore order that there be indorsed on the registration of the birth of the said .....a note of the fact of the legitimation of the said.....
.....and that the birth of the said.....
be re-registered in manner provided by Part IX of the Births, Deaths and Marriages Registration Act, 1966.

Dated this.....day of.....

.....
Special Magistrate.

FORM NO. 3.

BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT, 1966.

Legitimation under the Provisions of the Marriage Act, 1961 *of the Commonwealth.*

Application of.....and.....for an order for the indorsement of the legitimation of.....

I,.....Esquire, Special Magistrate, being satisfied on proof—

(*a*) that.....of..... and .....of ..... are the parents of a child..... who was born on the.....day of .....19 at.....

(*b*) that the said.....and the said..... .....were married on the..... day of.....at.....

(*c*) that at the date of the said marriage the said .....was domiciled in Australia :

(*d*) that the person referred to in the certificate of birth produced to me is the said .....and that the persons referred to in the said certificate of marriage are the said.....and the said .....

I therefore order that there be indorsed on the registration of the birth of the said .....a note of the fact of the legitimation of the said..... .....and that the birth of the said..... be re-registered in manner provided by Part IX of the Births, Deaths and Marriages Registration Act, 1966.

Dated this.....day of.....19 .

.....
Special Magistrate.

SOUTH AUSTRALIA

BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT, 1966.

NINETEENTH SCHEDULE.

SCHEDULE OF FEES.

	$
Certified copy under seal of registration of any birth, death or marriage	1.00
Extract from registration of any birth, death or marriage	0.50
Registration of birth after 60 days and within six months	0.50
Registration of birth or death after six months	2.00
Correction of birth, death or marriage registration.....	1.00
Registration of additional or altered name.....	1.00
Deposit of instrument changing name under Section 24	2.00
Endorsement of change of name on registration	2.00
Endorsing legitimation registration of birth and re-registration of birth after three months from date of marriage	1.00

ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

****

No. 17 of 1967

An Act to amend the Road Traffic Act, 1961-1966.

[*Assented to 13th April*, 1967.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short titles.

1. (1) This Act may be cited as the "Road Traffic Act Amendment Act (No. 3), 1966-1967".

(2) The Road Traffic Act, 1961-1966, as amended by this Act may be cited as the "Road Traffic Act, 1961-1967".

(3) The Road Traffic Act, 1961-1966, is hereinafter referred to as "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment of principal Act, s. 5—Interpretation.

3. Section 5 of the principal Act is amended—

(*a*) by inserting the following new definition before the definition of "animal" therein:—

"air-cushioned vehicle" means a motor vehicle (commonly known as a ground effect machine or 'hovercraft') which is supported during operation, above land or water, by air vertically displaced by means of the power plant of the vehicle:;

(*b*) by striking out the definition of "carriageway" therein and inserting in lieu thereof the following definition:—

"carriageway" means a portion of a road improved, designed or ordinarily used for

vehicular traffic, and includes the shoulders and areas at the side or centre of the carriageway used for the standing or parking of vehicles (including parking embayments) and, if a road has two or more of such portions divided by a dividing strip or strips, 'carriageway' means each portion separately : ;

(*c*) by striking out the definition of "cross-over" therein and inserting in lieu thereof the following definition :—

"cross-over" means a vehicular track which passes through a dividing strip and gives access from one carriageway to another but does not include any such track which is a continuation or part of a road intersecting or joining a divided road : ;

and

(*d*) by inserting after the word "thoroughfare" in paragraph (*a*) of the definition of "road" therein the passage "including every carriageway, footpath, dividing strip and traffic island therein".

Amendment of principal Act, s. 24—General provisions as to traffic control devices.

4. Section 24 of the principal Act is amended by inserting after the word "construct" therein the passage ", install".

Amendment of principal Act, s. 31—Removal of certain lights, signs and devices.

5. Section 31 of the principal Act is amended by inserting after the word "light" wherever it occurs in subsection (2) therein the passage ", device," in each case.

Amendment of principal Act, s. 32—Speed zones.

6. Section 32 of the principal Act is amended by striking out subsections (2) and (3) therein and inserting in lieu thereof the following subsections :—

(2) The Board may at any time fix a speed limit for any zone and that speed limit shall be indicated by signs erected in accordance with this section.

(3) The signs shall be placed at or near the beginning and end of the zone and shall comply with such requirements as to size, design, markings, location and other matters as are prescribed by regulations.

(3a) Where the Board has fixed a speed limit for any zone under this section any person who is aggrieved by the decision of the Board may request the Board to give reasons for its decision in fixing such a speed limit in that zone and the Board shall comply with any such request.

(3b) The said person may within twenty-eight days after receipt of the Board's reasons apply to the Board to vary or remove the speed limit in that zone. Upon such a request the Board—

(*a*) shall give the person an opportunity of submitting information and arguments ;

(*b*) may obtain further relevant information ;

(*c*) shall reconsider its previous decision ;

and

(*d*) shall report to the Minister who may affirm, vary or reverse that decision.

(3c) Before affirming, varying or reversing a decision of the Board under this section the Minister shall give the Board and such person an opportunity of making representations to him thereon.

(3d) Where the Minister affirms the decision of the Board, the speed limit fixed by the Board shall be the speed fixed for that zone, but where the Minister varies or reverses the decision of the Board, the speed fixed by the Minister for that zone shall be the speed fixed for that zone.

Amendment of principal Act, s. 40—

Exemption of fire, ambulance and police vehicles.

7. Section 40 of the principal Act is amended by striking out the passage "right of" in paragraph (*c*) of subsection (2) thereof.

Amendment of principal Act, s. 51—

Speed of vehicles carrying pillion passengers.

8. Section 51 of the principal Act is amended—

(*a*) by inserting after the words "motor bicycle" in subsection (1) thereof the passage ", with or without a sidecar attached thereto," ;

(*b*) by striking out paragraph (*a*) of subsection (1) thereof ;

and

(*c*) by striking out the words "thirty-five" in paragraph (*b*) of subsection (1) thereof and inserting in lieu thereof the word "forty-five".

Enactment of s. 53a of principal Act—

Speed limit for motor buses and trailers.

9. The following section is enacted and inserted in the principal Act after section 53 thereof :—

53a. (1) A person shall not drive a vehicle which is carrying or has seating accommodation for more than eight passengers at a greater speed than fifty miles per hour.

Penalty : One hundred dollars.

(2) It shall be a defence to a charge of an offence under subsection (1) of this section if the defendant satisfies the court that the speed at which the vehicle was driven was not dangerous having regard to all the relevant circumstances.

Amendment of heading appearing before s. 62 of principal Act.

10. The heading "*Right of Way*" appearing immediately before section 62 of the principal Act is struck out and the following heading is inserted in lieu thereof :—

Giving Way.

Amendment of principal Act, s. 62—Meaning of "give way".

11. Section 62 of the principal Act is amended by striking out the passage "the right of" therein.

Amendment of principal Act, s. 63—Giving Way at intersections.

12. Section 63 of the principal Act is amended—

(*a*) by striking out subsection (1) thereof and inserting in lieu thereof the following subsection :—

(1) Except as provided in sections 64 and 72 of this Act, the driver of a vehicle which has entered or is approaching an intersection or junction from a carriageway shall give way to any other vehicle on his right.

Penalty : One hundred dollars.

(*b*) by striking out in subsection (2) thereof the passage "the right of" ;

and

(*c*) by striking out the passage "give the right of way" in subsection (6) thereof and inserting in lieu thereof the passage "give way".

Repeal and re-enactment of s. 64 of principal Act—Giving Way at Give Way signs.

13. Section 64 of the principal Act is repealed and re-enacted as follows :—

64. Notwithstanding the provisions of section 63 and section 72 of this Act, a driver approaching a "Give Way" sign in or near an intersection or junction from the direction in which the sign is facing shall give way to any other vehicle approaching or in the intersection or junction.

Penalty : One hundred dollars.

Amendment of principal Act, s. 65—Giving Way at crossovers.

14. Section 65 of the principal Act is amended by striking out the passage "the right of" therein.

15. Section 66 of the principal Act is amended by striking out the passage "the right of" in subsection (1) thereof.

Amendment of principal Act, s. 66—Giving Way when vehicle enters road from private land.

16. Section 67 of the principal Act is amended by striking out the passage "the right of" in subsection (1) thereof.

Amendment of principal Act, s. 67—Giving Way at pedestrian crossings.

17. Section 68 of the principal Act is amended by striking out the passage "the right of" therein.

Amendment of principal Act, s. 68—Turning vehicles to give way to pedestrians.

18. Section 69 of the principal Act is amended by striking out the passage "the right of" therein.

Amendment of principal Act, s. 69—Driving from edge of carriageway.

19. Section 72 of the principal Act is amended—

Amendment of principal Act, s. 72—Turning vehicles to give way.

(*a*) by inserting at the beginning of subsection (1) thereof the passage "Except as provided in section 64 of this Act,";

and

(*b*) by striking out the passage "the right of" in subsection (1) thereof.

20. Section 74 of the principal Act is amended—

Amendment of principal Act, s. 74—Signals for right turns stops and slowing down.

(*a*) by inserting after subsection (1) thereof the following subsections:—

(1a) On and after the first day of July, 1968, a driver shall not diverge to the left or turn his vehicle to the left unless he gives an appropriate signal as prescribed by or pursuant to this section.

Penalty: One hundred dollars.

(1b) If the Board is satisfied that, by reason of the historical character of a vehicle or class of vehicle or for any other reason, it is impracticable or unnecessary for a signal to be given by the driver of such a vehicle as required by subsection (1a) of this section, it may, by writing signed by the Secretary of the Board or by notice published in the *Gazette*, exempt the driver of that vehicle or of any vehicle of that class from compliance with the provisions of subsection (1a) of this section.;

(*b*) by striking out paragraph (*b*) of subsection (2) thereof;

and

(*c*) by inserting after subsection (2) thereof the following subsections :—

(2a) An appropriate signal for diverging to the left or turning to the left is a signal for so doing given in a manner prescribed by the regulations and by means of a device complying with the regulations.

(2b) An appropriate signal by the rider of a bicycle for diverging to the left or turning the vehicle to the left is to extend his left arm horizontally from the left side of the vehicle with the palm facing to the front and the fingers extended.

Amendment of principal Act, s. 78—Duty at stop signs.

21. Section 78 of the principal Act is amended by striking out the passage "the right of" in subsection (4) thereof.

Enactment of s. 82a of principal Act—

22. The following section is enacted and inserted in the principal Act after section 82 thereof :—

Council not to authorize angle-parking on a road without Board's approval.

82a. (1) Notwithstanding the proviso to subsection (1) of section 82 of this Act a council shall not by by-law, resolution, or otherwise, authorize a vehicle to stand at any angle on any road unless the council obtains the prior approval of the Board therefor.

(2) Where the Board is of the opinion that the standing of vehicles at any place at an angle in accordance with a by-law or resolution of a council is causing or is likely to cause a hazard to traffic, the council shall, at the request of the Board, revoke or rescind the by-law or resolution or amend it in a manner approved by the Board.

Amendment of principal Act, s. 94a—Portion of body protruding from vehicle.

23. Section 94a of the principal Act is amended—

(*a*) by inserting after the passage "travelling in" in subsection (1) thereof the passage "or on" ;

(*b*) by inserting after the words "motor vehicle" in subsection (1) thereof the passage "other than a motor bicycle" ;

and

(*c*) by inserting the following subsections after subsection (2) thereof :—

(2a) If the Board is satisfied that reasonable cause exists for doing so, it may grant a permit permitting a vehicle to be used without compliance with any of the provisions of this section.

(2b) Any such permit may be general, conditional or restricted as to time, place and circumstances and shall render lawful anything done in accordance therewith.

Repeal of s. 115 of principal Act

24. Section 115 of the principal Act is repealed.

Amendment of principal Act, s. 141— Width of vehicles.

25. Section 141 of the principal Act is amended—

(*a*) by striking out the words "four and a half" in subparagraph (i) of paragraph (*b*) of subsection (4) thereof and inserting in lieu thereof the word "six";

and

(*b*) by striking out the passage "and that mirror or device is five feet or more above the level of the ground" in subparagraph (ii) of paragraph (*b*) of subsection (4) thereof.

Amendment of principal Act, s. 146— Maximum axle weights.

26. Section 146 of the principal Act is amended by striking out the passage "on that axle must not exceed eight tons" in subsection (2) thereof.

Amendment of principal Act, s. 160— Defect notices.

27. Section 160 of the principal Act is amended—

(*a*) by inserting after subsection (2) thereof the following subsection :—

(2a) A member of the police force may, at any time when any premises where vehicles are exhibited or kept for sale are open for business, enter into or upon those premises and, if he is of opinion that any vehicle exhibited or kept for sale therein does not comply with any one or more of the requirements of this Act or for any reason cannot be safely driven on roads, he may give to the owner or person in charge of the vehicle a direction referred to in subsection (2) of this section. ;

(*b*) by inserting after the passage "subsection (2)" in subsection (3) thereof the passage "or subsection (2a)";

(*c*) by inserting after the word "section" in subsection (3) thereof the passage "and no person shall hinder or prevent a member of the police force from acting in exercise of the powers conferred on him by this section";

(*d*) by inserting after the word "road" in paragraph (*b*) of subsection (5) thereof the passage "or sold or otherwise disposed of";

(*e*) by striking out from subsection (6) thereof the passage "a vehicle" secondly occurring and inserting in lieu thereof the passage "or permit a vehicle to be driven or";

(*f*) by inserting after the word "road" in subsection (6) thereof the passage "or sell or otherwise dispose of a vehicle";

and

(*g*) by inserting after subsection (6) thereof the following subsection:—

(6a) It shall be a defence to a charge under subsection (6) of this section of having sold or otherwise disposed of a vehicle contrary to the terms of a defect notice if the defendant satisfies the court that at the time of the sale or disposal he had reason to believe that the vehicle was not intended to be used on a road after such sale or disposal.

Enactment of s. 161a of principal Act—

28. The following section is enacted and inserted in the principal Act after section 161 thereof:—

Driving of hovercraft prohibited without consent of Board.

161a. A person shall not drive an air-cushioned vehicle on or over a road without the approval of the Board.

Penalty: One hundred dollars.

Enactment of s. 162c of principal Act—

29. The following section is enacted and inserted in the principal Act after section 162b thereof:—

Safety helmets.

162c. (1) A person shall not, after the thirty-first day of December, One thousand nine hundred and sixty-seven, drive or ride on a motor bicycle, with or without a sidecar attached, at a speed exceeding fifteen miles per hour, unless that person is wearing a safety helmet of a type approved by the Board.

Penalty: Twenty dollars.

(2) The provisions of subsection (1) of this section shall not apply to a person who is carried in a sidecar that is attached to a motor bicycle.

(3) The Board shall, by notice published in the *Gazette*, specify the type or types of safety helmet approved by the Board for the purposes of subsection (1) of this section.

Amendment of principal Act, s. 175—Evidence.

30. Subsection (3) of section 175 of the principal Act is amended by inserting after paragraph (*ba*) thereof the following paragraph :—

(*bb*) a document produced by the prosecution and purporting to be signed by the Warden of Standards or the Officer-in-Charge of Testing, Civil Engineering Testing Laboratories of the University of Adelaide and certifying that any weighbridge or weighing instrument had been tested on a day mentioned therein, such day being within twelve months after the date of the offence, and was shown by the test to be accurate to the extent indicated in the document, shall be *prima facie* evidence that at the time of the offence the weighbridge or weighing instrument, as the case may be, was accurate to the extent indicated in the document.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.

ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

****

No. 18 of 1967

An Act to make provision for the safety and welfare of persons engaged on building and other works and for other purposes.

[*Assented to 13th April*, 1967.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short title and commencement.

1. This Act may be cited as the "Construction Safety Act, 1967", and shall come into operation on a day to be fixed by the Governor by proclamation.

Repeal.

2. (1) The Acts mentioned in the First Schedule are hereby repealed.

(2) The regulations made under the Acts repealed by this Act are hereby repealed.

Application of Act.

3. (1) This Act shall apply within—

(*a*) the portions of the State set forth in the Second Schedule ;

and

(*b*) every portion of the State in which the Governor by regulation declares that it shall apply.

(2) The Governor may by regulation declare that this Act shall cease to apply within any portion of the State except those portions set forth in paragraphs (1), (2) and (3) of the Second Schedule and thereupon this Act shall cease to apply to that portion of the State.

4. In this Act, unless the contrary intention appears— Interpretation.

"building work" means work in constructing, erecting, adding to, altering, repairing, equipping, finishing, painting, cleaning, signwriting or demolishing which, when done in relation to a building or structure, is done at or adjacent to the site thereof and which, when done in relation to a ship or other floating structure, includes the construction of a ship or floating structure and all work which is done on or adjacent to a ship or other floating structure in a dock or on a slip or at a wharf:

"Chief Inspector" means the Chief Inspector of Construction Safety referred to in section 6 of this Act:

"compressed air work" means work performed below ground level or under water where any person is required to perform work under an air pressure greater than that of the atmosphere:

"excavation work for a building or structure" means work in or in connection with excavating, shaft sinking or tunnelling carried out at or adjacent to the site of any building work and in conjunction therewith:

"explosive powered tool" means a tool by which a projectile may be driven against, into, or through, any substance by means of an explosive charge, and includes every attachment to and accessory of such a tool and every device used or adapted or intended to be used therewith, but does not include a firearm as defined in the Firearms Act, 1958, or a pistol as defined in the Pistol Licence Act, 1929:

"gear" includes ladder, plank, rope, chain, coupling, fastening, fitting, hoist-block, pulley, hanger, sling, brace or other movable contrivance of a like kind used or intended to be used on or in connection with work to which this Act applies:

"hoisting appliance" means any appliance or contrivance used or capable of being used for raising, lowering, handling or transporting loads in like manner on or in connection with any work to which the Act applies:

"inspector" means any Inspector of Construction Safety appointed under this Act and includes the Chief Inspector:

"light duty work" means work involving the use of a plank or planks supported on step ladders or trestle ladders on which plank or planks at any one time not more than two persons work and the weight of tools and materials does not exceed fifty pounds:

"Minister" means the Minister of Labour and Industry:

"power driven equipment" means equipment that is driven or worked by compressed air, internal combustion, electricity or any other power, not being human or animal power; and includes any electrical equipment and wiring associated therewith, and any explosive powered tool; but does not include any hoisting appliance:

"principal contractor" means—

(*a*) a person who has undertaken or agreed to carry out any work to which this Act applies;

or

(*b*) if there is no such person as mentioned in paragraph (*a*) in relation to the work, a person who has undertaken or agreed to procure the carrying out of any work to which this Act applies;

or

(*c*) if there is no such person as mentioned in paragraphs (*a*) and (*b*) in relation to the work, a person who has arranged with or procured directly or indirectly any other person to carry out (whether on behalf of such first named person or any other person whatsoever) any work to which this Act applies;

or

(*d*) if there is no such person as mentioned in paragraph (*a*) or (*b*) or (*c*) in relation to the work, a person who employs any person to carry out any work to which this Act applies:

"rigger" means an adult employee who is responsible for the rigging involved in the erection, placing in position, or dismantling of structural steel, plant, buildings, material, equipment and the like (other than scaffolding) and the safety of such operations, when

the erection of tackle involving the use of wire rope, fibre rope or any other gear for lifting or moving is required in connection with such erection, placing in position or dismantling :

"scaffolding" means any structure, framework, swinging stage, suspended scaffolding or boatswain's chair of a temporary nature, used or intended to be used for the protection, support, or safety of workmen engaged in or in connection with building work, and includes any scaffolding constructed as such, whether or not it is being used as scaffolding :

"Secretary for Labour and Industry" means the person for the time being holding the office of Secretary for Labour and Industry under appointment by the Governor or the person so appointed to perform the duties of the Secretary for Labour and Industry for the time being :

"shoring" means any material or equipment used for the temporary support of any building or structure or part thereof or of any excavation work :

"workman" means any person working for reward whether as an employee, contractor or sub-contractor, but in the case of any person working on a ship, does not include any member of the crew of the ship.

Work to which Act applies.

5. (1) For the purposes of this Act the expression "work to which this Act applies" means—

(*a*) any building work on which any hoisting appliance or any scaffolding is used or is intended to be used ;

(*b*) the demolition of any building or structure or part of a building or structure the height of which exceeds twenty feet above ground level ;

(*c*) any excavation work for a building or structure which excavation exceeds a depth of four feet measured from the top of the excavation ;

(*d*) any compressed air work done in connection with building work when any hoisting appliance or scaffolding or explosive is used or is intended to be used ;

and

(*e*) any other work declared by the Governor by proclamation pursuant to subsection (2) of this section to be work to which this Act applies,

on which workmen are engaged or required to work.

(2) The Governor may from time to time by proclamation declare any work of or in connection with an excavation or tunnel to be work to which this Act applies and may revoke any such proclamation: Provided that no such proclamation shall be made in respect of any works within the meaning of the Mines and Works Inspection Act, 1920-1966.

Appointment of inspectors.

6. (1) The Chief Inspector appointed under Part VI of the Industrial Code, 1920-1966, shall be the Chief Inspector of Construction Safety.

(2) The Governor may appoint suitable persons to be Inspectors of Construction Safety under this Act.

Notice of intention to carry out work.

7. (1) The principal contractor in respect of any work to which this Act applies shall at least twenty-four hours before such work is commenced—

(*a*) give, either personally or through some other person acting on his behalf, notice in writing to the Secretary for Labour and Industry stating the place and date on which it is intended to commence such work and such other particulars as may be prescribed;

and

(*b*) pay to the Secretary for Labour and Industry the prescribed fee.

Penalty: One hundred dollars.

(2) It shall be a defence to a charge of any offence against this section to prove that owing to emergency arising from damage caused by earthquake, lightning, explosion, collision, fire, rain, flood or storm it was not practicable to give the notice or pay the fee at least twenty-four hours before the work was commenced and that the notice was given and the prescribed fee was paid as soon as practicable.

(3) Notwithstanding any provision of this Act no notice shall be required to be given for the erection or use of any scaffolding or hoisting appliance in connection with the cleaning or painting of any ship or other floating structure.

(4) Upon conviction for an offence involving failure to pay the prescribed fee, the court shall order payment of the prescribed fee to the Secretary for Labour and Industry in addition to any penalty imposed.

(5) Notwithstanding anything hereinbefore contained, and notwithstanding that no notice as required by subsection (1) of this section was given, payment of the prescribed fee may be recovered by the Secretary for Labour and Industry in any court of competent jurisdiction.

(6) This section shall not apply in respect of—

(*a*) any scaffolding or hoisting appliance used by a person in the regular employment of the occupier of a factory which is registered under Part V of the Industrial Code, 1920-1966, or under the Country Factories Act, 1945-1965, or to any gear or power driven equipment used in connection with such scaffolding or hoisting appliance, if such scaffolding or hoisting appliance, as the case may be, is wholly within that factory, and is used solely in connection with repairs to or the cleaning or maintenance of that factory ;

or

(*b*) any building work on which the only scaffolding consists of a structure or framework of step ladders and planks or trestle ladders and planks used for light duty work and on which workmen are not required to work at a height of more than ten feet above ground level or floor level.

Requirements for scaffolding, gear, etc.

8. (1) All scaffolding, gear, hoisting appliances, power driven equipment and shoring used for or in connection with any work to which this Act applies—

(*a*) shall comply with such requirements as are prescribed in relation thereto, which requirements may refer to or incorporate any standard of the Standards Association of Australia ;

and

(*b*) shall be set up, erected, maintained and used in accordance with such requirements as are prescribed.

(2) The principal contractor, or some person acting on his behalf, shall ensure that all working places on or about which work to which this Act applies is being undertaken by him or on his behalf are maintained in a safe and orderly condition.

(3) The principal contractor and every employer who has undertaken any work to which this Act applies shall—

(*a*) do all such things as are necessary to ensure that the provisions of this Act are complied with ;

and

(*b*) take all reasonable precautions to ensure the safety of workmen engaged on such work.

Penalty : One hundred dollars.

Appointment of safety supervisors.

9. (1) In any place where more than twenty workmen at any one time perform work to which this Act applies, the principal contractor shall, within twenty-four hours after the commencement of such work, appoint or cause to be appointed in writing one or more persons to be a safety supervisor.

Penalty : One hundred dollars.

(2) The principal contractor, or some person acting on his behalf, shall place or cause to be placed the name of the appointed safety supervisor or supervisors on a notice board on the site within twenty-four hours after every such appointment is made.

Penalty : Fifty dollars.

(3) No such appointment shall comply with the provisions of this section unless the person appointed—

(*a*) is experienced in the work being performed ;

and

(*b*) has the qualifications prescribed, or is certified by the Chief Inspector to be qualified as a safety supervisor for the purposes of the work being performed.

(4) Every safety supervisor appointed in accordance with this section shall exercise the general supervision of the observance of the requirements of this Act and of promoting the safe conduct of the work generally.

(5) Other duties may be assigned by an employer to a safety supervisor so appointed, provided that such other duties shall not be such as to prevent him from exercising his duties as safety supervisor.

(6) Nothing in this section shall be construed to prevent the same person or persons being appointed as safety supervisor or safety supervisors for a group of sites on which work to which

this Act applies is being undertaken, or to prevent two or more principal contractors from jointly appointing the same person or persons as safety supervisor or safety supervisors, nor to changing the person or persons appointed as a safety supervisor at any particular place.

Protective equipment.

10. (1) Every employer shall provide for his employees while they are engaged on work to which this Act applies such protective equipment as may be prescribed, subject to such conditions as may be prescribed.

(2) No employee shall fail to wear or use such protective equipment so provided.

(3) Every employer shall, where natural lighting is insufficient, provide adequate artificial lighting for illuminating the site of any work to which this Act applies and regulations may be made with respect to such artificial lighting.

(4) No employee shall remove any safety equipment provided in accordance with the regulations or fail to carry out such protective or safety measures as are required of him by the regulations or act in such a way as to render ineffective any safety or protective measures provided by his employer in accordance with the regulations.

Penalty for any breach of this section : One hundred dollars.

Provision of amenities.

11. The principal contractor or some person acting on his behalf shall provide such of the following which shall comply with such regulations as to kind, standard, quantity or other conditions as may be prescribed for workmen engaged on any work to which this Act applies, when more than the prescribed number (or numbers) of workmen are engaged on that work on any particular site—

(1) Wholesome drinking water.

(2) Washing facilities.

(3) Accommodation for meals, clothing and tools.

(4) Sanitary conveniences.

(5) First aid equipment.

(6) Appliances for the prevention and extinction of fire.

Penalty : One hundred dollars.

Duty to keep copy of Act and regulations.

12.—

(*a*) Every employer when carrying out work to which this Act applies shall provide and keep at his principal place of business;

and

(*b*) In any case where more than twenty workmen are employed at any one time on any work to which this Act applies the principal contractor shall provide and keep on the site where the work is being carried on,

a copy of this Act and the regulations so as to be available for inspection by any of his workmen at all reasonable times.

Penalty: Fifty dollars.

Special provision for rigging operation.

13. (1) On and after the expiration of a period of one year from the date of the commencement of this Act, wherever work to which this Act applies is being undertaken, no employer shall cause or permit any person to perform any work which involves the lifting, lowering, moving, placing in position or dismantling of structural steel, plant, material or equipment (other than scaffolding) unless a person who holds a current certificate as a rigger is in charge of such work: Provided that this subsection shall apply only in any case where the structural steel, plant, material or equipment (other than scaffolding) concerned—

(*a*) exceeds two thousand pounds in weight;

or

(*b*) is to be lifted, moved, placed into position or dismantled to or at a height which is more than twenty-five feet above the horizontal plane from which the load is to be moved;

or

(*c*) is to be lowered, moved or placed into position at a level more than fifteen feet below the horizontal plane from which the load is to be moved.

Penalty: One hundred dollars.

(2) An application for a certificate as a rigger shall be made to the Chief Inspector in the manner prescribed and the Chief Inspector shall issue such a certificate to any person who has complied with the regulations relating thereto.

(3) The class or classes of certificates to be issued to riggers, the form and duration of such certificates, the issue of interim certificates, the terms and conditions upon which and the circumstances in which any such certificates may be issued, held, suspended, cancelled, altered, extended, removed or

replaced, the fees payable in respect thereof, the qualifications, standards and other requirements required of applicants for such certificates, the examination or testing of such applicants and the fees payable in respect of such examination or testing shall be as prescribed.

Report of accidents.

14. (1) This section shall apply to every accident which occurs during the course of work to which this Act applies and—

(*a*) which causes loss of life to any person ;

or

(*b*) which incapacitates a person for work in the course of his ordinary employment ;

or

(*c*) in which any load bearing part of any scaffolding, gear, hoisting appliance or shoring is broken, distorted or damaged.

(2) Whenever an accident to which this section applies occurs, being an accident of a kind referred to in paragraph (*a*) or paragraph (*b*) of subsection (1) of this section, the employer of the workman injured in the accident (and in the case of persons other than workmen, the principal contractor) shall keep for a period of not less than three years a record relating to the accident containing such of the particulars referred to in paragraph (*d*) of subsection (4) of this section as are appropriate, and in the case of any such accident which causes loss of life or incapacitates a person for three days or more, the employer shall send written notice thereof to the Chief Inspector.

(3) Whenever an accident to which this section applies occurs, being an accident of a kind referred to in paragraph (*c*) of subsection (1) of this section, the person who at the time of the accident was controlling the use of the scaffolding, gear, hoisting appliance or shoring in connection with which the accident occurred shall send or cause to be sent written notice thereof to the Chief Inspector.

(4) A notice under subsection (2) or subsection (3) of this section shall—

(*a*) if a death occurs as a result of the accident, be sent immediately after the person responsible for sending the notice becomes aware of such death ;

(*b*) if the accident incapacitates a person for three days or more, be sent within twenty-four hours after the person responsible for sending the notice becomes aware of the fact that the incapacitated person has been or will be incapacitated for three days or more ;

(*c*) in all other cases, be sent as soon as possible, but within twenty-four hours after the person responsible for sending the notice or causing it to be sent, as the case may be, becomes aware of the occurrence of the accident;

and

(*d*) state the cause of death or the cause and nature and extent of the injuries sustained by any person, or of the breaking, distortion or damage, as the case may be, the name and residence of any person killed or injured, and such other particulars as may be prescribed.

(5) After the occurrence of an accident to which this section applies a person shall not use, remove, repair or alter the scaffolding, gear, hoisting appliance or shoring in connection with which the accident occurred without the written permission of the Chief Inspector.

(6) Notwithstanding the provisions of subsection (2) of this section, whenever an accident to which this section applies occurs as a result of electric shock or as a result of a workman being overcome by any gas, vapour or fumes, the employer of the injured workman shall, irrespective of the period of incapacity, send written notice of the accident to the Chief Inspector as soon as possible but within twenty-four hours after the person responsible for the sending of the notice becomes aware of the accident.

(7) Any person who contravenes or fails to comply with any of the provisions of this section shall be guilty of an offence and be liable to a penalty not exceeding one hundred dollars.

Powers of inspectors.

15. (1) If it appears to an inspector that on any work to which this Act applies—

(*a*) the use or operation on any such work of any scaffolding, gear, shoring, hoisting appliance or power driven equipment would be dangerous to life or limb of any person;

or

(*b*) any scaffolding, gear, shoring, hoisting appliance or power driven equipment does not comply with or is not set up, erected, maintained or used in accordance with the requirements prescribed by the regulations,

the inspector shall give such directions in writing to the owner or person in charge of the scaffolding, gear, shoring, hoisting

appliance or power driven equipment, as the inspector considers necessary for preventing accidents or for ensuring or securing compliance with those requirements and specifying the time within such directions shall be complied with and the owner or person in charge as the case may be shall carry out those directions within the time so specified.

(2) If it appears to an inspector that, on any work to which this Act applies or in any other work in connection or in conjunction therewith, any person whether engaged on such work or not is exposed or is likely to be exposed to a risk of injury from falling, or from being struck by falling or moving material or from any other potential hazard, and that it is reasonable and practicable to protect any person from such risk by a fence, guard, screen, net, rope, scaffolding or other precautions, or by the supply to a workman and use by him of protective equipment, he shall give such directions in writing as he considers necessary to the principal contractor, or, if the principal contractor is not on the site where the work is being carried out at the time, to the person carrying out or in charge of the work, to take such precautions as the inspector considers necessary and within the time specified by the inspector for the purpose of removing or reducing such risk.

(3) Whenever any inspector gives any directions as aforesaid, he shall also, if he considers it necessary, at the same time or subsequently, order any persons forthwith to cease to use, or work in connection with any scaffolding, gear, shoring, hoisting appliance or power-driven equipment, or in the case of directions given under subsection (2) of this section to cease to work in the place specified in the direction until the directions have been complied with.

(4) There shall be an appeal to the Minister against any directions and order of any inspector under this section, and any such appeal shall be lodged in writing at the office of the Minister within twenty-four hours from the receipt of the directions. The Minister may hear the appeal, or appoint some person to do so, and the Minister or person appointed by him, shall make such order as shall to the Minister or such other person seem fair and reasonable and the order when made shall be final.

(5) Any person who—

(*a*) refuses or fails to comply with any direction given to him by an inspector in pursuance of this section;

or

(*b*) refuses or fails to comply with any order given to hin by an inspector to cease to use or work in connection with any scaffolding, gear, shoring, hoisting

appliance or power-driven equipment or to cease to work in a specified place;

or

(*c*) refuses or fails to comply with any order made by the Minister or person appointed by him as aforesaid,

shall be guilty of an offence and liable to a penalty not exceeding two hundred dollars.

Powers of inspection.

16. (1) Every inspector may at all reasonable times, for the purpose of making any inspection or examination or inquiry necessary or convenient to be made in connection with the administration and enforcement of this Act enter and remain in or upon any land, building, structure or works and may, with the approval of the Chief Inspector, take with him a member of the police force when he has reasonable cause to suspect that he may be hindered or disturbed or may in any way be obstructed in the execution of his duties.

(2) Every inspector may require the production of any book or record required to be kept under this Act or the regulations and may inspect, examine and copy the same.

Inspector may be accompanied by interpreter.

17. (1) Any inspector entering any land, building, structure or works for the purposes of section 15 of this Act may take with him an interpreter.

(2) Any question or requisition made on behalf of such inspector by such interpreter shall be deemed to have been put or made by the inspector and the answer thereto made to the interpreter shall be deemed to have been made to the inspector.

Obstructing inspector.

18. A person shall not—

(*a*) hinder or disturb an inspector or interpreter in the execution of his duties or powers under this Act;

or

(*b*) omit to truly answer or reply to any question which any inspector is authorized to ask under this Act;

or

(*c*) fail to produce any book or record which, pursuant to subsection (2) of section 16 of this Act, he is required by an inspector to produce;

or

(*d*) directly or indirectly prevent any person from appearing before or being questioned by an inspector.

Penalty: Two hundred dollars.

Regulations.

19. The Governor may make regulations prescribing such matters as are required or permitted to be prescribed for the purposes of this Act or are necessary or convenient to give effect to or facilitate the operation of this Act and without limiting the generality of the foregoing may make regulations—

(*a*) prescribing a penalty not exceeding one hundred dollars for a breach of any regulation;

and

(*b*) prescribing the fees payable pursuant to any provision of this Act.

Act to bind Crown.

20. This Act shall bind the Crown.

Summary procedure.

21. All proceedings for offences against this Act shall be disposed of summarily.

Facilitation of proof.

22. In any proceedings for an offence against this Act the allegation in the complaint that a specified place is within the portion of the State to which this Act applies shall be deemed proved in the absence of proof to the contrary.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.

SCHEDULES.

Section 2.

FIRST SCHEDULE.

ACTS REPEALED.

Number and Year of Act.	Title of Act.
No. 2161 of 1934	Scaffolding Inspection Act, 1934
No. 5 of 1940	Scaffolding Inspection Act Amendment Act, 1940
No. 24 of 1957	Scaffolding Inspection Act Amendment Act, 1957
No. 46 of 1961	Scaffolding Inspection Act Amendment Act, 1961
No. 48 of 1963	Scaffolding Inspection Act Amendment Act, 1963

Section 3.

SECOND SCHEDULE.

PORTIONS OF STATE WITHIN WHICH ACT APPLIES.

(1) The municipalities of Adelaide, Brighton, Burnside, Campbelltown, Enfield, Glenelg, Henley and Grange, Hindmarsh, Kensington and Norwood, Marion, Mitcham, Payneham, Port Adelaide, Prospect, St. Peters, Thebarton, Unley, Walkerville, West Torrens and Woodville:

(2) The Garden Suburb:

(3) The municipalities of Elizabeth, Gawler, Kadina, Moonta, Murray Bridge, Peterborough, Renmark, Salisbury, Victor Harbour and Wallaroo:

(4) The district council districts of Barossa, East Torrens, Gumeracha, Kadina, Meadows, Millicent, Munno Para, Noarlunga, Onkaparinga, Stirling and Tea Tree Gully:

(5) Those portions of the district council districts set forth in this paragraph which lie within a radius of five miles from the post offices respectively specified opposite the names of such district council districts:—

Angaston	Angaston
Barmera	Barmera
Berri	Berri
Encounter Bay	Victor Harbour
Loxton	Loxton
Mobilong	Murray Bridge
Mount Gambier	Mount Gambier
Naracoorte	Naracoorte
Nuriootpa	Nuriootpa
Port Elliot	Victor Harbour
Port Lincoln	Port Lincoln
Port Pirie	Port Pirie
Tanunda	Tanunda
Waikerie	Waikerie

(6) Those portions of the municipality of Port Augusta and the City of Whyalla which lie within a radius of ten miles from the Port Augusta and Whyalla Post Offices respectively:

(7) The reclaimed area at the Outer Harbor, comprising Harbors Board blocks 30 and 49 in the Hundred of Port Adelaide:

(8) That portion of the harbor of Port Adelaide, in the Hundred of Port Adelaide, County of Adelaide, bounded on the south by the southern boundary of the Hundred of Port Adelaide and on the north by the production easterly of the southern boundary of Harbors Board block 80 and comprising portion of the Old Port Reach, Gawler Reach and Hindmarsh Reach.

(9) The whole of Torrens Island, in the Hundred of Port Adelaide.

(10) Within the area commonly known as the Village of Woomera, and more particularly described in Pastoral Lease No. 1684.

(11) Those portions of the Hundred of Murtho and the County of Hamley bounded as follows :—Commencing at a point on the south-western boundary of section 20 in the Hundred of Murtho being distant 3,000 ft. north-west of the south-western corner of said Section ; thence south-westerly in a straight line through section 19 at a south-western angle of 95° to the south-western boundary of section 20 to the eastern boundary of 150 link reserve continuing south-westerly across reserve and River Murray to the western boundary of said river ; thence generally northerly, westerly and northerly along the said river boundary to a point normal to the centre line of the Chowilla Dam and distant one half mile southwards therefrom ; thence north-westerly through section 17 County of Hamley along a line parallel to and distant one half mile south of the said centre line to the south-eastern boundary of the Renmark-Wentworth Road ; thence north-easterly along said road boundary to a point normal to the centre line of the said dam and distant one half mile northwards therefrom ; thence south-easterly along a line through the said section parallel to and distant one half mile north of the centre line of the said dam to the western boundary of River Murray continuing south-easterly across said river to its eastern boundary ; thence southerly along the said river boundary to the western boundary of section 20 in the Hundred of Murtho ; thence southerly along said section boundary to the point of commencement.

ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

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No. 19 of 1967

An Act to vest in The Electricity Trust of South Australia certain assets pertaining to an electricity distribution system situated at Penola and elsewhere and for other purposes.

[*Assented to 13th April*, 1967.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :—

Short title.

1. This Act may be cited as "The Electricity Trust of South Australia (Penola Undertaking) Act, 1967".

Interpretation.

2. In this Act, unless the contrary intention appears—

"distribution system" means the system for the distribution reticulation and supply of electricity described in paragraph (1) of the Schedule to this Act :

"Franchise Agreement" means a certain agreement dated the 26th day of August, 1947, made between The District Council of Penola and Penola Electric Supply Company Limited whereby the Council granted to that Company the sole right for the supply and sale of electrical energy (so far as the Council was competent and legally entitled to confer such right) within the Hundreds of Killanoola, Comaum, Monbulla and Penola for a period of twenty years from the 1st day of July, 1947, and includes any subsequent assignment or variation thereof :

"the Contractor" means Penola Electricity Supply Proprietary Limited and includes any other person or company (if any) generating distributing or supplying electricity or entitled to do so pursuant to the Franchise Agreement on the day of the commencement of this Act:

"the Trust" means The Electricity Trust of South Australia:

"vesting day" means the day immediately following the day upon which the right of the Contractor to supply electricity pursuant to the Franchise Agreement shall be determined.

Acquisition of assets and vesting in the Trust.

3. (1) Upon the vesting day the assets comprised in the Schedule shall be vested in the Trust by virtue of this Act free from all mortgages charges liens and encumbrances.

(2) Upon the vesting in the Trust of the assets aforesaid the estate and interest whether legal or equitable of the Contractor or of any other person in any such asset shall be converted into a right to compensation under this Act.

Removal of distribution system prohibited.

4. After the commencement of this Act no person shall without the prior written consent of the Trust alter or remove any part of the distribution system installed or erected at the commencement of this Act except for the purpose of maintenance or repairs or other alterations necessary in the ordinary course of the business of supplying electricity by means of the distribution system.

Trust may alter distribution system.

5. (1) The Trust may at any time after the commencement of this Act—

(*a*) inspect, repair, alter, add to, remove or make any connection with any part of the distribution system for the purpose of preparing the distribution system for connection with the works of the Trust;

and

(*b*) require the Contractor to isolate electrically the whole or any part of the distribution system and to suspend or interrupt the supply of electricity through the same to enable the Trust to carry out any work pursuant to paragraph (*a*) of this section.

(2) The Contractor shall do anything which the Trust may require the Contractor to do pursuant to the provisions of paragraph (*b*) of subsection (1) of this section.

(3) The Trust shall be liable to pay compensation to the Contractor in respect of the suspension or interruption of the supply of electricity through the distribution system pursuant to any requirement of the Trust under this section and to pay for any work done by the Contractor pursuant to a requirement of the Trust under subsection (1) of this section.

(4) The Trust shall carry out any work pursuant to paragraph (*a*) of subsection (1) of this section in such a manner as will not interrupt the supply of electricity by the Contractor through the distribution system any more than reasonably necessary.

Determination of compensation.

6. (1) Compensation for the assets vested in the Trust pursuant to section 3 of this Act or deemed to be vested in the Trust pursuant to paragraph (*a*) of subsection (5) of this section and in respect of any suspension or interruption referred to in section 5 of this Act shall be fixed by agreement or, failing agreement, shall be determined by the Supreme Court pursuant to this section.

(2) Proceedings for fixing the amount of compensation pursuant to this section may be commenced by the Trust or the Contractor or any other person having a claim to compensation under this Act.

(3) The Supreme Court shall hear any proceedings commenced pursuant to this section and the procedures of the Court applicable to an action commenced by Writ of Summons shall apply *mutatis mutandis* to any such proceedings.

(4) The Supreme Court may in any such proceedings—

(*a*) determine in accordance with subsection (6) of this section the amount of compensation payable for the whole or any part of the assets vested or deemed to be vested in the Trust as provided by this Act or in respect of any suspension or interruption referred to in section 5 of this Act;

(*b*) apportion compensation among different parties in such manner as it thinks just and proper;

and

(*c*) make such order as to costs as it thinks just and proper.

(5) If the Trust in the exercise of any of the powers conferred on it by subsection (1) of section 5 of this Act—

(*a*) removes any part of the distribution system whether for the purpose of replacing that part or otherwise, then in each such case the part or parts so removed

shall for the purpose of fixing compensation be deemed to be assets vested in the Trust for the purposes of section 3 of this Act ;

or

(*b*) adds to any part of the distribution system, whether in replacement of a part or parts removed by it or otherwise, then and in each such case the addition shall for the purpose of fixing compensation be deemed not to be assets vested in the Trust for the purposes of section 3 of this Act but shall remain the property of the Trust notwithstanding that it is affixed to or used in connection with the distribution system.

(6) The amount of compensation payable for any part or parts of the distribution system deemed by virtue of subsection (5) of this section to be assets vested in the Trust for the purposes of section 3 of this Act shall be the fair value of such part or parts immediately prior to removal thereof from the distribution system, but—

(*a*) the amount of compensation payable for the distribution system shall be the value of the distribution system as a going concern without regard to the date on which the right of the contractor to supply electricity pursuant to the Franchise Agreement is to be determined ;

(*b*) the amount of compensation payable for any other asset vested in the Trust pursuant to section 3 of this Act shall be the fair value of such asset on the vesting day ;

and

(*c*) the amount of compensation payable pursuant to subsection (3) of section 5 of this Act in respect of any suspension or interruption referred to in that subsection shall be the monetary loss suffered by the Contractor in consequence of the suspension or interruption.

Payment of compensation.

7. (1) Compensation as fixed by agreement or determined by the Supreme Court shall be payable by the Trust on the vesting day.

(2) If compensation is not paid on the vesting day (whether or not agreed or determined on or before that day) the Trust shall pay interest on the amount of compensation at the rate of five and a half per centum per annum from the vesting day to the day of payment of such compensation.

No rights except for compensation.

8. Except for compensation as provided by this Act, neither the Contractor nor any other person shall have any claim against the Trust or the District Council of Penola by reason of the vesting in the Trust of any assets by or pursuant to this Act or by reason of any request of the District Council to the Trust to supply electricity or by reason of the Trust supplying on or after the vesting day electricity to consumers in the Town of Penola or elsewhere in the Hundreds of Killanoola, Comaum, Monbulla and Penola or doing any other act or thing authorized by this Act.

Saving of Franchise Agreement.

9. Except as provided in sections 4, 5 and 8 of this Act, nothing contained in this Act shall affect the respective rights and obligations of the Contractor or the District Council of Penola under the Franchise Agreement.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.

THE SCHEDULE.

The assets vested in the Trust pursuant to section 3 of this Act comprise—

(1) The whole of the system for the distribution reticulation and supply of electricity situated in the Town of Penola and elsewhere in the Hundreds of Killanoola, Comaum, Monbulla and Penola including (but without limiting the generality thereof) all poles, cross-arms, braces, conductors, insulators, transformers, switches (including time switches), fuses, services to consumers' premises, meters and street lighting equipment and all other fixtures and fittings installed in the said system (in this Act referred to as the "distribution system");

and

(2) All articles and materials held in stock as spare parts or materials and capable of being installed in or used as part of the distribution system,

which immediately before the vesting day were the property of or in the possession of or under the control of or held used or operated by the Contractor or any person or company on behalf of or by arrangement with or deriving title directly or indirectly from the Contractor but expressly excluding—

(*a*) all generators, alternators, diesel or petrol engines and all associated equipment including (but without limiting the generality thereof) instruments, spare parts and material, switches, switchboards, meters, conductors and transformers fixed or attached to or situated on the land comprised in Certificates of Title Register Book Volume 759 Folio 195, Volume 1953 Folio 116 and Volume 1953 Folio 117, or to any building or fixture situated thereon;

(*b*) all motor vehicles;

(*c*) any land or interest in land or any building or part of a building;

and

(*d*) any petrol, oil, or any other fuel or lubricant.

ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

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No. 20 of 1967

An Act relating to the Planning and Development of Land within the State; to repeal the Town Planning Act, 1929-1963 and to enact other provisions in lieu thereof; and for other purposes.

[*Assented to 13th April*, 1967.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

PART I.

PART I
PRELIMINARY.

Short title and commencement.

1. This Act may be cited as the "Planning and Development Act, 1966-1967", and shall come into operation on a day to be fixed by proclamation.

Arrangement of this Act.

2. This Act is arranged as follows:—

PART I.—PRELIMINARY, ss. 1-5.

PART II.—ADMINISTRATION, ss. 6-27.

Division 1—The Director and Deputy Director of Planning, ss. 6-7:

Division 2—The State Planning Authority, ss. 8-18:

Division 3—The Planning Appeal Board, ss. 19-27.

PART III.—PLANNING AREAS AND DEVELOPMENT PLANS, ss. 28-35.

Division 1—Planning Areas, ss. 28-29:

Division 2—Development Plans, ss. 30-35.

PART IV.—IMPLEMENTATION OF AUTHORIZED DEVELOPMENT PLANS, ss. 36-39.

PART V.—INTERIM DEVELOPMENT CONTROL WITHIN THE METROPOLITAN PLANNING AREA, ss. 40-42.

PART VI.—CONTROL OF LAND SUBDIVISION, ss. 43-62.

PART VII.—LAND ACQUISITION AND SPECIAL PROVISIONS RELATING TO COMPENSATION, ss. 63-70.

PART VIII.—FINANCIAL PROVISIONS, ss. 71-74.

PART IX.—MISCELLANEOUS, ss. 75-81.

THE SCHEDULE.

Repeal and savings Schedule.

3. (1) The Acts specified in the Schedule to this Act are hereby repealed.

(2) Notwithstanding such repeal—

(*a*) all regulations made under the repealed Act and in force immediately before the commencement of this Act shall be deemed to have been made under this Act and to have effect as if the necessary power to make them had been enacted by this Act and as if any reference to the Town Planner therein were a reference to the Director and any reference to the Town Planning Committee therein were a reference to the board;

(*b*) such regulations may be amended or revoked by regulations made under this Act;

(*c*) every application made under the repealed Act to the Town Planner or a council for approval of a plan of subdivision (which has received the approval of the Town Planner by letter in the form known as letter form "A") or for approval of a plan of re-subdivision and not finally disposed of at the commencement of this Act shall be dealt with and disposed of as if this Act had not come into operation and as if the Director were the Town Planner and, subject to and in accordance with regulations which are hereby authorized to be made, an appeal shall lie to the board against the refusal of any such

application or against the approval of any such application subject to any condition or conditions, and the board shall hear and determine such appeal and may confirm the decision appealed against or give to the Director or the council, as the case may require, such directions as the board thinks fit, and the Director or the council, as the case may be, shall comply with such directions;

(*d*) every appeal made to the Town Planning Committee under the repealed Act and not disposed of immediately before the commencement of this Act shall be deemed to be an appeal to the board and shall, subject to any directions that may be given by the board, be dealt with by the board under this Act accordingly;

(*e*) any right of appeal to the Town Planning Committee under the repealed Act which had not expired at the commencement of this Act shall be deemed to be a right of appeal to the board under this Act,

and this Act shall with such modifications as are necessary apply and have effect accordingly.

(3) Except as expressly provided in this Act, such repeal shall not affect any rights accrued under the repealed Act or the effect of any decision, consent, permission or approval made or granted under the repealed Act or of any condition attached to such consent, permission or approval.

(4) Where in any other Act, or in any document, rule or regulation a reference is made to the repealed Act or any provision thereof, that reference shall, so far as it is applicable, be read as a reference to this Act or to the corresponding provisions, if any, of this Act.

(5) The mention of particular matters in this section or in any other section of this Act shall not affect the general application of the Acts Interpretation Act, 1915-1957, to this Act, except to the extent that that Act is inconsistent with this Act.

Application of this Act.

4. (1) Except as otherwise expressly provided in this Act, this Act shall apply and have effect throughout the State.

(2) This Act shall apply to land subject to the provisions of the Real Property Act, 1886-1963, notwithstanding the provisions of that Act.

Interpretation.

5. (1) In this Act, unless the context otherwise requires—

"acquiring authority", in relation to any land reserved by a planning regulation means the person or body specified

in that regulation in whom or in which is vested the power to acquire such land for a purpose for which it is reserved :

"allotment" means—

(*a*) the whole of the land comprised in a land grant, certificate of title or registered conveyance ; or

(*b*) a separately defined piece of land that is delineated on a Land Office plan or any portion of land so delineated which portion is physically separated from the remaining land delineated thereon by an intersecting space such as a road, drain, railway or other like space and for which a separate land grant has been or can be issued,

and includes any separately defined piece of land which is—

(i) delineated on a plan of subdivision deposited in the Lands Titles Registration Office or the General Registry Office ;

(ii) wholly comprised in a certificate of title or registered conveyance but not delineated on a plan of subdivision so deposited ;

(iii) delineated on a plan of re-subdivision duly approved and for the whole of which a certificate of title has been or can be issued ;

(iv) comprised in a land grant, certificate of title or registered conveyance and physically separated from the remaining land comprised therein by an intersecting space such as a road, drain, railway or other like space and for which a separate certificate of title can be issued ; or

(v) included in a land grant, certificate of title or registered conveyance, is more than twenty acres in extent and is delineated in a plan which forms part of an instrument registered or registrable in the Lands Titles Registration Office or the General Registry Office :

"amenity", in relation to an area, a planning area or a locality, includes such quality or condition in the area, planning area or locality as contributes to its pleasantness and harmony and to its better enjoyment :

"area" means a municipality or district as defined in the Local Government Act, 1934-1966, and includes an area in relation to which any body corporate is, by virtue of any Act, deemed to be, or vested with the powers of, a municipal council or district council :

"authorized development plan" means—

(*a*) a development plan that is pursuant to Division 2 of Part III of this Act declared to be an authorized development plan ; or

(*b*) the Metropolitan Development Plan,

and includes any variation thereof made under this Act :

"certificate of title" means a certificate of title under the Real Property Act, 1886-1963 :

"council" means a municipal council or a district council and includes any body corporate which is, by virtue of any Act, deemed to be, or vested with the powers of, a municipal council or district council :

"Crown lands" means all lands in the State, except—

(*a*) lands reserved for or dedicated to any public purpose ;

(*b*) lands lawfully granted, or contracted to be granted, in fee simple by or on behalf of the Crown ;

(*c*) lands subject to any agreement, lease, or licence lawfully granted by or on behalf of the Crown,

and includes all lands which, having been granted or held under agreement or lease, have been or are surrendered, or, having been reserved or dedicated, have been or are lawfully resumed by proclamation, and all lands which, having been lawfully held by any person for any estate or interest, have been or are lawfully forfeited to or resumed by, or by any means whatsoever have reverted or revert to, or have been or are acquired by, the Crown :

"development plan"—

(*a*) in relation to a planning area or part of a planning area, means a plan and a report in explanation thereof prepared or deemed to be prepared by the Authority indicating, generally, the measures that, in the opinion

of the Authority, are necessary or desirable for providing for the most suitable development of the planning area ; and

(*b*) in relation to the Metropolitan Planning Area, means the Metropolitan Development Plan and the Report on the Metropolitan Area of Adelaide 1962 in explanation thereof prepared and submitted by the Town Planning Committee in accordance with section 26 of the repealed Act :

"land grant" means a land grant under the Crown Lands Act, 1929-1967, or under any corresponding previous enactment :

"Land Office plan" means a public map or plan deposited in the Land Office at Adelaide :

"plan" includes plan of subdivision and plan of re-subdivision :

"plan of re-subdivision" means any plan, not being a plan of subdivision—

(*a*) which divides an allotment or allotments into five allotments or less, any one of which is twenty acres or less in extent ; or

(*b*) which divides an allotment or allotments into five allotments or less, any one of which is twenty acres or less in extent and shows a proposed widening of any road, street or thoroughfare :

"plan of subdivision" means—

(*a*) any plan which divides the land delineated therein into more than five allotments, any one of which is twenty acres or less in extent ;

(*b*) any plan which divides the land delineated therein into an allotment which, or into allotments any one of which, is twenty acres or less in extent and shows or makes, provision for any proposed road, street, thoroughfare, reserve or other space for public use ; or

(*c*) any other plan which the Director requires pursuant to section 57 of this Act to be dealt with as a plan of subdivision :

"planning area" means any part of the State that is a planning area for the purposes of this Act by virtue of a declaration made under Division 1 of Part III of this Act, and includes the Metropolitan Planning Area :

"planning regulation" means a planning regulation made under Part IV of this Act :

"registered conveyance" means a conveyance registered under the Registration of Deeds Act, 1935-1962 :

"the Authority" means the State Planning Authority established by section 8 of this Act :

"the board" means the Planning Appeal Board constituted pursuant to section 19 of this Act :

"the Director" means the person for the time being holding the office of Director of Planning :

"the Fund" means the Planning and Development Fund established under Part VIII of this Act :

"the Metropolitan Development Plan" means the Metropolitan Area of Adelaide Development Plan attached to and referred to in the Report on the Metropolitan Area of Adelaide 1962 prepared and submitted by the Town Planning Committee in accordance with section 26 of the repealed Act, and includes that Report :

"the Metropolitan Planning Area" means the part of the State that comprises—

(*a*) the municipalities of Adelaide, Brighton, Burnside, Campbelltown, Elizabeth, Enfield, Glenelg, Henley and Grange, Hindmarsh, Kensington and Norwood, Marion, Mitcham, Payneham, Port Adelaide, Prospect, St. Peters, Salisbury, Thebarton, Unley, Walkerville, West Torrens and Woodville ;

(*b*) the district council districts of Munno Para, Tea Tree Gully, East Torrens, Stirling and Noarlunga ;

(*c*) the area of the Garden Suburb ;

(*d*) the wards known as the Happy Valley, Coromandel, Clarendon and Kangarilla wards of the district council district of Meadows ; and

(*e*) the portion of the Hundred of Willunga that lies within the district council district of Willunga :

"the Registrar-General" means the person for the time being holding the office of Registrar-General under the Real Property Act, 1886-1963, or the Registrar-General of Deeds under the Registration of Deeds Act, 1935-1962 :

"the repealed Act" means the Town Planning Act, 1929-1963.

(2) For the purposes of this Act—

(*a*) a plan of subdivision shall be deemed to have been deposited in the Lands Titles Registration Office or the General Registry Office when it has been accepted by the Registrar-General and given its number as a deposited plan ; and

(*b*) a plan of re-subdivision shall be deemed to have been duly approved when it has been approved by the Director under this Act or the Town Planner under the repealed Act and accepted by the Registrar-General for filing in the Lands Titles Registration Office.

PART II.

PART II.

ADMINISTRATION.

DIVISION 1.—THE DIRECTOR AND DEPUTY DIRECTOR OF PLANNING.

DIVISION I.

The Director of Planning.

6. (1) For the purposes of this Act there shall be a Director of Planning and a Deputy Director of Planning each of whom shall either—

(*a*) be a corporate member of The Australian Planning Institute Incorporated ;

or

(*b*) have qualifications and experience in regional and town planning which, in the opinion of the Minister, are appropriate to his duties and functions under this Act.

(2) Subject to subsection (3) of this section, the Director of Planning and the Deputy Director of Planning shall be appointed in accordance with the Public Service Act, 1936-1966.

(3) The officers who immediately before the commencement of this Act were respectively holding the offices of Town Planner and Deputy Town Planner shall, on and after the commencement of this Act and without any further formality of

appointment, be known, and be deemed to have been appointed, as the Director of Planning and the Deputy Director of Planning respectively subject to such conditions of appointment and employment as applied in relation to the offices of Town Planner and Deputy Town Planner respectively.

(4) Every reference in any Act, regulation, proclamation, instrument or other document to the Town Planner or the Government Town Planner shall, unless the context, subject-matter or any provision of this Act requires a different construction, be read as a reference to the Director.

Functions and duties of the Director and Deputy Director.

7. (1) The Director shall perform such functions and duties as are imposed on him by this Act or assigned to him by the Minister.

(2) The Director shall be responsible to the Minister for the due performance of his functions and duties under this Act.

(3) The Deputy Director of Planning shall perform such functions and duties as the Minister may direct, and, during the absence of the Director by reason of illness or any other cause, or during any vacancy in the office of the Director, shall perform all such functions and duties as are imposed on, or assigned to, the Director by or under this Act.

(4) Where the Deputy Director of Planning so performs any of the functions or duties of the Director, references in this Act to the Director shall, in relation to such functions or duties, be read as references to the Deputy Director of Planning.

DIVISION II.

DIVISION 2.—THE STATE PLANNING AUTHORITY.

The State Planning Authority.

8. (1) For the purposes of this Act an authority by the name of the "State Planning Authority" is hereby established.

(2) The Authority—

(*a*) shall be a body corporate with perpetual succession and a common seal;

(*b*) subject to this Act, shall be capable of acquiring, taking or letting out on lease, holding, selling and otherwise disposing of real and personal property;

(*c*) may, with the approval of the Minister, enter into any contract with any person to develop, or secure the development of, any land in any manner consistent with any authorized development plan, and may, in its name sue and be sued; and

(*d*) shall have the powers, duties, functions and authorities conferred, imposed or prescribed by or under this Act.

(3) In the exercise and discharge of its powers, duties, functions and authorities, the Authority shall, except where the Authority makes or is required to make a recommendation to the Minister or where the Authority is required to give effect to a direction of the board, be subject to the general control and direction of the Minister.

(4) All courts and persons acting judicially shall take judicial notice of the common seal of the Authority affixed to any document and shall presume that it was duly affixed.

(5) Subject to this section, the Authority shall consist of eleven members, that is to say—

(*a*) the Director who shall also be the chairman of the Authority ;

(*b*) the person for the time being holding the office of Director and Engineer-in-Chief, of the Engineering and Water Supply Department in the public service of the State ;

(*c*) the Commissioner of Highways appointed pursuant to the Highways Act, 1926-1963 ;

(*d*) the person for the time being holding the office of Surveyor-General ; and

(*e*) seven other members appointed by the Governor of whom—

(i) one shall be nominated by the Minister of Housing ;

(ii) one shall be nominated by the Minister of Transport ;

(iii) one shall be nominated by the council of The Corporation of the City of Adelaide ;

(iv) one shall be selected by the Governor from a panel of three names chosen by the governing body of the association presently known as the Municipal Association of South Australia and submitted by that association to the Minister ;

(v) one shall be selected by the Governor from a panel of three names chosen by the governing body of The Local Government Association of South Australia Incorporated and submitted by that association to the Minister ;

(vi) one shall be selected by the Governor from a panel of three names chosen by the governing body of the South Australian Chamber of Manufactures Incorporated, and submitted by that association to the Minister;

and

(vii) one shall be selected by the Governor from a panel of three names chosen by the governing body of the Real Estate Institute of South Australia Incorporated and submitted by that association to the Minister.

(6) If the Minister has given to The Corporation of the City of Adelaide notice in writing requiring that corporation, within a time specified in the notice (being not less than two weeks), to nominate a person for appointment as a member under subparagraph (iii) of paragraph (*e*) of subsection (5) of this section and that corporation fails to nominate a person 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 required to be so nominated.

(7) If the Minister has given to the Municipal Association of South Australia, The Local Government Association of South Australia Incorporated, the South Australian Chamber of Manufactures Incorporated or the Real Estate Institute of South Australia Incorporated, notice in writing requiring that association, 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 the governing body of that association for the purposes of the appointment of a member under subparagraph (iv), (v), (vi) or (vii) of paragraph (*e*) of subsection (5) of this section, and that association 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 subparagraph.

(8) A member of the Authority shall not, as such, be subject to the Public Service Act, 1936-1966, but this provision does not affect the rights, duties and obligations under that Act of any member who is otherwise an officer in the public service of the State.

(9) Every member of the Authority appointed by the Governor shall be appointed as such for such term of office not exceeding four years as the Governor specifies in the instrument of his appointment; but a member appointed to fill a casual vacancy shall be appointed only for the balance of the term of office of the member in whose place he was appointed.

(10) Where a person, who is a member of the Authority by virtue of paragraph (*b*), (*c*) or (*d*) of subsection (5) of this section, is, through illness or other cause, unable to perform his duties or functions as a member, he may, by notice in writing given to the chairman of the Authority, appoint a person as his deputy to act for him during the period of such inability, and the person so appointed shall, while so acting, be deemed to be a member of the Authority.

(11) On the expiration of his term of office as a member, a person appointed by the Governor shall, subject to subsection (5) of this section, be eligible for re-appointment.

Removal from office of member.

9. (1) The Governor may, by notice in writing served on a member of the Authority, remove him from office on grounds of misconduct or incapacity to perform his duties or functions as a member.

(2) Where a member of the Authority, who was appointed pursuant to subparagraph (iii), (iv) or (v) of paragraph (*e*) of subsection (5) of section 8 of this Act, was at the time of his appointment as such a member or officer of a council, and after such appointment he ceased to be a member or officer of that council, the Governor may, at the request of the council, by notice in writing served on that member of the Authority, remove him from office on the ground that he has ceased to be a member or officer of that council.

Casual vacancies.

10. The office of a member of the Authority appointed by the Governor shall become vacant if—

(*a*) he dies ;

(*b*) he resigns by written notice given to the Minister ;

(*c*) he is removed from office by the Governor pursuant to section 9 of this Act ;

(*d*) he is absent without leave of the Minister from four consecutive meetings of the Authority ;

(*e*) he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors or compounds with his creditors for less than one hundred cents in the dollar ;

(*f*) he is convicted of any indictable offence ; or

(*g*) he is convicted of any other offence and receives a notice in writing from the Minister discharging him from office on the ground of that conviction.

Common seal, meetings and quorum.

11. (1) The common seal of the Authority shall not be affixed to any instrument except in pursuance of a resolution of the Authority.

(2) Any instrument executed in pursuance of such a resolution shall be attested by the signature of any two members.

(3) The procedure for the calling of meetings of the Authority and for the conduct of business at such meetings shall, subject to this Act, be as determined by the Authority.

(4) Any six members of the Authority, one of whom is the chairman, shall constitute a quorum at any meeting of the Authority and any duly convened meeting at which a quorum is present shall be competent to transact any business of the Authority and shall have and may exercise and discharge all the powers, duties, functions and authorities of the Authority.

(5) A decision carried by a majority of the votes cast by the members present at a meeting of the Authority shall be the decision of the Authority.

(6) The Authority shall cause accurate minutes to be kept of its proceedings at meetings.

Chairman.

12. (1) The chairman shall preside at all meetings of the Authority at which he is present and in addition to a deliberative vote, shall, in the event of an equality of votes, have a second or casting vote.

(2) In the absence of the Director, the Deputy Director of Planning shall act as, and have all the powers of, the chairman and, when so acting, shall be deemed to be the chairman and a member of the Authority.

Validity of acts of Authority.

13. No act, proceeding or determination of the Authority shall be invalid on the ground only of any vacancy in the office of any member or of any defect in the appointment of any member.

Remuneration of members.

14. A member of the Authority shall, if the Governor thinks fit, be paid such fees or other remuneration as may from time to time be fixed by the Governor and shall be entitled to receive such travelling and other expenses as are from time to time approved by the Minister.

Acceptance of office as member of Authority not to be bar to holding other office.

15. Notwithstanding anything contained in any other Act, no person shall be disqualified by acceptance of office, or by appointment, as a member of the Authority from holding the office of a member of the Authority under this Act and also any

other office, or from accepting and retaining any fees or other remuneration or payment payable to a member under this Act; but no member of either House of Parliament and no member of the board shall be appointed or hold office as a member of the Authority.

Secretary to the Authority.

16. (1) There shall be a secretary to the Authority who shall be appointed by the Governor.

(2) The person so appointed shall be subject to the Public Service Act, 1936-1966.

(3) The office of secretary to the Authority may, if the Governor thinks fit, be held in conjunction with any other office in the public service of the State.

Authority may use the services of employees of the Crown, statutory bodies and councils.

17. (1) With the approval of the Minister, the Authority may make use of the services of any of the officers in the branch of the public service of the State known as the South Australian State Planning Office.

(2) The Authority may, with the approval of the Minister and the consent of the Minister controlling any department of the public service of the State, and on such terms as may be mutually arranged, make use of the services of any of the officers or employees of that department.

(3) The Authority may, with the approval of the Minister and the consent of any body corporate created by or under any Act or of any council, and on such terms as may be mutually arranged, make use of the services of any of the officers or employees of such body or council.

Powers, etc. of the Authority.

18. (1) Subject to this Act, the Authority is charged with the responsibility of promoting and co-ordinating regional and town planning and the orderly and economic development and use of land within the State and shall have and may exercise and discharge such powers, duties, functions and authorities as are conferred on, imposed on or vested in the Authority by or under this Act.

(2) Without limiting the generality of the provisions of subsection (1) of this section, the Authority—

(*a*) shall consider, and report to the Minister upon, such matters or proposals relating to the use, development or re-development of land as it thinks fit or as may be referred to it by the Minister;

(*b*) may carry out research into problems of regional and town planning and prepare and issue memoranda, reports, bulletins, maps or plans relating thereto; and

(*c*) may establish, or promote or foster the establishment of, committees which may or may not include members of the Authority to advise the Authority on such matters as may be referred to them by the Authority.

DIVISION III.

DIVISION 3.—THE PLANNING APPEAL BOARD.

The Planning Appeal Board.

19. (1) For the purposes of this Act there shall be a board called the "Planning Appeal Board" which shall, subject to this section, consist of four members appointed by the Governor of whom—

(*a*) one shall be—

(i) a Local Court Judge;

(ii) a special magistrate; or

(iii) a legal practitioner as defined in the Legal Practitioners Act, 1936-1964, of not less than ten years' standing,

who shall be the chairman of the board;

(*b*) one, who shall not be a member of the Authority, shall be selected by the Governor from a panel of three names chosen jointly by the governing bodies of the association presently known as the Municipal Association of South Australia and The Local Government Association of South Australia Incorporated and submitted jointly by those associations to the Minister;

(*c*) one shall be selected by the Governor from a panel of three names chosen by the governing body of the Adelaide Division of The Australian Planning Institute Incorporated and submitted by that division of that institute to the Minister; and

(*d*) one, who shall not be a member of the Authority, but who, in the opinion of the Governor, has knowledge of and experience in public administration, commerce or industry.

(2) If the Minister has given to the Municipal Association of South Australia and The Local Government Association of South Australia Incorporated notice in writing requiring them within a time specified in the notice (being not less than two weeks), jointly to submit to the Minister a panel of three names chosen jointly by the governing bodies of those associations for the purposes of an appointment of a member under paragraph (*b*) of subsection (1) of this section, and those associations 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.

(3) If the Minister has given to the Adelaide Division of The Australian Planning Institute Incorporated notice in writing requiring it, 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 the governing body of that division for the purposes of the appointment of a member under paragraph (*c*) of subsection (1) of this section, and that division of that institute 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.

(4) The Governor may, as occasion requires, appoint such person as he considers fit and proper to act, in the place of a member of the board during that member's absence or incapacity.

(5) During the absence or incapacity of a member of the board, the person appointed in accordance with subsection (4) of this section to act in his place shall be entitled to act in the place of that member and, when so acting, shall be deemed to be a member of the board and, in the case of the person appointed to act in the place of the chairman, shall be deemed to be the chairman of the board.

(6) An appointment under subsection (4) of this section of a person to act in the place of a member and any exercise by him of his powers and functions as such shall not be questioned on the ground that the occasion for the appointment or for the exercise of those powers or functions had not arisen or had ceased.

(7) Any matter referred to the board for decision shall be determined by the board at a meeting convened by the chairman of the board.

(8) Subject to this section, any three members of the board, of whom the chairman of the board shall be one, shall be competent to transact any business of the board and shall have and may exercise and discharge all the powers, duties, functions and authorities of the board.

(9) A decision concurred in by any three members of the board shall be the decision of the board ; but if all the members of the board are present when a matter is being heard or considered or re-heard or reconsidered by the board and the members are evenly divided as to their decision on the matter, the decision concurred in by the chairman and one other member of the board shall be the decision of the board.

(10) If during the hearing of an appeal or the consideration of any other matter by the board only three members are present and they are unable to concur in their decision thereon, the appeal or matter shall be postponed until all the members are present when it shall be re-heard or reconsidered by the board as the case may require.

(11) The chairman shall preside at all meetings of the board and at the hearing of all appeals before the board.

(12) A member of the board shall not, as such, be subject to the Public Service Act, 1936-1966, but this provision does not affect the rights, duties and obligations under that Act of any member who is otherwise an officer in the public service of the State.

(13) A member of the board shall be appointed for such term of office not exceeding four years as the Governor specifies in the instrument of his appointment and shall, subject to sub-section (1) of this section, be eligible for re-appointment ; but a member appointed to fill a casual vacancy shall be appointed only for the balance of the term of office of the member in whose place he was appointed.

Removal from office of member.

20. The Governor may, by notice in writing served on a member of the board, remove him from office on grounds of misconduct or incapacity to perform his duties or functions as a member.

Casual vacancies.

21. The office of a member of the board shall become vacant if—

(*a*) he dies ;

(*b*) he resigns by written notice given to the Minister ;

(*c*) he is removed from office by the Governor pursuant to section 20 of this Act ;

(*d*) he is absent without leave of the Minister from four consecutive meetings of the board ;

(*e*) he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors or compounds with his creditors for less than one hundred cents in the dollar ;

(*f*) he is convicted of any indictable offence ; or

(*g*) he is convicted of any other offence and receives a notice in writing from the Minister discharging him from office on the ground of that conviction.

Validity of acts or determinations of the board.

22. No act, proceeding or determination of the board shall be invalid on the ground only of any vacancy in the office of any member or of any defect in the appointment of any member.

Remuneration of members of the board.

23. A member of the board shall, if the Governor thinks fit, be paid such fees or other remuneration as may from time to time be fixed by the Governor and shall be entitled to receive such travelling and other expenses as are from time to time approved by the Minister.

Acceptance of office as member of board not to be bar to holding other office.

24. Notwithstanding anything contained in any other Act, no person shall be disqualified by acceptance of office, or by appointment, as a member of the board from holding the office of a member of the board under this Act and also any other office or from accepting and retaining any fees or other remuneration or payment payable to a member of the board under this Act ; but no member of either House of Parliament and no member of the Authority shall be appointed or hold office as a member of the board.

Secretary to the board.

25. (1) There shall be a secretary to the board who shall be appointed by the Governor.

(2) The person so appointed shall be subject to the Public Service Act, 1936-1966.

(3) The office of secretary to the board may, if the Governor thinks fit, be held in conjunction with any other office in the public service of the State.

Board to hear appeals.

26. (1) Any person aggrieved by a decision of the Authority, the Director or any council under this Act to refuse any consent, permission or approval or to grant any consent, permission or approval subject to any condition or conditions may appeal to the board, and the board shall hear and determine such appeal and shall in every such determination state the reasons therefor.

(2) The board may, by its determination, confirm the decision appealed against or give to the Authority, the Director or the council, against whose decision the appeal was made, such directions as the board thinks fit and the Authority, the Director or the council, as the case may be, shall, as soon as practicable after receiving notice of the determination, give effect to the determination.

(3) Subject to rules of court made under the Supreme Court Act, 1935-1967, any party to an appeal to the board may, within thirty days after the board's determination, appeal to the Supreme Court from such determination on any matter and the board may refer to the Supreme Court any question of law arising before the board, and on any such appeal or reference the Supreme Court may make such order and give to the board and any party to the appeal such directions touching the matter in dispute, and make any order as to costs as between the parties, as it thinks just and the board and the party to whom such directions are given shall be bound thereby and give effect thereto.

(4) An order or direction made or given by the Supreme Court under subsection (3) of this section is final and without appeal.

(5) As soon as practicable after the board makes a determination on an appeal or, where an appeal or reference has been made to the Supreme Court under subsection (3) of this section, as soon as practicable after the Court has made its order thereon, the secretary to the board shall cause to be delivered to the Authority and to the appellant and every other person who was a party to the appeal notice in writing setting out the determination or the determination and the order of the Court affecting the determination, as the case may be.

(6) The board shall cause its determination to be published in any manner it thinks fit.

Provisions as to appeals to the board.

27. (1) Every appeal to the board shall be by notice in writing setting out the grounds of appeal and particulars of the land affected.

(2) The notice shall be lodged with the secretary to the board within two months after the date of the notice of the decision appealed against or within such further time as the board allows and the board may refuse the appeal unless the notice is so lodged.

(3) A copy of the notice shall also be given within the period aforesaid to the Authority, the Director or the council against whose decision the appeal is made.

(4) The board shall fix a convenient time and place for hearing each appeal and shall give not less than seven days' notice to the parties to the appeal who may appear at the hearing of the appeal, personally or by counsel, solicitor or agent.

(5) The board may determine each appeal in such manner as it thinks proper having regard to all relevant matters and, in particular, to—

(*a*) the provisions of any authorized development plan, the law (whether general or special) applicable or having effect in relation to the locality within which the land, the subject of the appeal, is situated and the grounds upon which the decision appealed against was made ;

(*b*) the health, safety and convenience of the community within, and in the vicinity of, the locality within which the land, the subject of the appeal, is situated ;

(*c*) the economic and other advantages and disadvantages (if any) to the community of developing the locality within which the land, the subject of the appeal, is situated ; and

(*d*) the amenities of the locality within which the land, the subject of the appeal, is situated.

(6) The board may—

(*a*) by notice in writing signed by the secretary to the board acting under the direction of the chairman, require any person to attend before the board at any time and place specified in the notice and give evidence before the board or produce to the board any books or documents specified in the notice touching any matter relating to an appeal ;

(*b*) inspect any books and documents produced to the board and retain them for such reasonable periods as the board thinks fit and may make copies or take extracts of such matters therein as are relevant to any appeal ; and

(*c*) examine witnesses on oath or affirmation which may be administered by any member of the board.

(7) Any person who, being served with such notice, neglects or refuses to obey any requirements stated therein shall be guilty of an offence and liable to a penalty not exceeding one hundred dollars.

(8) The Governor may make regulations not inconsistent with this Act governing the practice and procedure relating to appeals to the board under this Act.

PART III.

PART III.

PLANNING AREAS AND DEVELOPMENT PLANS.

DIVISION I.

DIVISION 1.—PLANNING AREAS.

Declaration of planning area.

28. (1) On the recommendation of the Authority, the Governor may, by proclamation declare any part of the State to be a planning area for the purposes of this Act.

(2) The proclamation shall also state that a plan and more particular description of the part of the State referred to in the proclamation may be inspected at such place or places as are specified in the proclamation.

(3) Upon the publication of the proclamation in the *Gazette*, that part of the State referred to in the proclamation shall, subject to this section, become a planning area for the purposes of this Act.

(4) On the recommendation of the Authority, the Governor may, by proclamation, declare—

(*a*) that any part of the State be added to a planning area ;

or

(*b*) that any part of the State that is a planning area or part of a planning area shall cease to be, or shall cease to form part of, a planning area,

and on the publication of the proclamation in the *Gazette*, that part of the State shall form part of the planning area or shall cease to be, or shall cease to form part of the planning area, as the case may be.

(5) The Authority may recommend that any part of the State be declared a planning area or added to a planning area or that any part of the State that is a planning area or part of a

planning area be declared to cease to be, or cease to form part of, a planning area and such recommendation shall be submitted by the Authority to the Minister.

(6) Before making any such recommendation the Authority shall invite representations from the council or councils within whose area or areas the part of the State concerned is situated and shall consider such representations (if any) and together with its recommendation shall forward to the Minister a report in writing on such representations (if any).

Examination of planning area by the Authority.

29. As soon as practicable after any part of the State becomes a planning area and whenever it considers it necessary thereafter, the Authority shall conduct an examination of the planning area and make an assessment of its future development, and for that purpose shall have regard to the following matters :—

(*a*) Whether the facilities available within the planning area for the movement of persons and goods are adequate and whether, and if so, what, provision should be made to meet the future needs of the community within the planning area :

(*b*) Whether the open spaces such as parks, playgrounds, sports grounds and other places for public recreation within the planning area are or will be adequate to meet the future needs of the community within the planning area and whether, and if so, what, provision should be made for such open spaces :

(*c*) The classification or zoning of districts within the planning area for residential, commercial, industrial, rural or other purposes in order to meet the future needs of the community within the planning area :

(*d*) Whether any part of the planning area should be re-developed, either comprehensively or otherwise, in order to rectify existing conditions of bad or unsatisfactory lay-out or unhealthy or obsolete development :

(*e*) Whether, in the interests of the community within the planning area, the subdivision of any land within the planning area should be prohibited, regulated or permitted only subject to conditions, having regard, *inter alia*, to—

(i) the existence or non-existence and the future provision, within the planning area, of such services as sewers and water, gas and electricity supplies and public transport services and whether the cost of providing such services to such land would be advantageous, economical or otherwise ;

(ii) the extent of land within the planning area already divided into allotments and the extent to which such land has not been used for the purposes for which the land has been so divided ; and

(iii) the extent to which community facilities are or are likely to become available to the owners and occupiers of such land :

(*f*) Any matters which, in the opinion of the Authority, are necessary to be considered in order to ensure that the physical, social and economic development of the planning area might proceed in the best interests of the community within the planning area.

DIVISION II.

DIVISION 2.—DEVELOPMENT PLANS.

Preparation and exhibition of development plan.

30. (1) Upon conducting the examination of the planning area and making an assessment of its future development, the Authority shall, subject to this Act, prepare a development plan of the planning area.

(2) For the purposes of preparing the development plan, the Authority shall consult with—

(*a*) every council whose area or any part of whose area is within the planning area ; and

(*b*) every body corporate or other authority which, in the opinion of the Authority, is responsible for the provision within the planning area of services referred to in subparagraph (i) of paragraph (*e*) of section 29 of this Act or such representatives as may be appointed for the purpose by such body corporate or other authority,

and shall, after obtaining from the Commissioner of Highways his detailed proposals for the development of roads and associated facilities for road traffic within the planning area

(which proposals the Commissioner is hereby authorized and required to give the Authority within a reasonable time of being requested so to do), give due consideration to such proposals.

(3) When the development plan has been so prepared the Authority shall cause a copy thereof to be sent to each council whose area or any part of whose area is within the planning area and thereafter shall, by advertisement published in the *Gazette* and in a daily newspaper circulating generally throughout the State, give public notice that a copy of the development plan shall be open to public inspection at the office of the Authority and at the office of each such council, if any, for such period (not less than two months from the date of the publication of the advertisement in the *Gazette*) as shall be specified in the advertisement, and that the Authority will, until the end of that period, entertain written representations on the development plan or any part thereof.

(4) The Authority and each of such councils, if any, shall make a copy of the development plan available for inspection by any member of the public during ordinary office hours at their respective offices for such period as is specified in the advertisement.

(5) At any time during the period referred to in subsection (4) of this section, any person may lodge with the Authority representations in writing concerning the development plan or any part thereof.

(6) The Authority shall consider the representations and, having regard thereto, may amend the development plan as it thinks fit and any reference in section 31, 32, 33 or 34 of this Act to a development plan shall, if the development plan has been so amended, be read as including a reference to the development plan as so amended.

Submission of development plan to Minister.

31. After the Authority has considered the representations, the Authority shall submit the development plan to the Minister together with a summary of the representations (if any) received by the Authority and a statement in writing describing the action taken or recommended by the Authority regarding each representation.

Consideration of development plan.

32. (1) The Minister shall consider the development plan and the summary and statement (if any) so submitted to him and shall forward the same to the Governor together with his recommendations thereon.

(2) The Governor shall examine the development plan and the summary and statement (if any) and the recommendations of the Minister and may then decide—

(*a*) to proceed with the development plan without alteration ; or

(*b*) to proceed with the development plan as modified by such alterations as he deems expedient arising out of the representations received and the recommendations (if any) made by the Minister ; or

(*c*) to refer the development plan back to the Authority for consideration of such further matters as the Governor thinks fit ; or

(*d*) not to proceed with the development plan.

Governor may proceed with development plan or refer it back to Authority.

33. (1) Where the Governor decides to proceed with the development plan without alteration, he may by proclamation declare the development plan to be an authorized development plan.

(2) Where the Governor decides to proceed with the development plan as modified by any alterations and considers that the alterations are of such a nature as do not justify the development plan or any part thereof being referred back to the Authority to be dealt with in accordance with subsections (4) to (9) (both inclusive) of this section, he may by proclamation declare the development plan as modified by the alterations which shall be specified in the proclamation to be an authorized development plan.

(3) It shall not be necessary to publish a copy of the development plan or any alteration thereto in the proclamation referred to in subsection (1) or subsection (2) of this section if the development plan and the alteration thereto are open to public inspection and a sufficient description of the development plan and the alteration thereto are included in such proclamation.

(4) Where the Governor decides to refer the development plan back to the Authority for consideration of such further matters as the Governor thinks fit, he may so refer the development plan to the Authority.

(5) Where the development plan is so referred back to the Authority, the Authority shall cause particulars of such further matters to be sent to each council whose area or any part of whose area is within the planning area affected by the development plan and thereafter shall by advertisement published in the *Gazette* and in a daily newspaper circulating generally

throughout the State, give public notice that a copy of the development plan and particulars of the further matters to be considered by the Authority shall be open to public inspection at the office of the Authority and each such council, if any, for such period (not less than two months from the publication of the advertisement in the *Gazette*) as shall be specified in the advertisement and that the Authority will, until the end of that period, entertain written representations on such further matters.

(6) The Authority and each of such councils, if any, shall make a copy of the development plan and particulars of the further matters to be considered by the Authority available for inspection by any member of the public during ordinary office hours at their respective offices for the period specified in the advertisement.

(7) At any time during the period referred to in subsection (6) of this section, any person may lodge with the Authority representations in writing concerning the further matters to be considered by the Authority.

(8) The Authority shall consider the representations and, having regard thereto, may amend the development plan as it thinks fit.

(9) The provisions of sections 31 and 32 of this Act shall thereafter, with such modifications as are necessary, apply to and in relation to the development plan.

Authorized development plans and variations thereof to be open to public inspection.

34. (1) As soon as practicable after a development plan is declared to be an authorized development plan or after an authorized development plan is amended or altered in accordance with this Act, the Authority shall furnish every council whose area or any part of whose area is within the planning area affected by the development plan or amendment or alteration with a copy of the authorized development plan or amendment or alteration.

(2) The Authority and each of such councils shall make a copy of the authorized development plan and of every amendment or alteration thereof available for inspection by any member of the public during ordinary office hours at their respective offices.

Supplementary development plans.

35. (1) The Authority shall, from time to time, re-examine the planning area affected by an authorized development plan and may, if it considers fit, prepare a supplementary development plan of the planning area or any part thereof; but, if the

area of a council or any part thereof lies within a planning area that lies outside the Metropolitan Planning Area, the Authority shall not prepare a supplementary development plan affecting any part of the area of the council—

(*a*) unless the council has requested the Authority to do so ;

or

(*b*) unless the council has failed or refused to prepare and submit to the Minister within six months after being requested to do so by the Authority, a supplementary development plan relating to the area or part of the area of the council that lies within the planning area ;

or

(*c*) unless a supplementary development plan of the area or part of the area of the council that lies within the planning area prepared by the council has been returned to the council by the Minister under this section.

(2) Sections 29 to 34 of this Act (both inclusive) shall, with such modifications as are necessary, apply to and in relation to any such re-examination or supplementary development plan as if such re-examination were an examination of the planning area referred to in section 29 of this Act or such supplementary development plan were a development plan.

(3) A council may examine the area of the council or any part thereof which is within the planning area affected by an authorized development plan and may, from time to time, prepare a supplementary development plan of the area of the council or any part thereof which is within that planning area.

(4) Such a supplementary development plan shall be of the same nature as a supplementary development plan that could be prepared by the Authority under subsection (1) of this section and the council shall, in relation thereto and in relation to matters incidental thereto, do all such things which the Authority would have been required to do under sections 29, 30 and 31 of this Act, if the plan were prepared by the Authority, as are appropriate and practicable.

(5) Where a supplementary development plan prepared by a council under this section is submitted to the Minister by the council together with a summary of the representations (if any) received by the council and a statement in writing describing the action taken or recommended by the council regarding each representation, the Minister shall, if he is satisfied that the

council has in relation to the plan and to matters incidental thereto, done all such things which the Authority would have been required to do under sections 29, 30 and 31 of this Act, if the plan were prepared by the Authority, as are appropriate and practicable, refer the plan, summary and statement to the Authority for a report as to whether the supplementary development plan is consistent with, or is a suitable variation of, the authorized development plan.

(6) If the Authority reports to the Minister that in its opinion the supplementary development plan is consistent with, or is a suitable variation of, the authorized development plan, the supplementary development plan shall be deemed to be a supplementary development plan prepared by the Authority and duly submitted to the Minister in accordance with section 31 of this Act and the provisions of sections 32 to 34 (both inclusive) of this Act shall apply and have effect in relation thereto accordingly; but if the Authority reports to the Minister that in its opinion the supplementary development plan is not consistent with, or is not a suitable variation of, the authorized development plan, the Authority shall furnish the Minister with its reasons for such opinion, and the Minister shall either—

(*a*) inform the council accordingly and return the plan to the council;

or

(*b*) treat it as a supplementary development plan prepared and duly submitted to the Minister by the Authority in accordance with section 31 of this Act and the provisions of sections 32 to 34 (both inclusive) of this Act shall apply and have effect in relation thereto accordingly.

(7) Where a supplementary development plan affecting any planning area or part of any planning area is declared by proclamation under this Act to be an authorized development plan, such authorized development plan shall, for the purposes of this Act, have effect as, and be deemed to be a variation of, and shall be incorporated with, every other existing authorized development plan affecting that planning area or part of the planning area, as the case may be.

PART IV.

PART IV.

IMPLEMENTATION OF AUTHORIZED DEVELOPMENT PLANS.

Planning regulations.

36. (1) Subject to this Act, the Governor may, on the recommendation of the Authority or a council whose area or any part of whose area is within the planning area affected by an authorized development plan and on receiving from the Minister a certificate that in his opinion such of the provisions of section 38 of this Act as are applicable have been complied with, make such regulations, not repugnant to or inconsistent with any Act, as are necessary or expedient for the purpose of implementing and giving effect to the authorized development plan and the general principles contained therein and the objects thereof and any matters incidental thereto and for any other purpose (express or implied) for which planning regulations may be made under this Act.

(2) Such regulations shall be known as the planning regulations relating to that authorized development plan.

(3) Any planning regulations may be of general application or apply in specified cases and may be expressed to apply to the whole or any specified part of the planning area, and, unless otherwise provided or clearly intended, whether expressly or by necessary implication, shall apply to the whole of the planning area and shall apply to and bind the Crown and every instrumentality or agency of the Crown ; but where a planning regulation is made on the recommendation of a council, it shall be expressed to have effect only in the area or that part of the area of the council which is within the planning area affected by the authorized development plan to which it relates, and it may provide that the regulation shall be administered or enforced or administered and enforced by the council.

(4) Without limiting the generality of the powers conferred by subsection (1) and subsection (3) of this section, a planning regulation may—

(*a*) define any zone or locality for specified purposes and purposes ancillary thereto ;

(*b*) regulate, restrict or prohibit, either absolutely or subject to any prescribed conditions—

(i) the development of any land or any class of land within any zone or locality ;

(ii) the manner or circumstances in which or the purposes for which any land, buildings or structures or any class thereof may be used either generally or in specified zones or localities within the planning area ;

(iii) the conversion or alteration or siting of buildings or structures or any class thereof and the general character of the external appearance of buildings and structures either generally or in specified zones or localities within the planning area or in any specified circumstances ;

(*c*) prescribe the cases and circumstances in and under which—

(i) an existing building or structure within the planning area shall not be altered, enlarged or extended for the purposes of its existing use without the consent of the Authority or the council within whose area the building or structure is situated ;

(ii) the use of any land within the planning area shall not be changed from its existing use without the consent of the Authority or the council within whose area the land is situated or the use of any land within the planning area may be changed from its existing use with the consent of the Authority or the council within whose area the land is situated; and

(iii) an existing use of land which is discontinued shall cease to be regarded as an existing use of the land for the purposes of this Act ;

(*d*) reserve any land for any purpose for which the land may be compulsorily acquired or taken under any Act and—

(i) prohibit the carrying out or completion of any work or class of work on land so reserved without the consent in writing of the Minister;

(ii) prescribe the manner of and procedure for making, dealing with and disposing of applications for such consent and provide that such consent may be given subject to conditions ;

and

(iii) provide that any land so reserved has ceased or will cease to be so reserved and confer on the Authority or a council power to determine the cases and circumstances in and under which and the purposes for which land that has ceased to be so reserved may thereafter be used ;

(*e*) prescribe the cases and circumstances in and under which any planning regulation shall apply or shall not apply ;

(*f*) empower the Governor, on the recommendation of the Authority or a council, by proclamation to exempt any land, subject to such terms and conditions as may be specified in the proclamation, from the operation of any planning regulation or part of a planning regulation and to prescribe the cases and circumstances in and under which and the purposes for which land so exempted may thereafter be used and by a like proclamation, to revoke or vary such exemption ;

(*g*) define any zone or locality, consent to the subdivision of the whole or any part of which may be refused or granted subject to conditions that are appropriate to that zone or locality and define any such zone as expressly superseding a zone indicated on an authorized development plan ;

(*h*) regulate, restrict or prohibit the development of any land abutting, adjoining or adjacent to a road and, for that purpose, may—

(i) regulate or prohibit the construction, forming or laying out of any means of access to or from the road ;

(ii) regulate or prohibit the erection or making on the land of any building, structure, stockpile, earthworks or excavation which is within a prescribed distance from the road ; and

(iii) regulate or prohibit the erection or making on the land of any building or structure, stockpile, earthworks or excavation for any use or purpose that is likely to cause increased and excessive vehicular traffic or traffic congestion or traffic hazard ;

(*i*) provide for the conservation, preservation or enhancement of the natural beauty of the foreshores or banks of the ocean, harbours, rivers, creeks, lakes, lagoons and the like and of any routes or localities of scenic beauty or value ;

(*j*) prohibit the alteration or destruction of buildings or sites of architectural, historical or scientific interest or natural beauty except with the consent of the Authority ;

(*k*) prohibit the cutting down, topping, lopping or destruction of trees except with the consent of the Authority ;

(*l*) regulate, restrict or prohibit the construction, erection or use of advertising devices, signs, panels or hoardings, whether illuminated or not, and whether attached to buildings or other structures or not ;

(*m*) require suitable action to be taken for abating any impairment caused to any of the amenities in any locality within the planning area by reason of the ruinous or dilapidated condition of any object, building or structure on any land within the locality or the condition of any derelict, waste or neglected land ;

(*n*) require the provision of space or accommodation appropriate to the use of any land within the planning area for the parking, loading, unloading turning and fuelling of vehicles upon such land ;

(*o*) regulate, restrict or prohibit, either absolutely or subject to any conditions which may be imposed by the Authority, the extraction from the soil of any turf, soil, sand, gravel, clay, rock, stone or similar minerals, the production of salt by the solar evaporation of sea water, the dressing and treatment of minerals or the manufacture of products therefrom ;.

(*p*) make provision for facilitating the re-development of localities within the planning area, either comprehensively or otherwise, and for remedying conditions of bad or unsatisfactory lay-out of land or unhealthy or obsolete development ;

(*q*) provide that any regulation or part of a regulation shall be administered and enforced by the council of the area or part of the area to which the regulation relates ;

(*r*) prescribe the manner of and procedure governing the making of and dealing with various applications to the Authority or a council and provide for the giving of public or other notice that any such application has been made ;

(*s*) require the owner of any land on which any building, structure or work has been erected or carried out in contravention of any provision of this Act to remove such building or structure or to restore such land as far as is practicable to its former state and make provision for the enforcement of any such requirement ;

(*t*) subject to Division 3 of Part II of this Act, prescribe the manner of making, hearing and disposing of such appeals, and prescribe the manner of giving effect to decisions on such appeals; and

(*u*) prescribe a penalty not exceeding two hundred dollars for a breach of any provision of a planning regulation or for any failure to comply with any notice given under or in pursuance of any such regulation, or with any term or condition subject to which any consent, permission or approval or any exemption is granted under this Act, and a daily penalty not exceeding fifty dollars for every day on which such breach or failure continues.

(5) The Authority may, with the approval of the council, by writing, delegate all or any of its powers and functions exercisable under any planning regulation in relation to any area or part of any area to the council of that area so that the delegated powers or functions may be exercised by the council.

(6) Every such delegation shall be revocable at the will of the Authority and shall not prevent the exercise of the delegated power or function by the Authority.

(7) No planning regulation shall be regarded as invalid on the ground—

(*a*) that it delegates to or confers upon any person or person of a class a discretion or a discretionary power or authority; or

(*b*) that it varies or re-constitutes the boundaries or location of any zone or other locality or any road shown in an authorized development plan.

(8) Where any provision of this Act provides that, in relation to any land, a thing may be done with the consent, permission or approval of a person or body or that a thing shall not or may not be done without the consent, permission or approval of a person or body, such consent, permission or approval may be given absolutely or subject to conditions imposed or expressed by the person or body concerned, including conditions limiting the operation or effect of the consent, permission or approval to a limited period or by reference to the applicant only or to the type of use which is made or to be made of the land by the applicant, or prescribing the type, size or kind of construction of any building or structure to be erected on the land or requiring the removal or alteration of any work or the re-instatement of any land.

(9) Where a person purports to do or causes or permits to be done an act of any kind in pursuance of any consent, permission or approval obtained or granted under this Act, but such act is, in any respect, in breach of a condition attached to such consent, permission or approval, such act shall be deemed to have been done without such consent, permission or approval and such consent, permission or approval may be revoked by the person or body that granted it.

(10) Where by any planning regulation, any land is reserved for any purpose referred to in paragraph (*d*) of subsection (4) of this section, such regulation shall also specify the acquiring authority in whom or in which is vested the power to acquire such land for such purpose.

(11) Where by any planning regulation any land is reserved for any purpose referred to in paragraph (*d*) of subsection (4) of this section or any land so reserved is declared to have ceased to be so reserved, the Director shall furnish the Registrar-General with a copy of the *Gazette* containing the regulation and the Registrar-General shall—

(*a*) if the land is under the provisions of the Real Property Act, 1886-1963, make on any certificate of title such entries as he deems necessary to indicate that the land is so reserved or has ceased to be so reserved, as the case may be ; or

(*b*) if the land is not under the provisions of the Real Property Act, 1886-1963, record the fact that the land is so reserved or has ceased to be so reserved, as the case may be, by registering a memorial of the regulation in the General Registry Office under the Registration of Deeds Act, 1935-1962,

and if the land is held under an agreement, lease or licence under the Crown Lands Act, 1925-1967, the Director shall furnish the Director of Lands with a copy of the *Gazette* containing the regulation and the Director of Lands shall cause such entries as are necessary to be made on the instrument under which the land is held to record the fact that the land is so reserved or has ceased to be so reserved, as the case may be.

(12) During such time as any planning regulation reserving any land for any purpose referred to in paragraph (*d*) of subsection (4) of this section is in force, the land shall, for the purposes of the Land Tax Act, 1936-1966, the Waterworks Act, 1932-1966, the Sewerage Act, 1929-1966, and the Local Government Act, 1934-1966, be assessed for tax or rates having regard to the value of the land resulting from the use to which

it is put at the relevant time without regard, however, to the value the land would have if it were capable of being used for any purpose other than a purpose for which the land has been reserved.

(13) Where by any planning regulation—

(*a*) any land is reserved for any purpose referred to in paragraph (*d*) of subsection (4) of this section ;

and

(*b*) the carrying out or completion of any work or class of work on that land without the consent in writing of the Minister is prohibited,

the owner of the land may, if the consent of the Minister is refused or granted subject to conditions, serve upon the acquiring authority, within six months after such consent is refused or granted subject to conditions, a written notice requiring that the and be acquired by the acquiring authority.

(14) The owner shall, not later than seven days after the notice is served on the acquiring authority, serve a copy thereof on the Minister.

(15) If within two months after the receipt of the notice the acquiring authority does not inform the owner in writing that the acquiring authority intends to acquire the land as soon as practicable and within four months after so informing the owner the acquiring authority has not acquired the land or served on the owner a notice to treat pursuant to the Compulsory Acquisition of Land Act, 1925-1966, with respect to the land, the owner may proceed to carry out or complete that work or class of work on that land without the consent in writing of the Minister and without incurring any penalty therefor.

(16) If any by-law made by a council is inconsistent with any provision of this Act or of any planning regulation made under this Act, such provision shall prevail and the by-law shall, to the extent of the inconsistency, be invalid.

Continuance of existing use.

37. (1) Notwithstanding anything contained in section 36 or any other section of this Act, no provision of any planning regulation shall be construed as preventing the continued use of any land or building for the purposes for which the land or building was being lawfully used at the time the regulation took effect or as preventing the carrying out or completion on any land of any work for which every consent, permission or approval required under any Act authorizing the work to be carried out had been obtained and was current.

(2) Notwithstanding any other provision of this Act, where—

(*a*) a person carrying on the business of manufacturing, warehousing or storage of goods had, before the commencement of this Act, been using any land in connection with that business or had acquired any land for use in connection with that business ;

and

(*b*) such use or intended use was permitted or authorized by or under the Building Act, 1923-1965, or any by-law made thereunder, as in force at the commencement of this Act,

such person or his successor in business may, so long as he is the owner or occupier thereof, use or continue to use the land in connection with that business in accordance with such permission or authorization but the foregoing provision does not exempt such person from compliance with any provision of this Act or of any regulation requiring the provision on such land of space or accommodation appropriate to the use of such land for the parking, loading, unloading, turning or fuelling of vehicles on such land or regulating or prohibiting the construction, forming or laying out of any means of access to or from a road abutting, adjoining or adjacent to the land.

Recommendations for the making of planning regulations.

38. (1) Every recommendation by the Authority or a council for the making of any planning regulations under section 36 of this Act shall be submitted to the Minister.

(2) Before the Authority or a council submits such a recommendation to the Minister it shall, by notice published in the *Gazette* and in a daily newspaper circulating generally throughout the State, give public notice that it proposes to make a recommendation for the making of planning regulations under section 36 of this Act, that a copy of the proposed recommendation shall be open to public inspection during ordinary office hours at the office of the Authority or the council, as the case may be, for such period (being not less than two months from the date of the publication of the notice in the *Gazette*) as shall be specified in the notice and that the Authority or the council will, until the end of that period, entertain written objections to the proposed recommendation.

(3) The Authority or the council shall make a copy of the proposed recommendations available for inspection by any member of the public during ordinary office hours at its office for the period specified in the notice and, on payment of the prescribed fee, may furnish any applicant with a copy of such recommendations.

(4) At any time during the period referred to in subsection (3) of this section, any person may lodge with the Authority or the council, as the case may be, written objections to the proposed recommendation.

(5) The Authority or the council, as the case may be, shall afford each person who has so lodged such objections an opportunity to appear personally, or by counsel, solicitor or agent before the Authority or the council and to be heard in support of such objections.

(6) The Authority or the council shall, when submitting the recommendation to the Minister, forward to the Minister together with the recommendation a statement containing a summary of the objections, if any, and a description of the action, if any, taken or recommended by the Authority or the council regarding each objection.

(7) Before the Authority submits a recommendation under this section, the Authority shall consult with every council in whose area any land will be affected by the proposed recommendation.

(8) Every recommendation submitted by the Authority under this section shall be accompanied by a statement under the hand of the chairman of the Authority setting out the names of the councils which have been consulted by the Authority in accordance with subsection (7) of this section and a summary of the comments, if any, which have been made by such councils with respect to the proposed recommendation.

(9) Every recommendation submitted under this section by a council shall be referred by the Minister to the Authority for report and if the Authority reports that the recommendation is not in accordance or does not conform with the provisions and objects of the authorized development plan applicable to the area of the council, the Minister shall not proceed further with the recommendation and shall inform the council accordingly.

(10) No recommendation for the making of any planning regulation whereby any land is to be reserved for any purpose referred to in paragraph (*d*) of subsection (4) of section 36 of this Act shall be submitted to the Minister under this section by the Authority or a council unless—

(*a*) the acquiring authority concerned has consented in writing to such recommendation ;

and

(*b*) a copy of such consent is attached to such recommendation.

Application of Acts Interpretation Act to planning regulations.

39. Without limiting the application of the Acts Interpretation Act, 1915-1957, the provisions of that Act shall, so far as the same are applicable, apply to and in relation to every planning regulation made under this Part of this Act.

PART V.

INTERIM DEVELOPMENT CONTROL WITHIN THE METROPOLITAN PLANNING AREA.

This Part not to limit application of other provisions.

40. The provisions of this Part do not limit the application of, or derogate from, any other provisions of this Act.

When land is declared to be subject to this section.

41. (1) On the recommendation of the Authority, the Governor may, from time to time, by proclamation, declare that any land specified therein, being land within the Metropolitan Planning Area, shall be subject to this section.

(2) Subject to subsection (3) of this section, any land so declared shall be subject to this section for such period not exceeding five years as the Governor may specify by such proclamation.

(3) Any land so declared shall cease to be subject to this section—

(*a*) upon the expiration of the period referred to in subsection (2) of this section; or

(*b*) upon the declaration by a subsequent proclamation under subsection (4) of this section that it has ceased to be subject to this section,

whichever first occurs.

(4) On the recommendation of the Authority, the Governor may, by subsequent proclamation, declare that any land which had been previously declared to be subject to this section shall cease to be subject to this section.

(5) Where any land is subject to this section, no person shall, so long as the land is so subject—

(*a*) change the existing use to which the land or any buildings or structures thereon is or are lawfully being put; or

(*b*) construct, convert or alter any building or structure thereon,

without the consent in writing of the Authority or, where the Authority has by notice published in the *Gazette* delegated its power under this subsection to a council within whose area the land is situated (power to make or revoke such delegation being hereby conferred on the Authority), without the consent in writing of that council.

Penalty : Five hundred dollars.

(6) Subsection (5) of this section does not apply to the construction, conversion or alteration of any building or structure on any land by any person or body who or which is required and authorized by or under any Act to carry out such construction, conversion or alteration.

(7) Before granting or refusing its consent to any matter referred to in subsection (5) of this section, the Authority or council shall have regard to—

(*a*) the provisions of the Metropolitan Development Plan ;

(*b*) the health, safety and convenience of the community within, and in the vicinity of, the locality within which the land is situated ;

(*c*) the economic and other advantages and disadvantages (if any) to the community of developing the locality within which the land is situated ; and

(*d*) the amenities of the locality within which the land is situated.

(8) The Authority or council may grant its consent without attaching any conditions thereto or subject to such conditions as the Authority or council thinks proper.

Plans of subdivision of land in prescribed localities within Metropolitan Planning Area.

42. (1) Where—

(*a*) a person makes an application to the Director for approval of a plan of subdivision relating to any land within the Metropolitan Planning Area to which Part VI of this Act applies ; and

(*b*) the Director is of opinion that the whole or any part of the land lies within a prescribed locality,

the Director shall refer the plan of subdivision to the Authority for report and the Authority shall examine the plan and make a report to the Director in writing stating whether in its opinion the land or any part thereof lies within a prescribed locality and whether the plan conforms to the purposes, aims and objectives of the Metropolitan Development Plan and to the planning regulations (if any) relating to that plan.

(2) If the report of the Authority states that, in the opinion of the Authority, the land or any part thereof lies within a prescribed locality and that the plan does not conform to the purposes, aims and objectives of the Metropolitan Development Plan or to the planning regulations (if any) relating to that plan the Director shall refuse to approve of the plan of subdivision.

(3) The Director shall thereupon send to the applicant notice of his decision to refuse to approve the plan of subdivision together with a copy of the report of the Authority.

(4) There shall be a right of appeal to the board against such decision of the Director and the board may, before determining the appeal, review the matters contained in the report of the Authority.

(5) In this section—

"prescribed locality"—

(*a*) means any zone indicated in the Metropolitan Development Plan as a General Industrial Zone, Light Industrial Zone, Extractive Industrial Zone, Special Industrial Zone, Hills Face Zone or Rural Zone ; and

(*b*) where any such zone has been expressly superseded by a zone or locality defined for specified purposes by a planning regulation relating to the Metropolitan Development Plan, means the zone or locality so defined.

PART VI.

CONTROL OF LAND SUBDIVISION.

Application of this Part.

43. (1) This Part does not apply to—

(*a*) any land within the area of the City of Adelaide ;

(*b*) any Crown lands ; and

(*c*) any lands which are wholly used or intended to be wholly used for the business of primary production and are subject to any agreement, lease or licence granted by or on behalf of the Crown.

(2) For the purposes of subsection (1) of this section, "business of primary production" means the business of agriculture, pasturage, horticulture, viticulture, apiculture, poultry farming, dairy farming, forestry or any other business consisting of the cultivation of soils, the gathering in of crops or the rearing of livestock.

Land not to be sold, etc. except in allotments.

44. (1) A person shall not—

(*a*) sell, grant, transfer, convey or mortgage any land, other than an allotment, or an undivided share of an allotment, to any person;

(*b*) enter into any contract of sale or agreement for sale and purchase of any land, other than an allotment or an undivided share of an allotment; or

(*c*) lease or grant a licence to use or occupy any land, other than an allotment or an undivided share of an allotment, for a term exceeding five years, whether as the term of the lease or licence or by way of option to renew the term of a lease or licence,

without the approval in writing of the Director.

Penalty: Four hundred dollars.

(2) Where, after payment of any consideration for any transaction relating to land, it is found that the transaction cannot be completed without contravention of subsection (1) of this section, the amount of such consideration may be recovered by the person who paid it from the person to whom it was paid as a debt in any court of competent jurisdiction.

(3) Subsection (1) of this section shall apply to any person, whether the registered proprietor or not, or to any licensed land broker, licensed land agent, licensed land salesman or any other person acting as the agent of such person.

(4) Subsection (1) of this section shall not apply to any land that includes or constitutes a building or any portion of a building designed as a unit for separate occupation within a building unit scheme comprising three or more of such units erected on an allotment and approved by the council within whose area such allotment is situated if such land is held and dealt with as a unit for separate occupation within such a scheme.

(5) Subsection (1) of this section shall not apply to any piece of land over twenty acres in extent.

(6) It shall not be an offence under subsection (1) of this section if the contract, agreement, lease or licence referred to in that subsection contains a provision that such contract, agreement, lease or licence, as the case may be, is subject to the approval in writing of the Director.

Plans of subdivision and re-subdivision to be approved.

45. (1) No plan of subdivision shall be deposited with or accepted by the Registrar-General and given a number as a deposited plan unless it has first been certified by a licensed surveyor within the meaning of the Surveyors Act, 1935-1961, and approved by the Director and the council within whose area the land depicted in the plan is situated.

(2) After the commencement of this Act, no plan of subdivision shall be submitted by any person to the Director or a council for approval unless the land depicted therein is under the provisions of the Real Property Act, 1886-1963.

(3) No plan of re-subdivision shall be accepted by the Registrar-General for filing in the Lands Titles Registration Office unless it has first been approved by the Director and the council within whose area the land depicted in the plan is situated.

(4) For the purposes of this section, a plan that, before the commencement of this Act, had been approved by the Town Planner under the repealed Act shall be deemed to have been approved by the Director.

(5) For the purposes of this Part, a council may authorize an officer of the council to approve or refuse approval of a plan of re-subdivision and any approval or refusal of approval of such a plan by that officer pursuant to such authorization shall be deemed to be an approval or refusal of approval, as the case may be, by the council.

Registrar-General to make appropriate entries on certificates of title.

46. Where a plan of subdivision has been deposited in the Lands Titles Registration Office or a plan of re-subdivision has been duly approved, the Registrar-General shall make such entries on every certificate of title affected by such plan as he deems necessary to record that the plan of subdivision has been so deposited or the plan of re-subdivision has been so approved.

Registrar-General may refuse to register dealing unless appropriate plan deposited or approved.

47. Where, in the opinion of the Registrar-General, a dealing in any land cannot be registered unless a proper plan of subdivision has been deposited in the Lands Titles Registration Office or a plan of re-subdivision has been duly approved, he may refuse to accept for registration any instrument purporting to give effect to such dealing until the plan of subdivision has been so deposited or the plan of re-subdivision has been

so approved; but, notwithstanding that such a plan of re-subdivision has not been so approved, he may, subject to the directions, if any, of the Minister, accept for registration any instrument purporting to convey any land to or from the Crown, whether in right of the Commonwealth or in right of the State or to or from any person who, in his opinion, is an agent or instrumentality of the Crown, whether in right of the Commonwealth or in right of the State.

Effect of acceptance of plan by Registrar-General.

48. (1) When any plan of subdivision of any land, other than land subject to any agreement, lease or licence granted by or on behalf of the Crown, has been accepted by the Registrar-General and given a number as a deposited plan or any plan of re-subdivision of any such land is accepted by the Registrar-General for filing in the Lands Titles Registration Office, every road, street, thoroughfare, reserve or other like open space shown thereon shall, by operation of this Act, become vested for the purpose indicated on the plan in fee simple in the council of the area in which it is situated without compensation or payment to any person.

(2) The Registrar-General shall make on any certificate of title such entries as he deems necessary to record the vesting of any land under subsection (1) of this section.

(3) Every road, street, or thoroughfare vested in a council pursuant to this section shall, for all purposes, be a public road, street or thoroughfare.

Grounds upon which the Director or a council may refuse approval to a plan.

49. The Director or a council may refuse approval to a plan of subdivision or plan of re-subdivision if—

(*a*) the land shown thereon, or any part thereof, is liable to inundation by tidal, drainage or flood waters;

(*b*) there is no provision, or insufficient provision, for the safe and efficient drainage and disposal of storm water from the land or any part thereof;

(*c*) the plan does not provide for reserves or easements necessary for water supply, sewerage or drainage purposes;

(*d*) a water supply sufficient for domestic purposes is not available or cannot be made available to each allotment defined therein;

(*e*) sewerage cannot be disposed of from each allotment defined therein without risk to health;

(*f*) the land, or any part thereof, is unsuitable for the purpose for which it is to be subdivided or re-subdivided, whether because of the proximity of the land to an airport or otherwise;

(*g*) the natural slope of the whole of the land in any allotment is steeper than a gradient of 1 in 4 ;

(*h*) the proposed mode of subdivision or re-subdivision would destroy any site of exceptional natural beauty or any site or building of architectural, scientific or historical interest in the land : but approval shall not be refused pursuant to this paragraph if the Director or the council is satisfied that the land upon which the site is located has been offered by the owner of the land for sale to the Government, the Authority and the council of the area in which the land is situated at a price which in the opinion of the Land Board is reasonable and the offer has not been accepted by the Government, the Authority and the council within three months after the offer has been made ;

(*i*) the proposed mode of subdivision or re-subdivision would be unsuitable having regard to the use to which the land may be put under this Act or any regulation made thereunder or under the Building Act, 1923-1965, or any by-law or regulation made thereunder ;

(*j*) the proposed mode of subdivision or re-subdivision would, if given effect to, cause an infringement of any provision of this Act or the Building Act, 1923-1965, or any by-law or regulation made thereunder ;

(*k*) there is no provision for shop sites, or the provision made for shop sites is unsatisfactory or insufficient having regard to the shops and shop sites in the locality ;

(*l*) access from each allotment defined therein to the carriageway of any existing or proposed road, street or thoroughfare is not safe and convenient ;

(*m*) access from any allotment defined therein is not permitted under any Act or regulation ;

(*n*) any proposed road, street or thoroughfare is not so graded or so capable of being graded as to be capable of being safely and conveniently connected with any existing road, street or thoroughfare ;

(*o*) any proposed road, street or thoroughfare is unsafe or inconvenient for traffic, or does not provide for convenient inter-communication with neighbouring localities ;

(*p*) adequate provision for roads is not made on the plan ;

(*q*) a road is not shown on the plan where necessary or convenient for access to or from any road through land adjoining the land depicted on the plan, or to or from any road shown on a plan approved by the Director or for which tentative approval has been given by him ;

(*r*) a road is not shown on the plan for safe and convenient inter-communication with land adjoining the land depicted on the plan ;

(*s*) the proposed mode of subdivision or re-subdivision would prevent the satisfactory future subdivision or re-subdivision of the land depicted on the plan or any part thereof ; or

(*t*) the plan does not comply with this Act and any regulations made thereunder.

Further grounds of refusal by Director or council may be prescribed.

50. Without limiting the powers contained in sections 49, 51 and 52 of this Act, the Director or a council may refuse approval to a plan of subdivision or plan of re-subdivision for any ground or reason that may be prescribed by regulation made under section 36 or section 62 of this Act.

Further grounds of refusal by council.

51. (1) Without limiting the powers contained in section 49 of this Act, a council may refuse approval to a plan of subdivision unless the council is satisfied—

(*a*) that—

(i) the roadway of every proposed road or street, to a width of at least twenty-four feet, and every water-table, channel and footpath of every proposed road or street has been formed in a manner satisfactory to the council and in conformity with a road location and grading plan signed by a licensed surveyor within the meaning of the Surveyors Act, 1935-1961, and submitted to and approved by the council prior to the commencement of the work ;

and

(ii) the roadway of every proposed road or street has been adequately constructed, paved and sealed with bitumen, tar or asphalt or other material approved by the council and all bridges, culverts, underground drains and inlets thereto necessary in accordance with recognized engineering design practice,

and the water-tables, channels, kerbs and footpaths of every proposed road or street have been constructed in a manner satisfactory to the council and in conformity with detailed construction plans and specifications signed by a prescribed engineer and submitted to and approved by the council prior to the commencement of the work;

or

(*b*) that, before the commencement of any work referred to in paragraph (*a*) of this subsection which has not been carried out or completed to the satisfaction of the council, the applicant has made binding arrangements satisfactory to the council that the work will be carried out or completed to the satisfaction of the council at the cost of the applicant and within such time as may be specified by the council.

(2) Notwithstanding anything contained in sections 319 and 328 of the Local Government Act, 1934-1966, where a plan of subdivision has been approved by a council and—

(*a*) the roadway of any proposed road or street shown thereon has been constructed, paved or sealed by or on behalf of the owner of the land delineated thereon, or any necessary bridges, culverts, drains or inlets or the water-tables, channels, kerbs or footpaths of any such proposed road or street have been constructed by or on behalf of that owner, in a manner satisfactory to the council and in conformity with detailed construction plans and specifications signed by a prescribed engineer and submitted to and approved by the council prior to the commencement of the work;

(*b*) such proposed road or street has by virtue of section 48 of this Act or any corresponding previous enactment become a public road or street;

and

(*c*) any work of a kind referred to in paragraph (*a*) of this subsection which had been carried out by or on behalf of the owner aforesaid is also carried out thereafter by the council,

the council shall not be entitled to recover the cost or expenses of such work or any part thereof from the owners of any ratable property abutting on such public road or street, or abutting on

the footpath of any such public road or street, as the case may be, where such ratable property constituted or formed part of the land delineated on the plan of subdivision.

(3) In this section—

"prescribed engineer" means a person who, being—

(*a*) a corporate member of the Institution of Engineers, Australia ; or

(*b*) the holder of qualifications which exempt him from the Associate membership examination of the Institution of Engineers, Australia,

practises the profession of engineer.

(4) Before a council approves a plan of subdivision, it may require the applicant to satisfy the council that all connections for water supply and sewerage services to any allotment defined therein which, in the opinion of the Director and Engineer-in-Chief of the Engineering and Water Supply Department, are necessary and would need to be laid under the surface of any proposed road have been made before the roadway of such road has been sealed.

Further grounds of refusal by the Director.

52. (1) Without limiting the powers contained in section 49 of this Act, the Director may refuse approval to a plan of subdivision or plan of re-subdivision if—

(*a*) in the opinion of the Director and Engineer-in-Chief of the Engineering and Water Supply Department, the requirements of the Minister of Works for the provision of water supply and sewerage services to each allotment defined therein have not been or can not be met ;

(*b*) the plan defines more than twenty allotments and does not provide as reserves at least twelve and one half per centum of such of the land depicted thereon as in the Director's opinion is usable for the purpose for which the land is being divided ;

(*c*) the plan defines not more than twenty new allotments (all or any of which are not more than two acres in extent) and—

(i) does not provide as reserves at least twelve and one half per centum of such of the land depicted thereon as in the opinion of the Director is usable for the purposes for which the land is being divided ; or

(ii) the owner of the land depicted thereon has not paid or has not, to the satisfaction of the Authority, bound himself to pay to the Authority to be paid into the Fund an amount representing one hundred dollars (if the land is situated in the Metropolitan Planning Area), or forty dollars (if the land is situated outside the Metropolitan Planning Area) for each of such allotments as is not more than two acres in extent;

Provided that, for the purposes of this paragraph, where the plan divides a number of existing allotments into an equal or a lesser number of allotments, such last mentioned allotments shall be deemed not to be new allotments defined by the plan and where the plan divides a number of existing allotments into a greater number of allotments, the number by which the greater number of allotments exceeds the number of existing allotments shall be deemed to be the number of new allotments defined by the plan, and the appropriate amount referred to in subparagraph (ii) of this paragraph shall become payable in respect of each of such new allotments as are not more than two acres in extent;

(*d*) the land is situated in a locality the development of which, in the opinion of the Director, is premature, having regard to—

(i) the availability or non-availability of, and the cost of providing, such services as roads, sewerage, water supplies, electricity, gas and public transport to the land;

(ii) the availability or non-availability of community facilities;

(iii) the amount of land in the vicinity of the land depicted thereon which is already divided into allotments and the extent to which such allotments have not been used for the purposes for which they were so divided;

or

(iv) any proposals contained in any authorized development plan;

(*e*) in the opinion of the Director, the natural features and the general character of the land depicted thereon or any part thereof (including the trees and vegetation thereon) or of the localities in the vicinity

thereof, would be materially impaired, altered or destroyed by reason of the nature of the proposed subdivision or re-subdivision or of any building or engineering operations involved in giving effect to such proposed subdivision or re-subdivision ;

(*f*) in the opinion of the Director, the area to be subdivided or re-subdivided, or any part thereof, or areas immediately adjacent thereto, will be subjected to undue erosion from surface waters, or any other cause by reason of the character of the proposed subdivision or re-subdivision, or of the building or engineering operations involved in its establishment ; or

(*g*) an existing road or street abuts on an area proposed to be subdivided or re-subdivided and it is necessary to widen that road or street in order to provide a thoroughfare of adequate width having regard to existing and future planning requirements and provision has not been made on the plan for such widening as the Director considers necessary ; but the Director shall not refuse approval under this paragraph—

(i) to any plan of subdivision on the grounds that an abutting road should be widened by more than fifty feet and provision has not been made on the plan for such widening ;

(ii) to any plan of re-subdivision on the grounds that the abutting road should be widened to a total width in excess of fifty feet and provision has not been made on the plan for such widening, or that from a corner allotment an area in excess of two hundred and fifty square feet abutting a junction or intersection of two or more roads shown on the plan is necessary for widening and improving visibility at the junction or intersection and provision has not been made on the plan for such widening ; or

(iii) to any plan where any building suitable for occupation exists on any part of the land considered necessary for road widening purposes if no other part of the land is

required under this paragraph for road widening purposes or if the plan makes provision for such other road widening as is required under this paragraph.

(2) Where a plan defines not more than twenty new allotments, the owner of the land depicted thereon may pay or bind himself to the satisfaction of the Authority to pay to the Authority such amount as is referred to in subparagraph (ii) of paragraph (*c*) of subsection (1) of this section and upon receipt of such amount by the Authority, the Authority shall pay the same into the Fund.

(3) Where the owner referred to in subsection (2) of this section has so bound himself to pay such amount to the Authority and has failed to pay such amount to the Authority in accordance with the terms under which he is so bound, the Authority may, without prejudice to any other remedy it may have, recover such amount from the owner as a debt in any court of competent jurisdiction.

Provision of coastal and lakeside reserves

53. (1) Subject to this section, any plan of subdivision of any land which has a frontage on the sea coast, or any lake side, or bank of a river, or open aqueduct, or any bank of a creek which is shown on an authorized development plan as suitable or desirable for preservation or protection, shall make provision for a reserve at least one hundred feet in width along such frontage and the rear of any allotment depicted on the plan shall not abut such reserve.

(2) The Director may, in relation to any plan of subdivision, dispense with or modify the requirements of subsection (1) of this section.

Director or council to give reasons for refusal of approval.

54. Where the Director or a council refuses approval to a plan, the Director or council, as the case may be, shall, when notifying the applicant of the refusal of such approval, inform him of the reasons for refusing such approval.

Easements.

55. (1) Where—

(*a*) a plan of subdivision has been at any time deposited in the Lands Titles Registration Office or, before the commencement of this Act, in the General Registry Office ; and

(*b*) it is shown on the plan that any land comprised therein is subject or intended to be subject to an easement in favour of the Minister of Works for sewerage purposes or for water supply purposes,

the land shall, as from the time of such deposit, and without compensation or payment to any person, be subject to an easement in favour of the Minister of Works giving the Minister of Works, his agents, servants and workmen full, free and unrestricted right and liberty, from time to time and at all times, to break the surface of, dig, open up and use the land for the purpose of laying down, fixing, taking up, repairing, relaying or examining pipes therein and of using and maintaining those pipes for sewerage or water supply purposes, as the case may be, together with the full, free and unrestricted right and liberty, with or without horses, plant, equipment, carts, motor vehicles and other carriages, laden or unladen, of entry, egress and regress, from time to time and at all times, in, through, over, across and along the land for any of the purposes aforesaid.

(2) Where—

(*a*) a plan of subdivision has been at any time deposited in the Lands Titles Registration Office, or, before the commencement of this Act, in the General Registry Office ; and

(*b*) it is shown on the plan that any land comprised therein is subject or is intended to be subject to an easement, in favour of the council in whose area the land is situated, for drainage purposes,

the land shall, as from the time of such deposit, and without compensation or payment to any person, be subject to an easement in favour of the council of the area in which the land is situated giving the council, its agents, servants and workmen full, free and unrestricted right and liberty, from time to time and at all times, to break the surface of, dig, open up and use the land for the purpose of laying down, fixing, taking up, repairing, relaying or examining drains or drainage pipes therein for the purpose of the drainage of water and of using and maintaining such drains and pipes, together with the full, free and unrestricted right and liberty, with or without horses, plant, equipment, carts, motor vehicles and other carriages, laden or unladen, of entry, egress and regress, from time to time and at all times, in, through, over, across and along the land for any of the purposes aforesaid.

(3) If by virtue of this section, any land is subject to an easement, the Registrar-General shall, if the land affected is land subject to the provisions of the Real Property Act, 1886-

1963, make all such entries as may be necessary or proper to evidence that the land is subject to the easement or, if the land is not subject to the provisions of that Act, register in the General Registry Office a memorial to the effect that the land is so subject, and, for the purpose of making any such entry or registering any such memorial, it shall be sufficient description of the easement if reference is made to this section.

(4) An easement to which any land is subject by virtue of this section may, upon application in writing to the Registrar-General by the Minister of Works or the council of the area in which the land is situated, as the case may require, and with the consent in writing of all persons having a registered interest in the land, by order of the Registrar-General, be varied or extinguished and upon such variation or extinction, as the case may be, the Registrar-General shall, without fee, make all such entries or register such memorial as may be necessary or proper to evidence such variation or extinction.

Consent of parties to plan.

56. The Registrar-General shall not be obliged to accept any plan of subdivision sought to be deposited or any plan of re-subdivision sought to be filed in the Lands Titles Registration Office unless he is satisfied that all persons who appear from the Register Book or any instrument registered in the Lands Titles Registration Office or the General Registry Office to have any interest in the land depicted thereon have signified their consent in writing on the plan to the proposed subdivision or re-subdivision, as the case may be.

Plan of re-subdivision may be dealt with as plan of subdivision.

57. The Director may require any plan sought to be approved by him or to be filed in the Lands Titles Registration Office as a plan of re-subdivision to be prepared and dealt with as a plan of subdivision, and in such a case the plan shall not be approved by him or accepted by the Registrar-General except as a plan of subdivision.

Director may approve plan of re-subdivision subject to conditions.

58. (1) The Director may approve a plan of re-subdivision subject to compliance with any of the following conditions :—

(*a*) that any mortgage registered in the Lands Titles Registration Office or the General Registry Office and affecting a portion only of the land depicted on the plan of re-subdivision is discharged ;

(*b*) that a mortgage collateral to one so registered and affecting portion only of the land depicted on the plan of re-subdivision be given over the remaining portion of the land so depicted and be registered in the Lands Titles Registration Office or the General Registry Office ;

(c) that the title to any defined portion of the land depicted on the plan of re-subdivision be consolidated with the title to other land specified by the Director ;

(d) that a specified easement of any description be granted or reserved and be registered over any defined portion of land depicted on the plan of re-subdivision ; or

(e) that a defined portion of the land depicted on the plan of re-subdivision be transferred to the council of the area in which the land is situated or to the Crown as a road or for road widening purposes, as the case may require.

(2) The Registrar-General shall not be obliged to accept for registration any instrument affecting the whole or any portion of land depicted on a plan of re-subdivision which has been approved by the Director subject to any of the conditions in subsection (1) of this section unless and until such condition has been fulfilled or complied with.

Penalty for dividing land otherwise than in accordance with plans.

59. (1) No person shall divide any allotment—

(a) shown on a plan of subdivision which has been deposited, at any time before or after the commencement of this Act, in the Lands Titles Registration Office or the General Registry Office ; or

(b) shown on a plan of re-subdivision which has been, at any time before or after the commencement of this Act, duly lodged in the Lands Titles Registration Office or the General Registry Office or which has been duly approved,

except in accordance with a plan of subdivision deposited in the Lands Titles Registration Office or the General Registry Office or a plan of re-subdivision duly approved under this Act or the repealed Act.

(2) A person shall be deemed to divide an allotment within the meaning of this section if, being the owner of the allotment, he sells, agrees or offers to sell, conveys, transfers, mortgages, leases or grants a licence to use or occupy for a term exceeding five years whether as the term of the lease or licence or by way of option to renew the term of the lease or licence, or otherwise disposes of, a part only of that allotment which

part of the allotment does not include or constitute a building or portion of a building that is designed, held or disposed of as a unit for separate occupation within a building unit scheme comprising three or more of such units erected on the allotment and approved by the council within whose area the allotment is situated.

(3) A person who contravenes any provision of this section shall be guilty of an offence and liable to a penalty not exceeding four hundred dollars.

(4) It shall not be an offence against this section for a person, being the owner of an allotment, to agree or offer to sell a part only of that allotment subject to the necessary plan of subdivision being deposited in the Lands Titles Registration Office or to the necessary plan of re-subdivision being duly approved.

Power of Registrar-General to correct errors.

60. (1) Notwithstanding anything contained in the Real Property Act, 1886-1963, the Registrar-General may correct any error or omission which, in his opinion, exists in any plan in the Lands Titles Registration Office or the General Registry Office.

(2) In correcting any such error or omission the Registrar-General shall not erase or render illegible the original words, figures or other symbols, and shall date and initial the correction.

(3) The Registrar-General shall notify the council in whose area the land depicted on the plan is situated of every correction made under this section.

Power of Governor to proclaim private land to be open space.

61. (1) If satisfied that it is desirable in the public interest or otherwise to preserve any land as an open space, the Governor, on the application of the owner of the land, may, by proclamation, declare that the land shall not be divided into allotments or used for any purpose not in keeping with its character as an open space.

(2) The Governor may by subsequent proclamation vary or revoke a proclamation made under this section or under section 29 of the repealed Act.

(3) While any proclamation made under this section or under section 29 of the repealed Act is in force in relation to any land, the Director shall not approve any plan purporting to divide such land in contravention of such proclamation.

(4) During such time as any proclamation—

(*a*) made under this section and which declares that any land shall not be divided into allotments or used for any purpose not in keeping with its character as an open space ; or

(*b*) made under section 29 of the repealed Act and which declares that any land shall not be divided into allotments for any purpose,

is in force, the land shall, for the purposes of the Land Tax Act, 1936-1966, the Waterworks Act, 1932-1966, the Sewerage Act, 1929-1966, and the Local Government Act, 1934-1966, be assessed for tax or rates having regard to the value of the land resulting from the use to which it is put at the relevant time without regard however to the value the land would have if it were subdivided or were capable of being subdivided into allotments or if it were capable of being used for any purpose not in keeping with its character as an open space.

(5) Where—

(*a*) a proclamation has been made under this section or section 29 of the repealed Act declaring that any land shall not be divided into allotments or shall not be used for any purpose not in keeping with its character as an open space ; and

(*b*) a subsequent proclamation has been made under subsection (2) of this section by virtue of which that land or any part thereof ceases to be affected by the proclamation referred to in paragraph (*a*) of this subsection,

the owner of the land or part thereof that has ceased to be so affected shall, on the publication of the subsequent proclamation in the *Gazette*, be liable to pay and shall pay to the appropriate taxing or rating authority under each of the Acts referred to in subsection (4) of this section a sum of money representing the difference (if any) between the amount of the tax or rates paid in respect of the land or part of the land in question for such period (not exceeding five years) during which the first mentioned proclamation applied to it as immediately preceded such publication of the subsequent proclamation and the amount that would have been payable in respect thereof for that period if it had not been affected by that proclamation and such sum shall be recoverable by that taxing or rating authority from the owner as a debt in any court of competent jurisdiction.

Regulations for the purposes of this Part.

62. (1) In addition to the other powers to make regulations conferred by this Act, the Governor may make such regulations as are necessary or expedient for the purpose of giving effect to the provisions and objects of this Part.

(2) Without limiting the generality of the provisions of subsection (1) of this section, such regulations may prescribe—

(*a*) the manner in which plans are to be prepared, the particulars to be shown thereon and other requirements to be complied with in relation to plans ;

(*b*) the procedure to be followed for applying for the approval of the Director or of a council to any plan and the procedure to be followed before or when the Director or a council approves any plan ;

(*c*) the grounds, in addition to those set out in this Act, upon which the Director or a council may refuse approval to a plan ;

(*d*) minimum sizes, or dimensions of frontages of allotments shown on plans ;

(*e*) minimum widths of roads or classes of roads shown on plans of subdivision ;

(*f*) standards and types of construction of different classes of roads, water-tables, channels, kerbs and footpaths and drains for disposal of storm water which are required to be provided on lands shown on plans of subdivision ;

(*g*) fees to be paid under this Part ;

(*h*) a penalty not exceeding two hundred dollars for a breach of any provision of a regulation made under this section or for any failure to comply with any notice given under or in pursuance of any such regulation or with any term or condition subject to which any approval is granted and a daily penalty not exceeding fifty dollars for every day on which such breach or failure continues ;

(*i*) such matters as are necessary or expedient to provide for or in relation to appeals to the board against any decision of the Director or a council under this Part or under the regulations under this section.

PART VII.

PART VII.

LAND ACQUISITION AND SPECIAL PROVISIONS RELATING TO COMPENSATION.

Power of Authority to acquire land.

63. (1) In this Part of this Act, unless the contrary intention appears, "land" includes any estate or interest (legal or equitable) in land and any easement, right, power, or privilege in, under, over, affecting, or in connection with, land.

(2) The Authority may, with the approval of the Minister, either by agreement or compulsorily, acquire or take land for the purpose of developing it and making it suitable for any purpose for which the land is proposed to be, or is, reserved, or is to be used, preserved or developed under any authorized development plan or planning regulation made under this Act.

(3) The Compulsory Acquisition of Land Act, 1925-1966, (except sections 49, 79, 80, 81 and 82 thereof) is hereby incorporated with this Act and shall apply and have effect in relation to the acquisition or taking of land under this section by the Authority as if—

(*a*) this Act were the special Act referred to in that Act;

(*b*) the purposes for which land may be acquired or taken under this Act were the works or undertaking authorized by such special Act to be executed;

(*c*) the Authority were the promoters of an undertaking; and

(*d*) land acquired or taken by the Authority for the purposes of development under this Act were land required for the purposes of this Act.

(4) The Authority may develop any land so acquired or taken or any land vested in the Authority and render it suitable for any purpose for which the land is proposed to be or is reserved or is to be used, preserved or developed under any authorized development plan or planning regulation made under this Act, and may, with the approval of the Minister and subject to such conditions (if any) as the Minister may impose, sell, transfer, lease, exchange or otherwise dispose of the whole or any part of such land.

(5) Notwithstanding anything contained in this section—

(*a*) the Authority shall not subdivide or resubdivide any land acquired or taken by it under powers conferred

on it by this section except for the purpose of re-developing it or re-building on it, or rendering it suitable for re-development or rebuilding on it;

and

(*b*) the Authority shall not sell any land so subdivided or re-subdivided except for carrying into effect the purposes of an authorized development plan.

(6) All moneys derived by the Authority from the sale, leasing or other disposal of land shall be paid by the Authority into the Fund.

(7) In this section, unless the context otherwise requires, "develop" includes re-develop.

Compensation for loss arising out of reservation of land.

64. (1) Where—

(*a*) under any planning regulation any land has been reserved for any purpose referred to in paragraph (*d*) of subsection (4) of section 36 of this Act; and

(*b*) the owner of the land or any part thereof has, after the publication of the regulation in the *Gazette*, in good faith and after taking all reasonable steps to obtain the best price therefor—

(i) sold the land or part thereof at a lesser price than he could reasonably have expected to receive therefor if the land had not been so reserved; or

(ii) been unable to sell the land or part thereof in consequence of the reservation,

the owner shall, subject to this Act, be entitled to compensation from the acquiring authority specified in the regulation.

(2) The compensation payable under this section shall—

(*a*) for the purposes of subparagraph (i) of paragraph (*b*) of subsection (1), be the difference between—

(i) the value of the land at the date of the sale as affected by the reservation;

and

(ii) the value of the land at that date as not so affected;

and

(*b*) for the purposes of subparagraph (ii) of paragraph (*b*) of subsection (1), be the difference between—

(i) the value of the land at the date of the claim for compensation as affected by the reservation ;

and

(ii) the value of the land at that date as not so affected.

(3) Where, after the publication of the planning regulation in the *Gazette*, the owner has been unable to sell the land or such part thereof in consequence of the reservation as aforesaid, the acquiring authority specified in the regulation may nevertheless, exercise his or its powers to acquire or take such land or such part thereof, by agreement or compulsorily, for the purpose for which the land has been reserved.

(4) In order to obtain compensation referred to in subsection (1) of this section, a person who is entitled to compensation under that subsection must, within such time, if any, as may be prescribed, deliver to the acquiring authority specified in the planning regulation notice in the prescribed form of his claim stating therein such particulars as are prescribed and whether, in the event of a dispute as to the amount of compensation, the claimant desires to have such amount determined by arbitration under this Act.

(5) No claimant shall be entitled to institute any proceedings for the recovery of the amount of his claim until after the expiration of two months from the delivery of his notice of claim as provided by subsection (4) of this section nor to any compensation under this section if the land or part thereof has been or is being acquired by the acquiring authority or if it has ceased to be so reserved.

(6) Within twenty-one days after the receipt of the notice of claim by the acquiring authority, the acquiring authority shall—

(*a*) notify the claimant that the acquiring authority admits the claim for compensation and that the compensation claimed will be paid to the claimant ; or

(*b*) offer the claimant such amount as he or it thinks reasonable in satisfaction of the claim, and notify the claimant that the amount offered will be paid to him if he accepts the offer ; or

(*c*) notify the claimant that he or it disputes the claim for compensation.

(7) The claimant shall, within twenty-one days after the receipt of the offer, by notice in writing, notify the acquiring authority whether he does or does not accept the offer.

Method of determining disputed claims.

65. If the acquiring authority—

(*a*) offers the claimant an amount in satisfaction of the claim for compensation, and the claimant does not notify him or it as provided by subsection (7) of section 64 of this Act that he accepts the offer ; or

(*b*) notifies the claimant that he or it disputes the claim for compensation,

the claim shall be a disputed claim and shall be determined—

(i) by agreement between the parties ;

(ii) by an action for compensation by the claimant against the acquiring authority ; or

(iii) by arbitration pursuant to section 66 of this Act.

Determination of claim by arbitration.

66. The provisions of section 29 of the Compulsory Acquisition of Land Act, 1925-1966, are incorporated in this section as if—

(*a*) they were expressly enacted herein ;

(*b*) a disputed claim for compensation referred to therein were a disputed claim referred to in section 65 of this Act ;

(*c*) the parties to a disputed claim for compensation referred to therein were parties to a disputed claim referred to in section 65 of this Act ; and

(*d*) all other necessary and consequential modifications were made thereto accordingly.

Action for compensation.

67. Where a claim for compensation under section 64 of this Act becomes a disputed claim, an action for compensation may be instituted by the claimant against the acquiring authority in any court having jurisdiction in personal actions up to the amount claimed, and the action shall be heard and determined in the same manner as ordinary actions, but—

(*a*) the action shall be tried without a jury ;

(*b*) the court shall have no power to direct a reference to arbitration unless by consent of the parties ; and

(*c*) costs shall be at the discretion of the court.

Compensation paid under this Act to be taken into account when land subsequently acquired.

68. (1) Where—

(*a*) under any planning regulation any land has been reserved for any purpose referred to in paragraph (*d*) of subsection (4) of section 36 of this Act ;

(*b*) any person has received or has become entitled to receive from the acquiring authority an amount by way of compensation to which he is entitled under this Act by reason of the reservation of such land or any part thereof; and

(*c*) such land or such part thereof has subsequently been compulsorily acquired or taken by the acquiring authority,

the amount of, and right to, compensation referred to in paragraph (*b*) of this subsection shall, notwithstanding anything contained in any Act, be taken into account in determining the compensation payable by the acquiring authority in respect of the compulsory acquisition or taking.

Upon compulsory aquisition of reserved land fact of reservation to be disregarded.

(2) Notwithstanding anything contained in any Act, but subject to subsection (1) of this section and section 70 of this Act, in determining the amount of compensation payable by the acquiring authority in respect of the compulsory acquisition or taking of any land which by virtue of a planning regulation is reserved for any purpose referred to in paragraph (d) of subsection (4) of section 36 of this Act, no regard shall be had to the fact that the land is reserved or to the value of any improvements on the land which had, after the reservation, been effected without the consent in writing of the Minister.

Compensation on refusal of consent to destroy place of historical interest, etc.

69. (1) Where, pursuant to any planning regulation, the Authority has refused its consent to—

(*a*) the alteration or destruction of any building or site of architectural, historical or scientific interest or natural beauty; or

(*b*) the cutting down, topping, lopping or destruction of any trees,

or has granted its consent thereto subject to conditions, any person having an interest in such building, site or trees who suffers damage or incurs expenditure in respect of that interest in consequence of the refusal, or the granting subject to conditions, of such consent shall be entitled to receive from the Authority compensation as provided by this section.

(2) The amount of the compensation shall be determined in accordance with rules which shall be prescribed by regulations under this section which, without limiting the effect of the foregoing provisions, may provide for and regulate the practice and procedure to be followed in connection with any claims for such compensation.

(3) Notwithstanding any other provision of this section, the Authority may, with the approval of the Minister, either by agreement or compulsorily, acquire or take the land on which such building, site or trees is or are situated, together with such land adjacent thereto as the Authority considers necessary, for the purpose of preserving the architectural, historical or scientific interest therein or the natural beauty thereof and the provisions of subsections (3), (4) and (6) of section 63 of this Act shall apply and have effect as if they were incorporated in this section.

(4) If the Authority has not—

(*a*) acquired or agreed to acquire the land or given to the person or persons referred to in subsection (1) of this section notice to treat in accordance with the Compulsory Acquisition of Land Act, 1925-1966 ; or

(*b*) paid or agreed to pay to such person or persons the compensation for damage suffered or expenditure incurred in respect of such interest in consequence of the refusal, or the granting subject to conditions, of such consent,

any such person may institute an action for compensation against the Authority in any court having jurisdiction in personal actions up to the amount claimed and the action shall be heard and determined as if it were an action instituted under section 67 of this Act.

(5) Where any compensation is determined under subsection (4) of this section, the Authority shall, subject to this section, pay the compensation to the person entitled thereto.

(6) Where—

(*a*) any person has received from the Authority an amount by way of compensation to which he is entitled under subsection (1) of this section ; and

(*b*) the land on which the building, site or trees referred to in that subsection is or are situated has subsequently been compulsorily acquired or taken under any Act,

such amount may, notwithstanding anything contained in any Act, be taken into account in determining the amount of compensation payable in respect of the compulsory acquisition or taking.

Compensation in respect of any matter payable once only.

70. Where any compensation in respect of any matter or thing is payable under any provision of this Act and also under any other provision of this Act or any other Act, it shall not be payable both under the first-mentioned provision and that other provision nor shall any greater amount of compensation be payable under the first-mentioned provision than would be payable under that other provision.

PART VIII.

PART VIII.

FINANCIAL PROVISIONS.

Moneys required for this Act to be appropriated by Parliament.

71. The moneys required for the purposes of this Act shall be paid out of moneys provided by Parliament for those purposes.

Establishment of the Fund.

72. (1) There shall be established in the Treasury a fund to be known as the Planning and Development Fund.

(2) There shall be paid into the Fund—

(*a*) moneys made available by the Treasurer, out of appropriations authorized by Parliament, for the purposes of the carrying out by the Authority of its functions and duties under this Act ;

(*b*) all moneys derived by the Authority from the sale, leasing and other disposal by the Authority of any land vested in the Authority ;

(*c*) all moneys received by the Authority pursuant to section 52 of this Act ;

(*d*) the amount of all loans raised and advances received by the Authority under this Act ; and

(*e*) all other moneys that are required to be paid into the Fund by this Act.

(3) The Treasurer may, from time to time, make to the Authority from moneys appropriated by Parliament for the purposes of the carrying out by the Authority of its functions and duties under this Act, such advances on such terms and conditions as he thinks fit.

Power of Authority to borrow money.

73. (1) For the purposes of carrying out any of its functions or duties under this Act the Authority may, with the approval of the Minister and the concurrence of the Treasurer, borrow money and mortgage or charge any of the property vested in the Authority, or enter into any other transaction for making any of the property vested in the Authority security for any loan.

(2) The Treasurer may guarantee the repayment of any loan made or proposed to be made to the Authority for the purposes of the carrying out by the Authority of any of its functions and duties under this Act. Any such guarantee may extend to the payment of interest and to any expenses incidental to any loan the repayment of which is so guaranteed and its recovery by the lender.

(3) The Treasurer may pay out of the general revenue of the State any money which he becomes liable to pay under or by virtue of any guarantee given under this section, and this Act, without any further appropriation, shall be sufficient authority for any such payment.

Application of the Fund.

74. The moneys standing to the credit of the Fund may, with the approval of the Minister and without any further appropriation than this Act, be used by the Authority for all or any of the following purposes :—

(*a*) the acquisition and development of any land which may be acquired or developed by the Authority under this Act;

(*b*) the payment of moneys, whether by way of compensation or otherwise, which the Authority becomes liable to pay under this Act ;

(*c*) the payment of rates, taxes and other charges due and payable by the Authority in respect of land vested in or held by the Authority ;

(*d*) the transfer to any reserve for the repayment of any moneys advanced to or borrowed by the Authority for the purposes of this Act ;

(*e*) the payment of principal, interest and expenses in respect of moneys advanced to or borrowed by the Authority for the purposes of this Act ;

(*f*) the maintenance of any property owned or held by or vested in the Authority ; and

(*g*) any purposes authorized by or under this Act as a purpose for which the Fund may be applied.

PART IX.

PART IX.

MISCELLANEOUS.

Annual reports.

75. (1) On or before the thirty-first day of October in each year the Authority shall furnish the Minister with a report (signed by the chairman and two other members of the Authority) on its administration and the work that had been undertaken by the Authority during the year ended on the thirtieth day of June preceding the report.

(2) On or before the thirty-first day of October in each year the Director shall furnish the Minister with a report on the performance of his duties and functions during the year ended on the thirtieth day of June preceding the report.

(3) On or before the thirty-first day of October in each year the chairman of the board shall furnish the Minister with a report on the work carried out by the board during the year ended on the thirtieth day of June preceding the report.

(4) The Minister shall cause each of such reports to be laid before both Houses of Parliament within three weeks after receiving the same if Parliament is then sitting or, if Parliament is not then sitting, within two weeks after the commencement of the next sitting of Parliament.

Accounts and audit.

76. (1) The Authority shall keep books of account in such manner and form as is in accordance with recognized methods of accounting and at the end of each financial year shall produce a financial statement showing accurately and in detail its receipts and expenditure and profit and loss and a balance-sheet.

(2) The Auditor-General shall make an annual audit of the accounts of the Authority and for the purpose of any audit may exercise any of the powers which he could exercise for the purpose of auditing the accounts of a Government department.

(3) The Authority shall pay to the Treasurer as a fee for every audit such sum as the Treasurer thinks reasonable.

Power of Director to do work for the public.

77. (1) The Director may, with the approval of the Minister, prepare plans, reports and do other work (not being surveying) for any person, and may charge for any work so done such fees as are approved by the Minister.

(2) Any money collected by the Director under this section shall be paid into the General Revenue of the State.

Power to inspect land and premises.

78. (1) Any member of the Authority or of the board and the Director or any person authorized in writing by him or by the Minister may at any reasonable time, enter upon and inspect any land or buildings for any of the purposes of this Act or to ascertain whether the provisions of this Act are being observed, but no building shall be entered pursuant to this subsection unless the owner or occupier thereof has been given reasonable notice of intention to enter the same.

(2) The powers conferred by subsection (1) of this section may also be exercised by any person authorized by the council of the area in which the land or buildings are situated.

(3) No person shall obstruct any person in the exercise of any power conferred by this section.

Penalty : Fifty dollars.

Regulations.

79. (1) In addition to the other powers to make regulations conferred by this Act, the Governor may make such regulations as are necessary or expedient for the purpose of giving effect to the provisions and objects of this Act.

(2) Without limiting the generality of the provisions of subsection (1) of this section, such regulations may—

(*a*) prescribe all matters required or authorized to be prescribed under this Act and such other matters as are necessary or convenient for carrying out the objects of this Act ;

(*b*) provide for fees to be payable under this Act and prescribe the fees so payable ;

(*c*) provide for the Authority, the Director, the board and each council to keep and maintain registers to be available for public inspection containing such particulars as are prescribed ; and

(*d*) provide for and prescribe penalties not exceeding, in each case, one hundred dollars, for the breach of any provision of such regulation.

Penalty for continuing offence.

80. Where—

(*a*) a person has been convicted of an offence against this Act ; and

(*b*) the offence continues after he is so convicted,

he shall be guilty of an offence against this section and shall be liable, for each such offence, to a penalty not exceeding five hundred dollars and an additional penalty not exceeding fifty dollars for each day on which the offence continues.

Summary proceedings.

81. Proceedings for offences against this Act or against any provision of this Act shall be disposed of summarily.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.

Section 3.

THE SCHEDULE

ACTS REPEALED

Town Planning Act, 1929.

Town Planning Act Amendment Act, 1955.

Town Planning Act Amendment Act, 1956.

Town Planning Act Amendment Act, 1957.

Town Planning Act Amendment Act, 1963.

ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

****

No. 21 of 1967

An Act to amend the Supreme Court Act, 1935-1966.

[*Assented to 13th April*, 1967.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short titles.

1. (1) This Act may be cited as the "Supreme Court Act Amendment Act (No. 2), 1966-1967".

(2) The Supreme Court Act, 1935-1965, as amended by this Act, may be cited as the "Supreme Court Act, 1935-1966".

(3) The Supreme Court Act, 1935-1965, is hereinafter referred to as "the principal Act".

Commencement.

2. This Act shall come into operation on a day to be fixed by the Governor by proclamation.

Incorporation.

3. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Enactment of ss. 30a and 30b of principal Act—

4. The following sections are inserted in the principal Act after section 30 thereof :—

Power to direct payment to infant.

30a. Where in any action the Court determines that a party (being an infant) is entitled to recover damages from another party, the Court may by final or declaratory judgment finally determining the question of liability between the parties order payment of any amount or amounts of damages, direct to the plaintiff. Any acknowledgment or receipt in writing of any moneys paid on

account of any such amount or amounts pursuant to a judgment under this section shall not if the Court so orders be invalid merely on the ground that the person giving the same was under the age of twenty-one years at the time of his signing or giving the same.

Power to make interim assessment of damages.

30b. (1) Where in any action the Court determines that a party is entitled to recover damages from another party, it shall be lawful for the Court to enter declaratory judgment finally determining the question of liability between the parties, in favour of the party who is entitled to recover damages as aforesaid, and to adjourn the final assessment thereof.

(2) It shall be lawful for the Court when entering declaratory judgment and for any Judge of the Court at any time or times thereafter—

(*a*) to make orders that the party held liable make such payment or payments on account of the damages to be assessed as to the Court seems just;

and

(*b*) in addition to any such order or in lieu thereof, to order that the party held liable make periodic payments to the other party on account of the damages to be assessed during a stated period or until further order:

Provided, however, that where the declaratory judgment has been entered in an action for damages for personal injury, such payment or payments shall not include an allowance for pain or suffering or for bodily or mental harm (as distinct from pecuniary loss resulting therefrom) except where serious and continuing illness or disability results from the injury or except that, where the party entitled to recover damages is incapacitated or partially incapacitated for employment and being in part responsible for his injury is not entitled to recover the full amount of his present or continuing loss of earnings, or of any hospital, medical or other expenses resulting from his injury, the Court may order payment or payments not to exceed such loss of earnings and expenses and such payment or payments may be derived either wholly or in part from any damages to which the party entitled to recover damages has, but for the operation of this proviso, established a present and immediate right or except where the Judge is of opinion that there are special circumstances by reason of which this proviso should not apply.

(3) Any order for payment of moneys on account of damages made hereunder may be enforced as a judgment of the Court.

(4) Where the Court adjourns assessment of damages under this section, it may order the party held liable to make such payment into Court or to give such security for payment of damages when finally assessed as it deems just.

(5) When damages are finally assessed credit shall be given in the final assessment for all payments which have been made under this section and the final judgment shall state the full amount of damages, the total of all amounts already paid pursuant to this section and the amount of damages then remaining payable, and judgment shall be entered for the last-named amount.

(6) Where the Court adjourns assessment of damages under this section, any party to the proceedings may apply to any Judge of the Court at any time and from time to time—

(*a*) for an order that the Court proceed to final assessment of the damages;

or

(*b*) for the variation or termination of any order which may have been made for the making of periodic payments.

On the hearing of any such application the Judge shall make such order as he considers just: Provided that, in an action for damages for personal injury, upon an application for an order that the Court proceed to final assessment of damages, the Judge to whom such application is made shall not refuse such order if the medical condition of the party entitled to recover damages is such that neither substantial improvement nor substantial deterioration thereof is likely to occur or if a period of four years or more has expired since the date of the declaratory judgment unless the Judge is of opinion that there are special circumstances by reason of which such assessment should not then be made.

(7) If it appears to the Court that a person in whose favour declaratory judgment has been entered has without reasonable cause failed to undertake such reasonable medical or remedial treatment as his case might have required or require, it shall not award damages for such disability, pain or suffering as would have been remedied but for such failure.

(8) If at any time it appears to a Judge that a person in whose favour declaratory judgment has been entered and who is incapacitated or partially incapacitated for employment, is not sincerely or with the diligence which should be expected of him in the circumstances of his case, attempting to rehabilitate himself for employment any payment or payments under subsection (2) of this section shall not include by way of allowance for loss of earnings a sum in excess of seventy-five per centum of such person's loss of earnings.

(9*a*) Notwithstanding anything in the Survival of Causes of Action Act, 1940, when damages are finally assessed under this section for the benefit of the estate of a deceased person where the deceased person died after action brought and declaratory judgment has been entered in favour of such person, the damages finally assessed may include such damages in respect of any of the matters referred to in section 3 of that Act as the Court deems proper.

(*b*) Where a party dies after declaratory judgment has been entered in his favour but before final assessment of his damages in circumstances which would have entitled any person to recover damages, solatium or expenses by action pursuant to Part II of the Wrongs Act, 1936-1959, it shall be lawful for the executor or administrator of the deceased to proceed in the same action for the recovery of such damages, solatium or expenses for the benefit of such person notwithstanding the declaratory judgment or that the deceased has received moneys thereunder, provided, however, that in any such proceedings all moneys paid to the deceased pursuant to the declaratory judgment in excess of any actual and subsisting pecuniary loss resulting to him from the wrongful act of the party held liable shall be deemed to have been paid towards satisfaction of the damages solatium or expenses awarded pursuant to the Wrongs Act, 1936-1959, and no further damages shall be payable in respect of the injury sustained by the deceased. In any proceedings hereunder, the declaratory judgment and any finding of fact made in the course of proceed-

ings consequent thereupon shall enure as between the party held liable and the executor or administrator of the deceased.

(*c*) Where a party dies in the circumstances referred to in the preceding paragraph of this subsection except that the death of the deceased is not wholly attributable to the personal injury, the subject of the declaratory judgment, but was accelerated thereby, it shall be lawful for proceedings to be taken and for the Court to assess damages, solatium or expenses as in the preceding paragraph but such damages, solatium or expenses shall be proportioned to the injury to the person for whom and for whose benefit the proceedings are taken resulting from such acceleration of death;

(*d*) The Court may, if the justice of a case so requires, assess damages under paragraph (*a*) of this subsection notwithstanding the commencement or prosecution of proceedings under paragraph (*b*) or (*c*) of this subsection and the damages so assessed shall be for the benefit of the estate of the deceased and no damages shall be awarded under paragraph (*b*) or (*c*) of this subsection.

(10) In the exercise of the powers conferred by this section the Court shall have regard to the facts and circumstances of the particular case, as they exist from time to time, and any allowance, or the final assessment, as the case may be, shall be such as to the Court may seem just and reasonable as compensation to the person actually injured or to his or her dependants as the case may be.

Amendment of principal Act s. 50— Appeals to Full Court.

5. Section 50 of the principal Act is amended by inserting after the words "every judgment" first occurring therein the words "including every declaratory judgment entered pursuant to section 30b of this Act and any final assessment made thereon" and by inserting in paragraph (*b*) of subsection (3) thereof after subparagraph (v) the following subparagraph:—

(v*a*) Any assessment of damages not being a final assessment made pursuant to section 30b of this Act.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.

ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

****

No. 22 of 1967

An Act for the further appropriation of the revenue of the State for the year ending on the thirtieth day of June, one thousand nine hundred and sixty-seven, and for other purposes.

[*Assented to 23rd June,* 1967.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :—

Short title.

1. This Act may be cited as the "Appropriation Act (No. 1), 1967".

Further issue.

2. Out of the moneys paid to the State by the Commonwealth of Australia, and any other General Revenue of the said State, not otherwise by law specially appropriated, there may be further issued, in addition to all sums by any other Act authorized to be issued and applied for defraying the charges of the State Government for the year ending on the thirtieth day of June, one thousand nine hundred and sixty-seven, any further sum or sums not exceeding in the whole one million, three hundred and sixty thousand dollars.

Appropriation of General Revenue issued under this Act.

3. All moneys issued under this Act, not exceeding the sum hereinbefore mentioned shall be applied and appropriated for the following purposes :

	$
Chief Secretary and Minister of Health—	
Hospitals Department	500,000
Minister of Education and Minister of Aboriginal Affairs—	
Education Department	270,000
Minister of Agriculture and Minister of Forests—	
Agriculture Department	110,000
Minister of Transport—	
Railways Department	380,000
Minister of Social Welfare—	
Department of Social Welfare	100,000
	$1,360,000

Treasurer to pay the orders of Governor and discharge by receipt of party.

4. The issue and payment by the Treasurer, from time to time, of any sums of money for the purposes hereinbefore mentioned, not exceeding in the whole the amount hereinbefore specified, in such portions as the Governor directs by any orders in writing signed by him and countersigned by the Chief Secretary, is hereby authorized; and the Treasurer shall, in his accounts, be allowed credit for all sums paid by him in pursuance of such orders accordingly; and the receipts of the persons to whom such sums are so paid shall be to him a full discharge for the sums for which the receipts are given, and the amounts thereof shall be passed to his credit in account accordingly.

Power to issue money other than Revenue or money received from the Commonwealth.

5. If the moneys paid to the State by the Commonwealth of Australia and the General Revenue of the State are insufficient to make the payments authorized by section 3 of this Act, moneys may be issued to make good the deficiency out of loan funds or other public funds or out of moneys raised by way of bank overdraft.

Power to make payments.

6. The Treasurer may out of the money appropriated by this Act make any payment for which money has been included in the supplementary estimates of expenditure of the Government of South Australia, passed by the House of Assembly for the financial year ending on the thirtieth day of June, one thousand nine hundred and sixty-seven notwithstanding that

the payment is in respect of a period prior to the first day of July, one thousand nine hundred and sixty-six.

Payments to be in addition to other payments.

7. Any amount appropriated by this Act may be paid for the purpose for which it is so appropriated, in addition to any other amount appropriated by law for that purpose.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. M. NAPIER, Governor's Deputy.

ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

No. 23 of 1967

An Act to apply, out of the General Revenue, the sum of Thirty-six Million Dollars to the Public Service for the year ending on the thirtieth day of June, one thousand nine hundred and sixty-eight.

[*Assented to 23rd June,* 1967.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. This Act may be cited as the "Supply Act (No. 1), 1967". Short title.

2. Out of the General Revenue of the State there shall be issued and applied, from time to time, for the public service of the State for the financial year ending on the thirtieth day of June, one thousand nine hundred and sixty-eight, any moneys not exceeding in the whole thirty-six million dollars. Issue and application of $36,000,000

3. (1) No payments for any establishment or service shall be made out of the said moneys in excess of the rates voted for similar establishments or services on the Estimates for the financial year ended on the thirtieth day of June, one thousand nine hundred and sixty-seven : Provided that there may be paid out of the said moneys increases of salaries or wages payable by the State Government pursuant to any return made under the Acts relating to the public service, or pursuant to any regulation, or any award, order, or determination of a court or other body empowered to fix salaries or wages. Payments not to exceed last year's Estimates except in certain respects.

(2) The Treasurer is hereby authorized to pay such increases out of the said moneys.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. M. NAPIER, Governor's Deputy.

ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

****

No. 24 of 1967

An Act to provide for compensation for loss arising from measures to eradicate fruit fly.

[*Assented to 3rd August,* 1967.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short title.

1. This Act may be cited as the "Fruit Fly (Compensation) Act, 1967".

Incorporation.

2. This Act is incorporated with the Fruit Fly Act, 1947-1955, and that Act and this Act shall be read as one Act.

Compensation.

3. (1) Any person who suffers loss by reason of—

(*a*) any of the acts to which this section applies ;

or

(*b*) being prohibited from removing fruit from any land by the operation of the proclamation made under the Vine, Fruit and Vegetable Protection Act, 1885-1959, on the thirty-first day of January, 1967 and published in the *Gazette* of the second day of February in that year at page 289,

shall be entitled to compensation for that loss as provided in the Fruit Fly Act, 1947-1955.

(2) This section shall apply to—

(*a*) any act done pursuant to or in the intended exercise of powers conferred by the fruit fly regulations, if such act is done on land while the removal of fruit therefrom is prohibited by the said proclamation;

or

(*b*) any act done in the course of or incidentally to the doing of any such act as mentioned in paragraph (*a*) of this subsection.

(3) This section shall apply to acts done and loss or damage caused before or after the passing of this Act.

Time limit for claims.

4. Notwithstanding the provisions of subsection (1a) of section 5 of the Fruit Fly Act, 1947-1955, a notice of claim under that section for compensation under section 3 of this Act shall be delivered to the Committee on or before the thirty-first day of August, 1967.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. M. NAPIER, Governor's Deputy.

ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

****

No. 25 of 1967

An to amend the Prices Act, 1948-1966.

[*Assented to 3rd August,* 1967.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short titles.

1. This Act may be cited as the "Prices Act Amendment Act, 1967".

(2) The Prices Act, 1948-1966, as amended by this Act, may be cited as the "Prices Act, 1948-1967".

(3) The Prices Act, 1948-1966, is hereinafter referred to as "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment of principal Act, s. 53—Duration of Act.

3. Section 53 of the principal Act is amended by striking out the words "sixty-eight" therein and inserting in lieu thereof the words "sixty-nine".

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. M. NAPIER, Governor's Deputy.

ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

****

No. 26 of 1967

An Act to amend the Highways Act, 1926-1963.

[*Assented to 10th August,* 1967.]

BE IT ENACTED by the Governor of the State of South Australia with the advice and consent of the Parliament thereof, as follows :

Short titles.

1. (1) This Act may be cited as the "Highways Act Amendment Act, 1967".

(2) The Highways Act, 1926-1963, as amended by this Act, may be cited as the "Highways Act, 1926-1967".

(3) The Highways Act, 1926-1963, is hereinafter referred to as "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment of principal Act, s. 26c—Lighting of roads.

3. Section 26c of the principal Act is amended—

(*a*) by striking out the words "cause the main road known as the Port Road or any part thereof, or any other road or part of a road approved by the Governor on the recommendation of the Commissioner" in subsection (1) thereof and inserting in lieu of those words the words "with the approval of the Minister, cause any road or part of a road";

(*b*) by striking out subsection (2) thereof and inserting in lieu of that subsection the following subsection :—

(2) The Commissioner may require any council within whose district is situated any road or part of a road which is lighted as aforesaid to pay to him one half of the cost of lighting so much of the road as lies within the district ;

and

(*c*) by striking out the words "Any amount payable as aforesaid to the Commissioner by a council shall be paid" in subsection (3) thereof and inserting in lieu of those words the words "Any payments so required by the Commissioner shall be made".

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.

ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

****

No. 27 of 1967

An Act to amend the Land Settlement Act, 1944-1965.

[*Assented to 10th August,* 1967.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short titles.

1. (1) This Act may be cited as the "Land Settlement Act Amendment Act, 1967".

(2) The Land Settlement Act, 1944-1965, as amended by this Act may be cited as the "Land Settlement Act, 1944-1967".

(3) The Land Settlement Act, 1944-1965, is hereinafter referred to as "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment of principal Act, s. 5— Term of office of members.

3. Subsection (1) of section 5 of the principal Act is amended by striking out the words "One thousand nine hundred and sixty-seven" wherever occurring therein and inserting in lieu thereof, in each case, the words "One thousand nine hundred and sixty-nine".

Amendment of principal Act, s. 4— Power to acquire land in South-East.

4. Subsection (4) of section 27a of the principal Act is amended by striking out the word "nineteen" therein and inserting in lieu thereof the words "twenty-one".

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.

ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

****

No. 28 of 1967

An Act to amend the Morphett Street Bridge Act, 1964.

[*Assented to 10th August,* 1967.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short titles.

1. (1) This Act may be cited as the "Morphett Street Bridge Act Amendment Act, 1967".

(2) The Morphett Street Bridge Act, 1964, as amended by this Act, may be cited as the "Morphett Street Bridge Act, 1964-1967".

(3) The Morphett Street Bridge Act, 1964, is hereinafter referred to as "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment of principal Act, s. 9—Financial provision.

3. Section 9 of the principal Act is amended—

(*a*) by striking out the passage "not exceeding one-half of the cost of the works" in subsection (2) thereof;

(*b*) by inserting therein after subsection (2) thereof the following subsection :—

(2a) Notwithstanding anything in the Highways Act, 1926-1963, contained, the Treasurer may make arrangements with the

Minister for the provision out of the Highways Fund of such amounts as are necessary to reimburse the Loan Fund any amounts paid pursuant to subsection (2) of this section which shall have been provided from the Loan Fund.;

(*c*) by striking out the word "such" first occurring in subsection (3) thereof;

(*d*) by inserting after the word "Treasurer" first occurring in the said subsection (3) thereof the passage "pursuant to subsection (2) of this section";

and

(*e*) by inserting after the word "Treasurer" last occurring in the said subsection (3) thereof the passage "and each such instalment shall be credited to the Highways Fund or to the account from which payments in accordance with subsection (2) of this section shall have been made".

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.

ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

****

No. 29 of 1967

An Act to amend the Lottery and Gaming Act, 1936-1967

[*Assented to 17th August,* 1967.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short titles and commencement.

1. (1) This Act may be cited as the "Lottery and Gaming Act Amendment Act (No. 2), 1967" and shall come into operation on a day to be fixed by proclamation.

(2) The Lottery and Gaming Act, 1936-1967, as amended by this Act, may be cited as the "Lottery and Gaming Act, 1936-1967".

(3) The Lottery and Gaming Act, 1936-1967, is hereinafter referred to as "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Repeal and re-enactment of s. 19 of principal Act—

3. Section 19 of the principal Act is repealed and re-enacted as follows :—

Limitation on use of totalizator.

19. (1) Except as otherwise provided by this section, a licence issued under this Part of this Act shall not authorize the use of the totalizator—

(*a*) on the Morphettville Racecourse for more than seventeen days in the year 1967 or for more than twenty days in any one year thereafter ;

(*b*) on the Victoria Park Racecourse—

(i) for more than sixteen days in the year 1967 ;

(ii) for more than nineteen days in the year 1968 or in each alternate year thereafter ;

or

(iii) for more than eighteen days in the year 1969 or in each alternate year thereafter ;

(*c*) on the Cheltenham Park Racecourse—

(i) for more than sixteen days in the year 1967 ;

(ii) for more than eighteen days in the year 1968 or in each alternate year thereafter ;

or

(iii) for more than nineteen days in the year 1969 or in each alternate year thereafter ;

(*d*) on racecourses south of the thirty-sixth parallel of south latitude for more than forty-eight days in the aggregate in any one year ;

(*e*) on racecourses which are situated within a radius of fifty miles from the Post Office at Barmera for more days in the aggregate in any one year than the number calculated by multiplying by eight the number of racing clubs situated within that radius ;

(*f*) on the Evanston Racecourse, Gawler, for more than eight days in the year 1967 or for more than thirteen days in any year thereafter ;

or

(*g*) on any other racecourse for more than eight days in any one year.

(2) A licence issued under this Part to the South Australian Jockey Club Incorporated may authorize the use of the totalizator on the Morphettville Racecourse on one

day in each year in addition to the days in that year for which the use of the totalizator on that racecourse is authorized under paragraph (*a*) of subsection (1) of this section if the Commissioner of Police is satisfied that on that day a race meeting will be held on that racecourse by at least three racing clubs jointly, and that the net profits derived from that meeting will be devoted to charitable purposes.

(3) Without limiting the effect of subsections (1) and (2) of this section, licences may be issued under this Part—

(*a*) to the South Australian Jockey Club Incorporated authorizing the use of the totalizator on the Morphettville Racecourse on one day in the year 1967, and on one day in every third year thereafter, in addition to the days in each of those years for which the use of the totalizator on that racecourse is authorized under paragraph (*a*) of subsection (1) and subsection (2) of this section;

(*b*) to the Adelaide Racing Club Incorporated authorizing the use of the totalizator on the Victoria Park Racecourse on one day in the year 1968, and on one day in every third year thereafter, in addition to the days in each of those years for which the use of the totalizator on that racecourse is authorized under paragraph (*b*) of subsection (1) of this section;

and

(*c*) to the Port Adelaide Racing Club Incorporated authorizing the use of the totalizator on the Cheltenham Park Racecourse on one day in the year 1969, and on one day in every third year thereafter, in addition to the days in each of those years for which the use of the totalizator on that racecourse is authorized under paragraph (*c*) of subsection (1) of this section,

but every licence to which this subsection refers shall be issued on the condition that the net profits derived by the club from the race meeting to be held by the club on the day for which the licence is issued shall be distributed by the club among such charitable institutions in such proportions as the Governor directs.

(4) On the application of the racing clubs concerned and the recommendation of the Commissioner of Police,

the Chief Secretary, if satisfied that reasonable cause exists for doing so, may direct—

(*a*) that the number of days in any year on which the use of the totalizator on any racecourse referred to in paragraphs (*a*), (*b*) and (*c*) of subsection (1) of this section is authorized under this section shall be increased on condition that a corresponding reduction is made in the number of days in that year on which the use of the totalizator on any other racecourse referred to in those paragraphs is so authorized ;

or

(*b*) that the number of days in any year on which the use of the totalizator on any racecourse referred to in paragraphs (*f*) and (*g*) of subsection (1) of this section is authorized under this section shall be increased on condition that a corresponding reduction is made in the number of days in that year on which the use of the totalizator on any other racecourse referred to in those paragraphs is so authorized,

and such direction of the Chief Secretary shall have effect according to the tenor thereof.

(5) On the application of the racing clubs concerned, the Chief Secretary, if satisfied that reasonable cause exists for doing so, may direct that the aggregate number of days in the year 1967 on which the use of the totalizator on the racecourses referred to in paragraphs (*a*), (*b*) and (*c*) of subsection (1) of this section is authorized under this section shall be increased by not more than three days on condition that a corresponding reduction is made in the number of days in that year on which the use of the totalizator by the Gawler Jockey Club Incorporated on the Evanston Racecourse, Gawler, is authorized pursuant to paragraph (*f*) of subsection (1) of this section, and such direction of the Chief Secretary shall have effect according to the tenor thereof.

Amendment of principal Act, s. 21—Use of totalizator at trotting races.

4. Subsection (2) of section 21 of the principal Act is amended—

(*a*) by striking out from paragraph (*b*) thereof the passage "any year, or at any meeting other than a meeting held on a Saturday, or on a public holiday (not being Good Friday or Christmas Day)" and inserting in lieu thereof the passage "the year 1967, or at more than forty meetings in the aggregate in any year thereafter" ;

(*b*) by striking out from paragraph (*c*) thereof the passage ", or at any meeting other than a meeting held on a Saturday or public holiday (not being Good Friday or Christmas Day)" ;

and

(*c*) by striking out from paragraph (*c*1) thereof the passage "or at any meeting other than a meeting held on a Saturday or public holiday (not being Good Friday or Christmas Day)".

Amendment of principal Act, s. 28—

5. Section 28 of the principal Act is amended—

Mode of dealing with moneys paid into totalizator used by a club.

(*a*) by striking out subsection (4) thereof and inserting in lieu thereof the following subsections :—

(3a) The amount derived by reason of the non-payment of such fractions in respect of dividends payable in connection with investments made on the totalizator on the appointed day or any day thereafter on which the club conducts a race meeting or trotting meeting shall be dealt with in accordance with subsections (4), (5), (6a) and (6b) of this section.

(4) The amount derived by reason of the non-payment of such fractions in respect of dividends payable in connection with investments made through the agency of the Totalizator Agency Board on the totalizator used by a club at any race meeting or trotting meeting conducted by the club shall, within one week after such meeting or within such further time as the Totalizator Agency Board may allow, be paid by the club to the Totalizator Agency Board to be dealt with in accordance with paragraph (*c*1) of section 31na of this Act. ;

(*b*) by striking out subsection (5) thereof and inserting in lieu thereof the following subsection :—

(5) Where, on any day on which a race meeting or trotting meeting is held by a club, the amount invested on a totalizator used by the club in respect of any race conducted on or after the appointed day, after the deduction referred to in paragraph (*a*) of subsection (1) of this section has been made, is insufficient to enable a dividend, calculated in accordance with the rules of the club referred to in subsection (4a) of this section, of at least fifty cents to be paid, the amount of

fifty cents shall nevertheless be declared and payable as such dividend and the difference between the amount of the dividend as so calculated and fifty cents, in respect of investments made on the totalizator otherwise than through the agency of the Totalizator Agency Board, shall be made up from the amount held on the day of the meeting by the club by way of the non-payment of fractions in respect of dividends payable in connection with those investments and, if the amount so held by the club on any day is insufficient to make up such difference, the additional amount required for that purpose shall be paid to the club out of the Dividends Adjustment Account referred to in subsection (3) of section 31n of this Act which is to the necessary extent hereby appropriated accordingly; but, where two or more horses fill any one place in a race (including first place) and, in consequence, dividends ascertained in accordance with the rules of the club referred to in subsection (4a) of this section become payable in respect of more horses or in respect of more combinations of horses than if only one horse had filled that place, the dividend so ascertained shall be the dividend to be declared and payable in respect of each of those horses, or in respect of each such combination, notwithstanding that such dividend might be less than fifty cents.;

(*c*) by inserting after subsection (6) thereof the following subsections:—

(6a) Any balance remaining from the amount derived by the club by reason of the non-payment of such fractions, after the payments, if any, therefrom under subsections (4) and (5) of this section have been met, shall be paid by the club, within six months after the date of the meeting at which such fractions accrued, to such charitable purposes and in such amounts as the committee of the club, with the approval of the Commissioner of Police, thinks fit.

(6b) Any amounts paid into the Dividends Adjustment Account and derived by any club from the non-payment of fractions in respect of dividends declared in connection with investments made on the totalizator used by the club, not being investments made through the agency

of the Totalizator Agency Board, shall be repaid to the club for payment by that club, within two months after the receipt thereof, to such charitable purposes and in such amounts as the committee of the club, with the approval of the Commissioner of Police, thinks fit, and the amounts necessary to make such payments to clubs from the Dividends Adjustment Account are to the necessary extent hereby appropriated accordingly.

Amendment of principal Act, s. 31n—Application of moneys invested with the Board.

6. Section 31n of the principal Act is amended—

(*a*) by striking out from subsection (3) thereof the passage "referred to in subsection (4) of section 28 of this Act" and inserting in lieu thereof the passage "established and maintained at the Treasury for the purposes of this section and section 28 of this Act";

and

(*b*) by striking out subsection (4) thereof and inserting in lieu thereof the following subsection:—

(4) Where the amount invested on an off-course totalizator conducted by the Board in respect of any event, after the deduction referred to in paragraph (*a*) of subsection (1) of this section has been made, is insufficient to enable a dividend, calculated in accordance with rules made by the Board in pursuance of paragraph (*c*) of section 31u of this Act, of at least fifty cents to be paid, the amount of fifty cents shall nevertheless be declared and payable as such dividend and the difference between the amount of the dividend as so calculated and fifty cents shall be paid to the Board out of the Dividends Adjustment Account which is to the necessary extent hereby appropriated accordingly; but where two or more horses fill any one place in an event (including first place) and, in consequence, dividends ascertained in accordance with the rules referred to in this subsection become payable in respect of more horses or in respect of more combinations of horses than if only one horse had filled that place, the dividend so ascertained shall be the dividend to be declared and payable in respect of each of those horses, or in respect of each such combination, notwithstanding that such dividend might be less than fifty cents.

Amendment of principal Act, s. 31na—
Calculation and payment of dividends where off-course betting conducted on totalizator used by club.

7. Section 31na of the principal Act is amended—

(*a*) by inserting after the words "paid and" in paragraph (*a*) thereof the passage ", subject to paragraph (*c*1) of this section," ;

(*b*) by inserting after paragraph (*c*) thereof the following paragraph :—

(*c*1) the amount derived by reason of the non-payment of fractions in respect of dividends that become payable on any day in connection with investments made on the totalizator through the agency of the Board shall be paid by the Board into the Dividends Adjustment Account within three weeks after that day ;

and

(*c*) by striking out from paragraph (*d*) thereof the passage "and (*c*)" and inserting in lieu thereof the passage ", (*c*) and (*c*1)".

Amendment of principal Act, s. 67a—
Prohibition of broadcasting certain betting particulars.

8. Section 67a of the principal Act is amended—

(*a*) by striking out therefrom the word "If" being the first word of that section and inserting in lieu thereof the passage "(1) Subject to subsection (2) of this section, if" ;

and

(*b*) by adding thereto the following subsection :—

(2) It shall not be an offence under subsection (1) of this section for any person, with the written authority of the committee of the club conducting the meeting concerned, at any time after the result of any horse race or trotting race held at any race meeting or trotting meeting is duly decided, by means of any wireless broadcast to broadcast the dividends declared and payable by any totalizator used or conducted, under this Act or in pursuance of any licence issued thereunder, in respect of that race or in respect of a combination of races including that race or to broadcast any other information relating to the betting on any horse that took part in that race.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.

ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

****

No. 30 of 1967

An Act to authorize the Treasurer to borrow and expend money for public works and purposes, and to enact other provisions incidental thereto.

[*Assented to 31st August,* 1967.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. This Act may be cited as the "Public Purposes Loan Act, 1967". Short title.

2. In this Act, unless the context otherwise requires— Interpretation.

"the financial agreement" means the Financial Agreement made between the Commonwealth and all the States and set out in the schedule at the end of the Amending Financial Agreement Act, 1944 as amended by the Agreement set out in the schedule to the Amending Financial Agreement Act, 1966 :

"the loan fund" means the moneys mentioned in section 3 of this Act :

"schedule" means schedule to this Act.

3. For the purposes of this Act the loan fund shall consist of— The loan fund.

(*a*) any money standing to the credit of the loan fund in the Treasury at the commencement of this Act ;

(*b*) all money received after the commencement of this Act by the Treasurer in repayment of advances made, or money expended, out of money borrowed under any Act;

(*c*) all surplus revenue applied after the commencement of this Act to loan accounts in accordance with section 30 of the Public Finance Act, 1936-1964;

(*d*) the money borrowed under this Act.

Power to borrow.

4. The Treasurer may arrange for the sum of seventy-one million eight hundred and twenty thousand dollars to be borrowed on behalf of the State in accordance with the financial agreement.

Issue and application of money from loan fund.

5. (1) There may be issued out of the loan fund any sums not exceeding eighty-two million five hundred and sixty thousand dollars.

(2) The sums so issued shall be applied for the purposes mentioned in the first schedule.

(3) If the amount mentioned in any line of the first schedule as the proposed expenditure for the work or purpose mentioned in that line is insufficient for that work or purpose, the Treasurer may issue additional money from the loan fund for that work or purpose but so that the total amount issued under this Act from the loan fund during the financial year ending on the thirtieth day of June 1968 for works and purposes mentioned in the first schedule shall not exceed eighty-two million five hundred and sixty thousand dollars.

Authority for advances under Public Finance Act.

6. The borrowing on behalf of the State of the sum of one million seven hundred and thirty-three thousand two hundred and eighty-five dollars, being the amount advanced by the Treasurer during the financial year ended on the thirtieth day of June 1967 pursuant to section 32b of the Public Finance Act, 1936-1964, and its application for the purposes mentioned in the second schedule are hereby authorized: Provided that the said borrowing shall form part of the borrowing authorized by section 4 of this Act.

Flotation expenses.

7. The Treasurer may—

(*a*) in addition to the other amounts authorized by this Act to be borrowed, arrange for the borrowing on behalf of the State in accordance with the financial agreement of a sum equal to the discounts, charges and expenses incurred in connection with the borrowing of money under this Act;

(*b*) issue a sum equal to those discounts, charges and expenses out of the loan fund, and apply the sum so issued in payment of those discounts, charges and expenses.

Temporary finance for loan works.

8. If the money in the loan fund is at any time insufficient for the purpose of carrying out the works and purposes mentioned in the first schedule the Treasurer may use other money in his hands for those purposes, but any money so used shall be repaid from the loan fund as soon as there is sufficient money in that fund to make the repayment.

Power to borrow and apply loan money in 1968-1969.

9. (1) The Treasurer may arrange to borrow, during the period between the thirtieth day of June, 1968, and the commencement of the Act authorizing the raising and expenditure of loan money for the financial year ending on the thirtieth day of June, 1969, on behalf of the State in accordance with the financial agreement any sums not exceeding thirty million dollars.

(2) There may be issued out of the loan fund during the said period any sums not exceeding thirty million dollars.

(3) Any sum so issued shall be applied to meet expenditure on all or any of the loan undertakings mentioned in the first schedule during the said period and the amount to be allocated to each such undertaking shall be determined by the Treasurer.

Power to borrow against Treasury Bills or by overdraft.

10. The Treasurer may during each of the financial years commencing on the first day of July, 1967, and on the first day of July, 1968, borrow in accordance with the financial agreement—

(*a*) any sum or sums against the issue of Commonwealth Treasury Bills, for the purpose of financing any temporary deficit in the Consolidated Revenue Account of the State : Provided that any amounts so borrowed shall be repaid on or before the thirtieth day of June next following the date of the borrowing ; and

(*b*) any sum or sums not exceeding one million dollars for any purpose by way of overdraft from the Reserve Bank of Australia : Provided that any amounts so borrowed shall be repaid on or before the last day of the calendar month during which they are borrowed.

Duration of Act.

11. The authority to borrow money and to issue and apply money from the loan fund, given by sections 4 and 5 of this Act, shall cease on the thirtieth day of June, 1968.

Authority to spend Commonwealth Aid Roads Grants.

12. All money received by the State from the Commonwealth by way of grants under the Commonwealth Aid Roads Act, 1964, or any amendment thereof, or any Act substituted therefor, shall be paid to a special account in the books of the Treasurer, and the Treasurer shall on the request of the Minister of Roads issue and pay out of the money so credited such sums as are required for purposes specified in the said Act.

Commencement of Act.

13. This Act shall be deemed to have come into operation on the first day of July, 1967.

SCHEDULES

FIRST SCHEDULE.

Amounts Proposed to be Expended from the Loan Fund During the Financial Year Ending 30th June, 1968.

Loan Undertakings.	Estimated Expenditure
	$
STATE BANK.	
Advances for Homes	700,000
Loans to Producers	750,000
Advances to Settlers	180,000
Loans for Fencing and Water Piping	10,000
Student Hostels	100,000
HIGHWAYS AND LOCAL GOVERNMENT.	
Morphett Street Bridge	120,000
South-Western Suburbs Drainage	920,000
Woodville, Henley and Grange Drainage	260,000
Metropolitan Drainage—Other	200,000
LANDS, IRRIGATION AND DRAINAGE	
Lands Department—Buildings, Plant, etc.	100,000
Irrigation and Reclamation of Swamp Lands	425,000
South-Eastern Drainage	520,000
Renmark Irrigation Trust—Loan to	250,000
WOODS AND FORESTS.	
Afforestation and Timber Milling	2,000,000
RAILWAYS.	
Railway Accommodation	5,800,000
MARINE AND HARBORS.	
Harbors Accommodation	2,055,000
Fishing Havens	80,000
ENGINEERING AND WATER SUPPLY.	
Waterworks and Sewers	27,000,000
River Murray Weirs, Dams, Locks, etc.	2,800,000
PUBLIC BUILDINGS	
Government Buildings, Land and Services	23,650,000
OTHER CAPITAL GRANTS AND ADVANCES	
Electricity Trust of South Australia—Loan to	6,700,000
University and Advanced Education Buildings	4,000,000
Non-Government Hospital Buildings	3,000,000

Amounts Proposed to be Expended from the Loan Fund During the Financial Year Ending 30th June, 1968—continued.

Loan Undertakings.	Estimated Expenditure.
	$
MISCELLANEOUS.	
Expenses and Discounts of Floating Conversion and Public Loans	200,000
Mines Department—Buildings, Plant, etc.	220,000
Government Printing Department—Plant, Machinery, Stores, etc.	80,000
Produce Department—Buildings, Plant, etc.	100,000
Education Department—School Buses	270,000
Public Service Commissioner's Department—Data Processing Equipment	70,000
Total	$82,560,000

SECOND SCHEDULE.

Advances by the Treasurer authorized by Warrants issued since the commencement of the Public Purposes Loan Act, 1966, *pursuant to Section 32b of the Public Finance Act*, 1936-1964.

Loan Undertakings.	Advances.
	$
Government Buildings, Land and Services	1,693,285
Lotteries Commission—Advances	40,000
Total	$1,733,285

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.

ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

****

No. 31 of 1967

An Act to amend the Succession Duties Act, 1929-1963.

[*Assented to* 31*st August,* 1967.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short titles.

1. (1) This Act may be cited as the "Succession Duties Act Amendment Act, 1967".

(2) The Succession Duties Act, 1929-1963, as amended by this Act, may be cited as the "Succession Duties Act, 1929-1967".

(3) The Succession Duties Act, 1929-1963, is hereinafter referred to as "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment of principal Act, s. 55aa—

Application of Part IVA to Korean War and certain other operations.

3. Subsection (1) of section 55aa of the principal Act is amended by inserting at the end thereof the following paragraphs:—

(*e*) Any person who has died of wounds inflicted, accident occurring, or disease contracted while—

(i) on active service as a member of a naval, military or air force of the Commonwealth of the United Kingdom or of any other part of Her Majesty's Dominions;

or

(ii) engaged in the work of providing ambulance services, medical attention, recreational facilities, entertainment, accommodation or sustenance for any such members on active service as provided by subparagraph (i) of this paragraph,

in any area outside Australia or in any naval, military or air force operation that is declared by proclamation (which the Governor is hereby empowered to make) to be an area or (as the case may be) a naval, military or air force operation for the purposes of this paragraph;

where such wounds were inflicted, such accident occurred or such disease was contracted within twelve months before death.

(*f*) any person who has died of wounds inflicted, accident occurring, or disease contracted while engaged by, or with the authority of, the Commonwealth, in the work of providing ambulance services, medical attention, nursing services or advisory services to the civil population in any area outside Australia that is declared by proclamation under paragraph (*e*) of this subsection to be an area for the purposes of that paragraph, where such wounds were inflicted, such accident occurred, or such disease was contracted within twelve months before death.

Amendment of principal Act, s. 55b—

Remission of succession duty in case of persons dying on active service.

4. Section 55b of the principal Act is amended—

(*a*) by striking out from subsection (1) thereof the words "five thousand pounds" (wherever occurring) and inserting in lieu thereof in each case the words "Twenty thousand dollars";

and

(*b*) by inserting at the end thereof the following subsection:—

(4) This section as amended by the Succession Duties Act Amendment Act, 1967, shall apply and have effect in relation to any person referred

to in paragraph (*e*) of subsection (1) of section 55aa of this Act (whether he died before or after the commencement of that Act).

Amendment of principal Act, s. 56a—Rate of duty on property derived by illegitimate children.

5. Section 56a of the principal Act is amended by inserting at the end of subsection (1) thereof the following subsection:—

(1a) Where the mother or the father of an illegitimate child derives any property—

(*a*) under the intestacy of the child;

or

(*b*) under a disposition (whether testamentary or non-testamentary) made by the child,

the duty payable in respect of that property shall be at the same rate as if the child had been born legitimate.

Enactment of s. 56b of principal Act—Rate of duty on property derived by children adopted *de facto*.

6. The following section is enacted and inserted in the principal Act after section 56a thereof:—

56b. Where—

(*a*) a person derives any property from a deceased person with whom he lived and who acted *in loco parentis* to such person;

and

(*b*) the Minister is satisfied that, although such person was not a legally adopted child of the deceased person, the circumstances are such that he should be treated as such for the purposes of this Act,

the Minister may direct that the duty payable in respect of such property shall be at the same rate as if such person were a legally adopted child of the deceased person, and duty shall be assessed accordingly.

Amendment of Second Schedule to principal Act.

7. The Second Schedule to the principal Act is amended—

(*a*) by inserting before the word "purpose" in subparagraph (*a*) of paragraph 5 thereof the words "sole or predominant";

and

(*b*) by striking out the words "The University of Adelaide" in subparagraph (*a*) of paragraph 6 thereof and inserting in lieu thereof the words "any University in the State".

General amendment of principal Act relating to decimal currency.

8. The principal Act is amended by striking out each passage therein (except any passage amended by the preceding provisions of this Act) representing an amount of money in terms of the currency provided for by the *Coinage Act* 1909-1947 of the Commonwealth and inserting in lieu thereof in each case a passage representing the equivalent amount of money in terms of the currency provided for by the *Currency Act*, 1965 of the Commonwealth calculated on the basis of the equivalents specified in subsection (4) of section 8 of that Act.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor

ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

****

No. 32 of 1967

An Act to apply, out of the General Revenue, a further sum of Thirty million dollars to the Public Service for the year ending on the thirtieth day of June, 1968.

[*Assented to* 31*st August,* 1967.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. This Act may be cited as the "Supply Act (No. 2), 1967". Short title.

2. Out of the General Revenue of the State there shall be issued and applied, from time to time, for the public service of the State for the financial year ending on the thirtieth day of June, 1968, in addition to any moneys so issued and applied pursuant to the Supply Act (No. 1), 1967, any moneys not exceeding in the whole thirty million dollars. Issue and application of $30,000,000.

3. (1) No payments for any establishment or service shall be made out of the said moneys in excess of the rates voted for similar establishments or services on the Estimates for the financial year ended on the thirtieth day of June, 1967 : Provided that there may be paid out of the said moneys increases of salaries or wages payable by the State Government pursuant to any return made under the Acts relating to the public service, or pursuant to any regulation, or any award, order, or determination of a court or other body empowered to fix salaries or wages. Payments not to exceed last year's Estimates except in certain respects.

(2) The Treasurer is hereby authorized to pay such increases out of the said moneys.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.

ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

****

No. 33 of 1967

An Act to amend the Cattle Compensation Act, 1939-1965.

[*Assented to 14th September,* 1967]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short titles.

1. (1) This Act may be cited as the "Cattle Compensation Act Amendment Act, 1967".

(2) The Cattle Compensation Act, 1939-1965, as amended by this Act, may be cited as the "Cattle Compensation Act, 1939-1967".

(3) The Cattle Compensation Act, 1939-1965, is hereinafter referred to as "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment of principal Act, s. 3—Arrangement.

3. Section 3 of the principal Act is amended by inserting immediately under the passage "PART III.—Cattle compensation fund and stamp duties." the passage "PART IIIA.—Testing for tuberculosis.".

Amendment of principal Act, s. 4—Interpretation.

4. Section 4 of the principal Act is amended—

(*a*) by striking out from the definition of "chief inspector" in subsection (1) thereof the passage "Stock and

Poultry Diseases Act, 1934" and inserting in lieu thereof the passage "Stock Diseases Act, 1934-1962";

and

(*b*) by striking out from the definition of "inspector" in subsection (1) thereof the passage "Stock and Poultry Diseases Act, 1934" and inserting in lieu thereof the passage "Stock Diseases Act, 1934-1962".

Amendment of principal Act, s. 5—Compensation payable to owners of cattle.

5. Section 5 of the principal Act is amended by striking out from paragraph (*a*) of subsection (3) thereof the passage "Stock and Poultry Diseases Act, 1934" and inserting in lieu thereof the passage "Stock Diseases Act, 1934-1962".

Amendment of principal Act, s. 8—Application for compensation.

6. Section 8 of the principal Act is amended—

(*a*) by striking out from paragraph (*b*) of subsection (4) thereof the passage "Stock and Poultry Diseases Act, 1934" and inserting in lieu thereof the passage "Stock Diseases Act, 1934-1962";

(*b*) by striking out from paragraph (*b*1) of subsection (4) thereof the passage "of section 12" and inserting in lieu thereof the passage "of this Act";

(*c*) by striking out from subparagraph (i) of paragraph (*c*) of subsection (4) thereof the passage "of section 12" and inserting in lieu thereof the passage "of this Act";

and

(*d*) by striking out from paragraph (*f*) of subsection (4) thereof the passage "of section 12" and inserting in lieu thereof the passage "of this Act".

Amendment of principal Act, s. 11—Establishment of Cattle Compensation Fund.

7. Section 11 of the principal Act is amended by striking out therefrom subsection (2) and subsection (3) and inserting in lieu thereof the following subsections :—

(2) To the credit of the fund there shall be paid—

(*a*) all sums of money received by the Commissioner of Stamps in payment for cattle duty stamps issued under section 14 of this Act ;

(*b*) all sums of money payable by way of duty under this Act and received by the Minister or recovered by the Commissioner of Stamps ;

(*c*) interest at such rates as the Treasurer from time to time determines on amounts from time to time standing to the credit of the fund ;

and

(*d*) all penalties recovered under this Act.

(3) The fund shall, subject to this Act, be applied—

(*a*) to the payment, pursuant to this Act, of claims for compensation ;

(*b*) to the payment of any sums agreed to be paid by or on behalf of the Minister under Part IIIA of this Act not exceeding in the aggregate twenty-five thousand dollars in any financial year ;

and

(*c*) to the repayment of stamp duty under section 15 of this Act, to the costs of the administration of this Act and to the payment of any other sums authorized or required to be paid by this Act.

8. The following Part, heading and sections are enacted and inserted in the principal Act after section 15 thereof :— Enactment of Part IIIA of principal Act—

PART IIIA.

TESTING FOR TUBERCULOSIS

Minister may authorize testing for tuberculosis.

15a. (1) The Minister may by writing under his hand authorize any person, who is registered as a veterinary surgeon under the Veterinary Surgeons Act, 1935-1965, to carry out such test or tests as may be specified in the authorization to ascertain whether or not any cattle are affected with tuberculosis.

(2) The Minister may from time to time, by a like writing, vary, or revoke, an authorization given under subsection (1) of this section.

Agreements.

15b. (1) The Minister, or a person acting on the authority and on behalf of the Minister, may enter into an agreement with a person for the time being authorized under subsection (1) of section 15a of this Act as to the terms and conditions applicable to the carrying out of tests authorized under that subsection.

(2) Without limiting the generality of the power conferred by subsection (1) of this section on the Minister or a person acting on his authority and behalf the power conferred by that subsection includes the power to enter into an agreement with a person for the time being authorized under subsection (1) of section 15a of this Act as to the terms and conditions for the payment to be made, by the Minister, for all or any of the following matters—

(*a*) for each head of cattle tested ;

(*b*) for all or portion of the travelling expenses incurred by the person authorized in connection with the testing ;

and

(*c*) for or in respect of any other matter in connection with the testing.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.

ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

****

No. 34 of 1967

An Act to amend the Electrical Articles and Materials Act, 1940.

[*Assented to 14th September,* 1967]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short titles.

1. (1) This Act may be cited as the "Electrical Articles and Materials Act Amendment Act, 1967".

(2) The Electrical Articles and Materials Act, 1940, as amended by this Act, may be cited as the "Electrical Articles and Materials Act, 1940-1967".

(3) The Electrical Articles and Materials Act, 1940, is hereinafter referred to as "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment of principal Act. s. 2—Interpretation.

3. Subsection (1) of section 2 of the principal Act is amended—

(*a*) by striking out the definition of "committee" therein ;

and

(*b*) by inserting after the definition of "proclaimed class" therein the following definitions :—

"recognized authority of another State" means an authority in an Australian State or Territory of the Commonwealth other than this State being an authority declared by a proclamation under section 10 of this Act to be a recognized authority for the purposes of this Act :

"the Trust" means the Electricity Trust of South Australia.

Amendment of principal Act, s. 3— Marks for use under this Act.

4. Section 3 of the principal Act is amended by striking out the word "committee" therein and inserting in lieu thereof the passage "Trust or a recognized authority of another State".

Repeal of ss. 4 to 9 of principal Act.

5. Sections 4 to 9 inclusive of the principal Act are repealed.

Repeal and re-enactment of s. 12 of principal Act— Regulation of sales and hiring of electrical articles and materials.

6. Section 12 of the principal Act is repealed and re-enacted as follows :—

12. (1) No person shall sell, let on hire, offer to sell or let on hire, expose for sale or letting on hire, expose (whether for sale or letting on hire or not) among other electrical articles or materials exposed for sale or letting on hire or advertise for sale or letting on hire any electrical article or material of a proclaimed class unless the article or material bears thereon or on a label attached thereto either—

(*a*) a mark affixed under the authority of the Trust ; or

(*b*) subject to subsection (2) of this section a mark which has been affixed under the authority of a recognized authority of another State for the purpose of indicating that the article or material is approved by that recognized authority.

Penalty : One hundred dollars.

(2) Paragraph (*b*) of subsection (1) of this section shall not apply where the Trust has by notice given to the recognized authority of another State and published in the *Gazette* indicated that it does not approve the article or material and the Trust has not withdrawn the notice. A withdrawal of notice shall be given to the recognized authority of another State and published in the *Gazette*. A notice or withdrawal of notice under this subsection may be given to the recognized authority of another State by post.

(3) No person shall be convicted of an offence against this section in respect of any article or material if he shows—

(*a*) that, at the time when the proclamation declaring the class description or type of electrical articles or materials to which the article or material belongs to be a proclaimed class was published in the *Gazette*, the article or material was in his possession for sale ;

or

(*b*) that the article or material was within six months after that time delivered to him in pursuance of a contract entered into before that time.

Enactment of s. 12a of principal Act—

7. The following section is enacted and inserted in the principal Act after section 12 thereof :—

Prohibition of sale hire or use of unsafe or dangerous articles or materials.

12a. (1) If in the opinion of the Trust any electrical article or material is or is likely to become unsafe or dangerous in use, the Trust notwithstanding any other provision of this Act, may in case of emergency and in the manner provided by this section prohibit by notice the sale, hire or use of the electrical article or material.

(2) The notice may be given generally or to any particular person.

(3) A notice given generally shall be published in the *Gazette*.

(4) A notice given to any particular person may be served personally or by post.

(5) The notice may apply to a class, description or type of electrical articles or materials or to any one or more particular electrical articles or materials.

(6) The notice shall—

(*a*) be in writing ;

(*b*) specify the class, description or type of electrical articles or materials or the particular electrical articles or materials to which it applies ;

and

(*c*) contain a direction prohibiting any person or the particular person to whom it is given from doing any one or more or all of the following namely, selling, letting on hire, offering to sell or let on hire, exposing for sale or letting on hire, exposing (whether for sale or letting on

hire or not) among other electrical articles or materials exposed for sale or letting on hire, advertising for sale or letting on hire or using any electrical articles or materials of the class, description or type or the particular electrical articles or materials to which it applies.

(7) The Trust may by notice vary or withdraw a notice given under this section. A notice varying or withdrawing a notice given generally shall be published in the *Gazette*. A notice varying or withdrawing a notice given to a particular person shall be given to that person and may be served personally or by post.

(8) Where notice is given generally under this section, any person who fails to comply with a direction contained in the notice shall be guilty of an offence.

Penalty : Two hundred dollars.

(9) Where notice is given to any particular person under this section, the person shall if he fails to comply with a direction contained in the notice be guilty of an offence.

Penalty : Two hundred dollars.

Amendment of principal Act, s.15—Regulations.

8. Section 15 of the principal Act is amended—

(*a*) by striking out the word "committee" in paragraph (*c*) thereof and inserting in lieu thereof the word "Trust" ;

and

(*b*) by striking out the word "committee" twice occurring in paragraph (*e*) thereof and inserting in lieu thereof the passage "Trust or a recognized authority of another State".

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.

ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

****

No. 35 of 1967

An Act to amend the Gold Buyers Act, 1916-1935.

[*Assented to 14th September,* 1967]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short titles.

1. (1) This Act may be cited as the "Gold Buyers Act Amendment Act, 1967".

(2) The Gold Buyers Act, 1916-1935, as amended by this Act, may be cited as the "Gold Buyers Act, 1916-1967".

(3) The Gold Buyers Act, 1916-1935, is hereinafter referred to as "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment of principal Act, s. 3—
Interpretation.

3. Section 3 of the principal Act is amended by striking out the definition of "Chinese person" therein.

Amendment of principal Act, s. 15—
Certain persons not to be licensed.

4. Section 15 of the principal Act is amended by striking out paragraph (*a*) thereof.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.

ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

****

No. 36 of 1967

An Act to amend the Local Government Act, 1934-1966.

[*Assented to 14th September,* 1967]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short titles.

1. (1) This Act may be cited as the "Local Government Act Amendment Act, 1967".

(2) The Local Government Act, 1934-1966, as amended by this Act, may be cited as the "Local Government Act, 1934-1967".

(3) The Local Government Act, 1934-1966, is hereinafter referred to as "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment of principal Act, s. 9a—Special provision for Salisbury District Council.

3. Section 9a of the principal Act is amended—

(*a*) by inserting after the word "Salisbury" first occurring therein the words "or any other district council to which this section applies";

(*b*) by inserting after the word "Salisbury" second occurring therein the words "or of the district of such other district council as the case may be";

and

(*c*) by inserting therein after subsection (2) thereof the following subsection :—

(3) The Governor may by proclamation declare that this section shall apply with respect to any district council named in the proclamation and upon the making of such proclamation such district council shall be a district council to which this section applies.

Amendment of principal Act, s. 52—Qualifications of aldermen and councillors.

4. Paragraph (*d*1) of subsection (3) of section 52 of the principal Act is amended—

(*a*) by inserting after the word "his" therein the words "or his wife's";

(*b*) by inserting after the passage "(*h*)" therein the words and symbols "or (*h*1)" ;

and

(*c*) by inserting after the passage "(*b*2)" therein the words and symbols "or (*b*3)".

Amendment of principal Act, s. 228—Minimum rate.

5. Section 228 of the principal Act is amended by inserting therein after subsection (2) thereof the following subsection :—

(3) If any ratable properties within the meaning of subsection (2) of this section are situated in two adjoining municipalities, either of the councils may, if satisfied that the minimum amount payable by way of rates so fixed for the portion of the property in its area would be unreasonable, exempt that property from the payment of such minimum amount, in whole or in part.

Amendment of principal Act, s. 233a—Minimum rates.

6. Section 233a of the principal Act is amended by inserting therein after subsection (3) thereof the following subsection :—

(4) If any ratable properties within the meaning of subsections (2) or (3) of this section are situated in two adjoining districts, either of the councils may, if satisfied that the minimum amount payable by way of rates so fixed for the portion of the property in its area would be unreasonable, exempt that property from the payment of such minimum amount, in whole or in part.

Amendment of principal Act, s. 287—Expenditure of revenue.

7. Paragraph (*k*1) of subsection (1) of section 287 of the principal Act is amended by striking out the word "lesser" therein and inserting in lieu thereof the word "greater".

Amendment of principal Act, s. 288—
Additional power for expenditure of revenue by municipal councils.

8. Section 288 of the principal Act is amended—

(*a*) by inserting therein after paragraph (*h*) of subsection (1) thereof the following paragraph :—

(*h*1) insuring the wife of the mayor or any person exercising the official functions of the wife of the mayor of the municipality against personal injury, whether fatal or not, arising out of or in the course of the performance by her of any official function, or in the course of any journey undertaken by her in connection therewith. ;

(*b*) by striking out the words "five hundred pounds" in subsection (2) thereof and inserting in lieu thereof the words "two thousand dollars";

and

(*c*) by striking out the words "two hundred pounds" in subsection (3) thereof and inserting in lieu thereof the words "eight hundred dollars".

Amendment of principal Act, s. 289—
Additional powers for expenditure of revenue by district councils.

9. Section 289 of the principal Act is amended—

(*a*) by inserting therein after paragraph (*b*2) of subsection (1) thereof the following paragraph :—

(*b*3) insuring the wife of the chairman or any person exercising the official functions of the wife of the chairman of the council against personal injury, whether fatal or not, arising out of or in the course of the performance by her of any official function, or in the course of any journey undertaken by her in connection therewith : ;

(*b*) by striking out the words "one hundred pounds" therein and inserting in lieu thereof the words "four hundred dollars".

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.

ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

***

Amendment of principal Act, s. 3—Interpretation.

4. Section 3 of the principal Act is amended—

(a) by striking out the passage "sections 201, 218, or 219" from the definition of "Assurance Fund" therein and inserting in lieu thereof the passage "section 201 of this Act as in force prior to the repeal thereof and sections 218 and 219";

(b) by striking out from the definition of "Assurance Fund" therein the word "pounds";

and

(c) by inserting after the word "thereof" in the definition of "Court" the passage ", and includes the Master or a Deputy Master of the Supreme Court when exercising the powers or jurisdiction or performing the functions of the Supreme Court or any Judge thereof in pursuance of any provision of this Act or of the rules of court made under the Supreme Court Act, 1935-1967".

Amendment of principal Act, s. 10—Objects.

5. Section 10 of the principal Act is amended by inserting after the word "land" therein the passage ", to authorize and facilitate, to the extent to which this Act allows, the division and ownership of land in units approved for separate occupation in accordance with this Act,".

Amendment of principal Act, s. 73—Certificates of title.

6. Section 73 of the principal Act is amended by inserting therein after the passage "fourth schedule hereto," the passage "or, where the land is a unit defined on a deposited strata plan within the meaning of Part XIXB of this Act or is common property within the meaning of that Part, shall be in the appropriate form prescribed in the twenty-fourth schedule hereto,".

Repeal of s. 90a of principal Act.

7. Section 90a of the principal Act is repealed.

Amendment of principal Act, s. 101—Deposits of plans by persons subdividing land.

8. Section 101 of the principal Act is amended—

(a) by striking out from subsection (2) and from subsection (3) thereof the passage "one hundred pounds" and inserting in lieu thereof in each case the passage "two hundred dollars";

and

(b) by inserting after subsection (4) thereof the following subsection :—

(5) This section does not apply to the division of land into units in accordance with a strata plan,

within the meaning of Part XIXB of this Act, deposited by the Registrar-General in the Lands Titles Registration Office under that Part.

Repeal of ss. 201 and 202 of principal Act.

9. Sections 201 and 202 of the principal Act are repealed.

Amendment of principal Act, s. 220—Powers of Registrar-General.

10. Section 220 of the principal Act is amended by striking out from subsection (3) thereof the passage "one pound" and inserting in lieu thereof the passage "two dollars".

Enactment of Part XIXB of principal Act—

11. The following headings and sections are enacted and inserted in the principal Act after section 223l thereof :—

PART XIXB.

DIVISION OF LAND BY STRATA PLAN AND TITLES TO UNITS CREATED THEREBY.

Interpretation.

223m. (1) In this Part and in all instruments made or purporting to be made thereunder, unless the contrary intention appears—

"area" means a municipality or district as defined in the Local Government Act, 1934-1967, and includes an area in relation to which any body corporate is, by virtue of any Act, deemed to be, or vested with the powers of, a municipal council or district council :

"building" includes part of a building :

"committee" means committee of a corporation :

"common property" means so much of the land for the time being comprised in a deposited strata plan as is not within a unit defined therein :

"corporation" means a body corporate that is incorporated by virtue of section 223nc of this Act :

"council" means a municipal council or a district council and includes any body corporate that is, by virtue of any Act, deemed to be, or vested with the powers of, a municipal council or district council :

"deposited strata plan" means a strata plan deposited in the Lands Titles Registration Office by the Registrar-General under this Part :

"parcel" means the whole of the land comprised in a strata plan :

"registered estate or interest", in relation to any land, means any estate, interest, easement, right, title, claim, demand, mortgage, charge, lien or encumbrance evidenced by any entry made in any certificate in respect of the land :

"site", in relation to a strata plan, means the surface of the land comprised in the plan :

"special resolution", in relation to a corporation, means a resolution passed at a general meeting of the corporation of which at least fourteen days' notice specifying the proposed resolution has been given and at which not less than two-thirds of the total number of units and not less than one-half of the total unit entitlement of the units shown on the relevant strata plan were represented by the persons who were entitled to vote, and voted, in favour of the resolution :

"strata plan" means a plan of land wholly comprised in a certificate or in two or more certificates which plan—

(*a*) is described in the title or heading thereto as a strata plan ;

(*b*) lays out the land comprised therein in a building unit scheme consisting of not less than two units ;

and

(*c*) complies with the requirements of section 223mb of this Act and the regulations relating to strata plans :

"the Director" means the person for the time being holding or acting in the office of Director of Planning under the Planning and Development Act, 1966-1967 :

"this Part" means this Part of this Act and includes the regulations made under any provision of this Part of this Act :

"unanimous resolution", in relation to a corporation, means—

(*a*) where only one person is entitled to vote in respect of all the units defined in the relevant strata plan—a resolution made by that person and recorded by him as a unanimous resolution in the minute book of the corporation kept as required by this Part ;

and

(*b*) where more than one person is entitled to vote in respect of the units defined in the relevant strata plan—a resolution—

(i) unanimously passed by all persons who voted in accordance with this Part on the relevant resolution personally, by proxy or by absentee vote at a duly convened meeting of the corporation ;

and

(ii) recorded as a unanimous resolution in the minute book referred to in paragraph (*a*) of this definition.

"unit" means such part of a building represented on a strata plan as is approved for separate occupation by the council of the area in which the building is situated and is shown on the plan as a unit :

"unit entitlement", in relation to a unit, means such proportion of the total improved value of the parcel comprised in the strata plan in which that unit is shown as is attributable to that unit and is expressed for the time being in the schedule to the strata plan as required by this Part :

"unit subsidiary" means such part of a building represented on a strata plan consisting of a suite of rooms, utility room, laundry, garage, carport or shed, or such part of the site consisting of a garden plot, lawn, yard or parking area for vehicles, as is shown on the plan as a unit subsidiary that is appurtenant to a unit.

(2) Unless otherwise provided in the relevant strata plan—

(*a*) the common boundary of a unit and the unit immediately above it lies midway between the under surface of the ceiling of the first-mentioned unit and the upper surface of the floor of the second-mentioned unit ;

(*b*) the common boundary of a unit and common property immediately above it lies midway between the lower and upper surfaces of the ceiling of that unit ;

(*c*) the common boundary of a unit and common property immediately below it lies midway between the upper and lower surfaces of the floor of that unit;

and

(*d*) where a wall or fence separates a unit from any other unit or from common property, the common boundary of those units or of the first-mentioned unit and the common property lies midway between the two surfaces of that wall or fence.

(3) Where a schedule or certificate is required by any provision of this Act to be attached to a strata plan as a part thereof, the schedule or certificate, when attached as so required, shall be deemed to be part of that strata plan.

(4) Where a unit subsidiary is shown on a deposited strata plan as appurtenant to a unit defined thereon, that unit subsidiary shall, unless the contrary intention appears, be deemed to be part of that unit.

(5) A strata plan is deposited in the Lands Titles Registration Office under this Part when the Registrar-General deposits it in the Lands Titles Registration Office and gives it a number as a deposited strata plan.

Division of land into units.

223ma. Notwithstanding anything contained in any other Act or in any other Part of this Act, but subject to this Part, land wholly comprised in a certificate or in two or more certificates may be divided into units in accordance with a deposited strata plan.

Strata plan.

223mb. (1) Subject to this Part, but without limiting its effect, a strata plan may make provision for—

(*a*) the division of a building into units;

(*b*) a unit wholly on one storey or level or partly on one storey or level and partly on another or others;

or

(*c*) a unit comprising part of a building and one or more unit subsidiaries shown as appurtenant thereto.

(2) A strata plan must—

(*a*) delineate the external surface boundaries of the site which it comprises and the location of the building or buildings thereon in relation thereto;

(*b*) contain sufficient particulars to identify the certificate or certificates issued in respect of the parcel ;

(*c*) define the units into which the building or buildings shown thereon is or are divided and the unit subsidiary or respective unit subsidiaries (if any) appurtenant to each unit and distinguish the units shown on the plan by numbers or symbols ;

(*d*) contain sufficient particulars from which the boundaries of each unit are capable of being ascertained without necessarily specifying any bearings or dimensions of the unit or of any unit subsidiary appurtenant thereto ;

(*e*) have attached thereto, as a part thereof, a schedule to the plan in accordance with section 223mf of this Act completed and endorsed as provided by that section ;

(*f*) contain such other particulars and comply with such other requirements as may be prescribed ;

and

(*g*) either have endorsed thereon or have attached thereto as a part thereof—

(i) a certificate in the prescribed form signed by a licensed surveyor within the meaning of the Surveyors Act, 1935-1961 ;

and

(ii) the written consent to the plan being deposited in the Lands Titles Registration Office under this Part of every person who has a registered estate or interest in the parcel, if such estate or interest would be affected on the plan being so deposited.

(3) Where a unit shown on a strata plan consists of or is part of a single-storey building the plan must comply with such requirements as are (and may be) prescribed in relation or with respect to—

(*a*) the area of the unit subsidiary or the total area of the unit subsidiaries (if any) shown on the plan as appurtenant to that unit where such area or total area comprises any part of the site that is not occupied by any building or by any structure of a kind prescribed ;

and

(*b*) the area of the common property or of that part of the common property which comprises the part or parts of the site that is not or are not occupied by any building or by any structure of a kind prescribed.

Strata plans for new building unit schemes.

223mc. (1) Subject to this Part, a strata plan (other than a strata plan lodged pursuant to subsection (3) of this section) may be lodged with the Registrar-General for deposit in the Lands Titles Registration Office under this Part by or on behalf of the registered proprietor or registered proprietors of the parcel.

(2) The strata plan, when so lodged with the Registrar-General must be accompanied by—

(*a*) an application in the prescribed form by the registered proprietor or registered proprietors, signed by the applicant or applicants, and containing such particulars and complying with such requirements as may be prescribed;

(*b*) the duplicate of every certificate that would be affected by the deposit by the Registrar-General of the strata plan in the Lands Titles Registration Office under this Part;

(*c*) the certificate applying to the strata plan and referred to in subsection (1) of section 223md of this Act signed, on behalf of the council within whose area the parcel lies, by the town clerk or other officer thereof duly authorized by the council in that behalf;

(*d*) the certificate applying to the strata plan and referred to in subsection (2) of section 223md of this Act signed by the Director;

and

(*e*) the appropriate fees as prescribed.

Strata plan for existing building unit schemes.

(3) Where—

(*a*) in accordance with plans and specifications approved under the provisions of the Building Act, 1923-1965, and the regulations thereunder by a council on or after the first day of January, 1940, but before the commencement of the Real Property Act Amendment (Strata Titles) Act, 1967, any land wholly comprised within a certificate or within two or more certificates has been laid out in a building unit scheme consis-

ting of two or more building units each of which has been designed for separate occupation ;

(*b*) the building or buildings on the land have been erected in accordance with those plans and specifications ;

and

(*c*) under or by virtue of leases, underleases or tenancy or other agreements or ownership of shares in a company, the predominant rights to the exclusive use and occupation of the building units are vested in persons who, in consequence or in pursuance of such leases, underleases, or agreements or ownership of shares, are either in possession of those units or entitled to the rents and profits thereof, whether or not those persons are the registered proprietors in fee simple of the land,

a strata plan comprising that land may be lodged with the Registrar-General for deposit in the Lands Titles Registration Office under this Part by all the persons who have any registered estates or interests in the land.

(4) A strata plan to which subsection (3) of this section applies, when so lodged with the Registrar-General, must be accompanied by—

(*a*) an application in the prescribed form which must state the name and address or the names and addresses of the person or persons entitled to be the registered proprietor or registered proprietors of each of the units defined on the plan and shall be signed by each person who has a registered estate or interest in the parcel which estate or interest would be affected by the deposit by the Registrar-General of the strata plan in the Lands Titles Registration Office under this Part and also signed by each person, if any, referred to in paragraph (*c*) of subsection (3) of this section in whom, by virtue of any lease, underlease or agreement or share in a company, are vested the predominant rights to the exclusive use and occupation of any building unit referred to in that subsection ;

(*b*) the duplicate of every certificate that would be affected by such deposit ;

(*c*) where they exist, the duplicate and triplicate copies of such instruments as will be cancelled

pursuant to subsection (6) of section 223na of this Act;

(*d*) all instruments, duly executed, which will be required to be registered in substitution for those that are to be cancelled pursuant to that subsection and which, upon such cancellation, are to be registered on the appropriate certificates for the units that will be issued upon the deposit of the strata plan under this Part;

(*e*) the certificate applying to the strata plan and referred to in subsection (1) of section 223md of this Act signed, on behalf of the council within whose area the parcel lies, by the town clerk or other officer thereof duly authorized by the council in that behalf;

(*f*) the certificate applying to the strata plan and referred to in subsection (2) of section 223md of this Act signed by the Director;

and

(*g*) the appropriate fees as prescribed.

(5) For the purposes of paragraph (*a*) of subsection (4) of this section, the person or persons referred to in paragraph (*c*) of subsection (3) of this section, in whom are vested the predominant rights to the exclusive use and occupation of the building units referred to in that subsection, shall be the person or persons entitled to be the registered proprietor or registered proprietors, respectively, of the units defined on the plan.

Certificate on behalf of council and by the Director.

223md. (1) Upon application in accordance with the regulations by or on behalf of the proposed applicant or applicants for the deposit of a strata plan under this Part, the council within whose area the proposed parcel lies may issue to the applicant or applicants a certificate signed by the town clerk or other officer of the council duly authorized by the council in that behalf certifying—

(*a*) that the strata plan and the building unit scheme laid out therein are approved by the council;

(*b*) that the plans and specifications relating to the building or buildings shown in the strata plan were approved by the council under the Building Act, 1923-1965, and the regulations thereunder on the date of such approval which shall be specified;

and

(*c*) that each unit defined on the strata plan is approved by the council for separate occupation.

(2) Upon application in accordance with the regulations by or on behalf of the proposed applicant or applicants for the deposit of a strata plan under this Part, the Director may issue to the applicant or applicants a certificate signed by him certifying that the strata plan and the building unit scheme laid out therein are approved by him.

(3) The council may refuse an application referred to in subsection (1) of this section if—

(*a*) the building shown on the strata plan, or any part thereof, or any plans, working drawings or specifications relating thereto, does not or do not comply with the Building Act, 1923-1965, or the regulations thereunder;

(*b*) the building shown on the strata plan, or any part thereof has not been completed in accordance with, or does not conform with the plans, working drawings or specifications relating thereto which had been approved by the council under the Building Act, 1923-1965, or the regulations thereunder; but the council shall refuse the application if such approval had been granted before the first day of January, 1940;

(*c*) the strata plan, or the building unit scheme laid out therein would contravene or be inconsistent with any regulation made under any provision of this Part or contravene or be inconsistent with any authorized development plan within the meaning of the Planning and Development Act, 1966-1967, or any law for the administration or enforcement of which the council is responsible or has power to act;

(*d*) any unit defined on the strata plan is not approved by the council for separate occupation;

or

(*e*) the application is not made or any fee is not paid as provided or required by this Part.

(4) The Director may refuse an application referred to in subsection (2) of this section if the strata plan or the building unit scheme laid out therein would contravene or be inconsistent with any provision of the Planning and Development Act, 1966-1967, or any regulation thereunder, or would be inconsistent with any authorized development plan within the meaning of that Act.

(5) Without limiting the effect of subsection (3) or subsection (4) of this section—

(*a*) the council or the Director may refuse an application referred to in subsection (1) or subsection (2) of this section—

(i) if the application or any annexure thereto or any document accompanying it does not comply with the appropriate provisions of this Part ;

or

(ii) on any further grounds which may be prescribed ;

or

(*b*) the council or the Director may grant such an application subject to compliance with such conditions as the council or the Director think fit or as may be prescribed.

(6) Without limiting the power contained in any other provision of this Part for the making of regulations for any of the purposes of this Part, such regulations may provide that, in relation to strata plans (other than strata plans to which subsection (3) of section 223mc of this Act applies), the granting by the Director of an application referred to in subsection (2) of this section shall be subject to the payment to the Director for payment by him into the Fund established under the Planning and Development Act, 1966-1967, of a sum calculated at a rate not exceeding one hundred dollars (if the parcel is situated in the Metropolitan Planning Area within the meaning of that Act) or forty dollars (if the parcel is situated outside that planning area) for each unit defined on the strata plan and where any money is paid into the Fund pursuant to any such condition, it shall be used by the State Planning Authority for the acquisition or development of reserves.

Appeal against refusal of application.

223me. (1) If the Director or a council refuses an application referred to in section 223md of this Act, the Director or the council, as the case may be, shall notify the applicant or applicants of such refusal and inform him or them of the reasons for such refusal.

(2) The applicant or applicants may appeal to the Planning Appeal Board established under the Planning and Development Act, 1966-1967, against any decision of the Director or a council refusing an application referred to in section 223md of this Act or granting any such application subject to compliance with any conditions as if the decision were a decision of the Director or the council under that Act and, for the purposes of any such appeal, the

provisions of sections 26 and 27 of that Act and the regulations made under subsection (8) of section 27 of that Act governing the practice and procedure relating to appeals to that board under that Act shall, *mutatis mutandis*, and, subject to subsection (3) of this section, apply and have effect accordingly.

(3) For the purposes of subsection (2) of this section—

(*a*) the provisions of subsection (5) of section 26 of the Planning and Development Act, 1966-1967, shall be read and construed as if the passage "to the Authority and" were omitted from that subsection ;

and

(*b*) the provisions of any regulation made under subsection (8) of section 27 of that Act shall be read and construed subject to the provisions of any regulations made under this Part and subject to the modifications, if any, made by the latter provisions to the former provisions referred to in this paragraph.

Unit entitlement of units.

223mf. (1) The schedule to a strata plan, which shall form part of the plan, shall be set out in the form prescribed in the twenty-fifth schedule to this Act on a separate sheet attached to the plan and shall be completed and endorsed in accordance with the provisions of this Part.

(2) The unit entitlement of each unit and the aggregate unit entitlement of all the units shown in a strata plan shall be expressed in the schedule to such plan as whole numbers.

(3) The schedule to every strata plan must be endorsed by or on behalf of the Commissioner of Land Tax or, if the Governor appoints (as he is hereby empowered to do) some other person for the purposes of this subsection in lieu of the Commissioner of Land Tax, by or on behalf of such other person to the effect that the unit entitlement of each unit as set out therein is approved by him.

(4) An application for approval of the unit entitlement of each unit set out in the schedule to a strata plan may be made in accordance with the regulations and on payment of the prescribed fee, and must set out such particulars as may be prescribed ; and the applicant must furnish to the Commissioner of Land Tax or the other person referred to in subsection (3) of this section such further information as the Commissioner or that other person may require for the purpose of determining the application.

(5) Upon approving such unit entitlement, the Commissioner of Land Tax or the other person referred to in subsection (3) of this section shall endorse the schedule to the strata plan accordingly.

(6) Subject to subsections (7), (8), (9), (10), (11) and (12) of this section, the schedule to a deposited strata plan shall, from time to time, be amended by the Registrar-General in accordance with—

(*a*) an order of the Court made upon an application by any of the registered proprietors of the units defined on the plan, or by the corporation incorporated by virtue of section 223nc of this Act upon the deposit of the plan in the Lands Titles Registration Office under this Part acting pursuant to a unanimous resolution of the corporation, or by the administrator (if any) of the corporation appointed pursuant to section 223nm of this Act;

or

(*b*) an application by all the registered proprietors of the units defined on the plan which application the Commissioner of Land Tax or the other person referred to in subsection (3) of this section has approved in writing.

(7) The Court shall cause notice of every application referred to in paragraph (*a*) of subsection (6) of this section to be given to the Commissioner of Land Tax or the other person referred to in subsection (3) of this section and to such other persons as the Court thinks fit; and the Commissioner of Land Tax or the other person referred to in that subsection or his duly appointed agent may, before the conclusion of the hearing of the application, make a report in writing to the Court concerning the matter of the application or may appear at the hearing and any proceedings relating to the application and tender evidence, and call, examine and cross-examine witnesses and address the Court.

(8) In any proceedings before the Court on any such application, any person claiming to have any interest in any of the units may, with the consent of the Court, appear personally or by counsel or solicitor and be heard and, in determining any such application, the Court shall have regard to any report made to the Court under subsection (7) of this section and to the relative values of the respective units at the time of the making of the application.

(9) As soon as practicable after an order of a kind referred to in paragraph (*a*) of subsection (6) of this section is made

the applicant or applicants for the order shall forward to the Registrar-General a certified copy of the order of the Court together with an application in the prescribed form requesting him to amend the schedule to the deposited strata plan in accordance with the order.

(10) Upon receipt of an application for the amendment of the schedule to a deposited strata plan, the Registrar-General shall, if he is satisfied that the relevant provisions of this Part in relation thereto have been complied with, amend the schedule to the plan in accordance therewith.

(11) The Registrar-General may, in his discretion, substitute for any schedule to a deposited strata plan a new schedule which shall constitute the original schedule as amended pursuant to all orders and the appropriate applications referred to in subsection (6) of this section made prior to the substitution and, upon such substitution, the schedule so substituted shall be endorsed with his signature and shall be the schedule to the plan.

(12) An amendment of a schedule shall have effect when the Registrar-General endorses the same with his signature.

(13) The unit entitlements of the units as set out for the time being in the schedule to a deposited strata plan shall be the basis for determining—

(*a*) the respective undivided shares of the registered proprietors in the equitable estate in the common property to which the plan relates ;

(*b*) the proportions payable by the respective registered proprietors of contributions levied by the corporation on the registered proprietors generally pursuant to powers vested in it by this Part ;

and

(*c*) the proportions in which moneys (if any) received or held by the corporation for distribution among the registered proprietors generally are to be distributed among them.

Procedure prior to deposit of strata plan.

223mg. (1) The Registrar-General may refuse to accept a strata plan for deposit in the Lands Titles Registration Office under this Part if any of the relevant requirements of this Part applicable to or in relation to such strata plan has not been complied with, or may return the plan to the person or persons who made the application for the deposit of the strata plan, or to his or their agent, for compliance with those requirements.

(2) When it appears to the Registrar-General that all the requirements referred to in subsection (1) of this section have been complied with, he shall in writing notify the registered proprietor or registered proprietors of the parcel, or his or their agent, that, subject to the provisional registration by the Registrar of Companies of the proposed corporation, he would deposit the strata plan in the Lands Titles Registration Office.

(3) Within fourteen days after the receipt of the notification referred to in subsection (2) of this section, or within such further time as the Registrar of Companies may allow, the applicant or applicants for the deposit of the strata plan shall make application to the Registrar of Companies in the prescribed form for the provisional registration of the proposed corporation by a name which shall consist of the name by which the building or buildings erected on the parcel will be known followed by the passage "(Strata Plan No.) Incorporated", with the number of the plan left blank.

(4) The application must be accompanied by—

(*a*) the notification referred to in subsection (2) of this section ;

(*b*) the prescribed fee which shall not exceed one dollar ;

and

(*c*) such other documents or information as may be prescribed.

(5) If, at the time of the application, the parcel is held by the registered proprietor or registered proprietors or any of them subject to any trusts, or subject to any unregistered liens or charges, the application shall be accompanied by a statement setting out the trusts, liens or charges and, if the trusts, liens or charges or any of them are created by or embodied in an instrument, by a copy of the instrument, and the correctness of the statement and of the copy of the instrument shall be verified by declaration made by the applicant or by one of the applicants.

(6) Except with the consent of the Attorney-General, a proposed corporation shall not be provisionally registered by the Registrar of Companies by a name—

(*a*) that, in the opinion of the Registrar of Companies, is, or contains any word that is, undesirable or is a name, or a name of a kind, or contains any word or word of a kind, that the Attorney-General has, in relation to business names,

companies or other bodies corporate, directed the Registrar of Companies not to accept for registration ;

(*b*) that is the same as, or may, in the opinion of the Registrar of Companies, be mistaken for, the name of any other corporation, company or other body corporate that is incorporated or carrying on business in this State ;

(*c*) that contains the word "limited", "no-liability", "proprietary", "corporation" or "co-operative" or any abbreviation thereof ;

or

(*d*) the use of which by any corporation, company or other body corporate, or by any firm is prohibited by or under any law.

(7) Where any of the registered proprietors is a company or a foreign company within the meaning of the Companies Act, 1962-1966, the Registrar of Companies may defer provisional registration of the proposed corporation if he is satisfied that there is a floating or other charge affecting the parcel comprised in the strata plan, registered under that Act or under a corresponding previous enactment, or required to be registered, or capable of being registered, under that Act, until he is satisfied that such charge has been discharged.

(8) If it appears to the Registrar of Companies that the provisional registration by him of the proposed corporation would not contravene any provisions of this Part or any other enactment, he shall provisionally register the proposed corporation in a register kept by him for the purpose.

(9) Upon provisionally registering the proposed corporation, the Registrar of Companies shall notify the Registrar-General in writing of that fact.

Deposit of strata plan in Lands Titles Registration Office.

223mh. (1) Upon receipt of the notification referred to in subsection (9) of section 223mg of this Act, the Registrar-General shall—

(*a*) deposit the strata plan in the Lands Titles Registration Office and give it a number as a deposited strata plan ;

and

(*b*) forthwith notify the Registrar of Companies in writing of the number given to the plan.

(2) Upon receipt of the notification referred to in paragraph (*b*) of subsection (1) of this section, the Registrar of Companies shall complete the name of the corporation by entering the number of the deposited strata plan in the blank space appearing in the name by which the proposed corporation was provisionally registered, where such name appears in the register of the Registrar of Companies, and he shall thereupon register the corporation incorporated by virtue of section 223nc of this Act comprising the registered proprietor or registered proprietors of the units defined in the deposited strata plan and issue to the corporation a certificate of registration in the prescribed form.

Registers, records, etc. of Registrar of Companies.

223n. (1) For the purposes of this Part, the Registrar of Companies shall keep such registers and records as he considers necessary in such form as he considers fit.

(2) Any person may, on payment of the prescribed fee—

(*a*) inspect any document filed or lodged with the Registrar of Companies under this Part;

or

(*b*) be entitled to receive from the Registrar of Companies a copy of a certificate of the registration of a corporation that is registered by the Registrar of Companies under this Part or a copy of or extract from any document kept by the Registrar of Companies for the purposes of this Part certified to be a true copy or extract, as the case may be, under the hand and seal of the Registrar of Companies.

(3) A copy of or extract from any document kept or issued by the Registrar of Companies for the purposes of this Part certified to be a true copy or extract under the hand and seal of the Registrar of Companies shall in any legal proceedings be admissible in evidence as of equal validity with the original document.

(4) If the Registrar of Companies is of opinion that any application made to him under subsection (3) of section 223mg of this Act, or any annexure thereto or document accompanying it—

(*a*) has not been duly completed;

or

(*b*) does not comply with the appropriate requirements of any of the provisions of this Part,

he may refuse to accept it or may return it for completion or amendment and require that it be re-submitted after being

appropriately amended or completed or that a fresh application, annexure or document be submitted in its place.

Certificates to be issued on deposit of strata plan.

223na. (1) Upon the deposit of a strata plan in the Lands Titles Registration Office by the Registrar-General, a memorial thereof shall be entered on every certificate affected thereby and the Registrar-General shall, subject to this Act, cancel the certificate issued in respect of the parcel and issue a certificate for each unit and a separate certificate for the common property comprised in the plan.

(2) The person to be named in a certificate as the registered proprietor of the common property shall be the corporation incorporated by virtue of section 223nc of this Act comprising the registered proprietor or registered proprietors of the units defined in the deposited strata plan.

(3) Except as provided in subsection (6) of this section, the person or persons to be named in the certificate for a unit as the registered proprietor or registered proprietors thereof shall be the person or persons who, immediately prior to the deposit of the strata plan in the Lands Titles Registration Office by the Registrar-General, was or were the registered proprietor or registered proprietors, as the case may be, of the parcel comprised in the strata plan.

(4) On each certificate for a unit defined on a strata plan to which subsection (2) of section 223mc of this Act applies, the Registrar-General shall enter memorials of such subsisting registered estates and interests (if any), other than easements, that had been entered on the original certificate for the parcel and, on and after the issue of the certificate for the unit, the unit shall vest in the registered proprietor or registered proprietors for the time being thereof for an estate in fee simple subject to such estates and interests as are notified on the original certificate for the unit.

(5) On the certificate for the common property issued pursuant to subsection (1) of this section the Registrar-General shall enter memorials of such easements, if any, notified on the original certificate for the parcel as have not been extinguished and, on and after the issue of the certificate for the common property, the common property shall, subject to section 223nh of this Act, vest in the corporation as the registered proprietor thereof for an estate in fee simple subject to such easements as are notified on the original certificate for the common property but freed and discharged from all other estates and interests to which the parcel was subject immediately before the strata

plan was deposited in the Lands Titles Registration Office under this Part.

(6) Where the strata plan relates to or incorporates a building unit scheme of a kind referred to in subsection (3) of section 223mc of this Act and is accompanied by an application as required by subsection (4) of that section signed by all persons who have registered estates and interests in the parcel and stating the names and addresses of the person or persons entitled to be the registered proprietor or registered proprietors of each of the units defined on the plan, the person or persons to be named in a certificate for a unit as the registered proprietor or registered proprietors thereof shall be the person or persons who appears or appear from the application to be entitled to be the registered proprietor or registered proprietors of the unit and it shall not be necessary to lodge with the Registrar-General for registration under this Act a memorandum of transfer in respect of such unit from the registered proprietor or registered proprietors of the parcel to such person or persons; but, upon the deposit of the strata plan in the Lands Titles Registration Office by the Registrar-General, the Registrar-General shall enter a memorial of the application on every certificate relating to the parcel and affected thereby and, upon such memorial being entered on a certificate, every subsisting registered estate and interest entered in that certificate shall be extinguished and discharged and the Registrar-General shall accordingly, by endorsement signed by him, cancel every instrument concerned, either totally or partially, as the case may require, referring to the application as his authority for the cancellation, and the Registrar-General shall, on the relevant certificates that are issued for the units defined on the strata plan, register such instruments as were required to be registered in substitution for those that were so cancelled.

(7) Upon the issue of a certificate for a unit defined on a strata plan referred to in subsection (6) of this section, the unit shall vest in the registered proprietor or registered proprietors thereof in fee simple subject to such estates and interests as are registered on the certificate by virtue of the instruments referred to in that subsection.

(8) Notwithstanding paragraph XI of section 191 of this Act, it shall be lawful for a caveator, whose caveat has been extinguished by virtue of subsection (6) of this section, without the leave of the Court, to lodge another caveat relating to the same matter over a certificate for a unit defined on the strata plan or for the whole or any portion

of the common property and for the Registrar-General to enter a memorial thereof in the Register Book.

(9) Where, after the deposit of a strata plan referred to in subsection (6) of this section in the Lands Titles Registration Office by the Registrar-General and the incorporation of the registered proprietors of the units defined thereon, the Registrar of Companies is satisfied, on the application of a company that had been formed and incorporated under the Companies Act, 1962-1966, or under any corresponding previous enactment, and on verification, by statutory declaration or otherwise as the Registrar of Companies may require, of matters contained in such application or of matters relevant thereto, that, because of the deposit of the strata plan, the purpose for which the company had been formed no longer exists and that it has no assets or liabilities, the Registrar of Companies may, notwithstanding anything contained in the Companies Act, 1962-1966, by order dissolve the company and strike the name of the company from his register.

(10) Where, after the deposit of a strata plan referred to in subsection (6) of this section in the Lands Titles Registration Office by the Registrar-General and the incorporation of the registered proprietors of the units defined thereon, the Court is satisfied, on the application of a company that had been formed and incorporated under the Companies Act, 1962-1966, or under any corresponding previous enactment, or on the application of a member or creditor of the company, that, because of the deposit of the strata plan, the purpose for which the company had been formed no longer exists, but that it has any assets or liabilities, the Court may, by order, dissolve the company and direct the Registrar of Companies to strike the name of the company from his register and by the same or a subsequent order, give such directions as it considers just for the disposal of its remaining assets, if any, or to render the persons who, immediately before the dissolution, were members of the company personally liable for its outstanding liabilities in such manner and in such proportions as the Court thinks proper.

Deposit of strata plan to be dealing in land.

(11) For the purposes of this Act, the deposit by the Registrar-General of a strata plan in the Lands Titles Registration Office under this Part, and the entering on a certificate of a memorial of any application that accompanied a deposited strata plan shall be deemed to be dealings in land.

Unit subsidiary not to be dealt with independently of unit to which it is appurtenant.

223nb. (1) A registered proprietor shall not enter into any dealing with a unit subsidiary except where the dealing

has effect as part of a dealing with the unit to which, in accordance with the relevant deposited strata plan, the unit subsidiary is appurtenant.

Penalty : Five hundred dollars.

(2) Any dealing with a unit subsidiary in contravention of subsection (1) of this section is void.

Incorporation of registered proprietors of units.

223nc. (1) Subject to this Part, on and after the deposit of a strata plan in the Lands Titles Registration Office by the Registrar-General, the registered proprietor or registered proprietors for the time being of the units defined on the plan shall, by virtue of this section, be a body corporate incorporated under the name by which, as the corporation referred to in section 223mh of this Act, it is registered by the Registrar of Companies.

(2) The members of the corporation shall be the person who is or persons who are at the relevant time the registered proprietor or registered proprietors for the time being of the units defined on the deposited strata plan, each member being a member in respect of the unit or units of which he is the registered proprietor or one of the registered proprietors.

(3) The corporation shall have perpetual succession, shall be capable of being a party to legal proceedings in its corporate name, and shall have a common seal, on which shall be inscribed its name in legible characters, but it shall be sufficient if the abbreviation "Inc." is used in place of the word "Incorporated" in the name of the corporation, whether inscribed on its common seal or in any description of or reference to the corporation.

(4) Subject to this Part, the custody and use of the common seal of the corporation and the procedure for the calling of meetings and the conduct thereof shall be as provided by the constitution of the corporation as contained in its articles, or, if not so provided, as determined by the corporation.

(5) Subject to this Part and to its constitution, the corporation may also—

(*a*) enter into contracts with any person, including a member of the corporation, and hold any real and personal property ;

(*b*) sue for or in respect of any damage or injury to the common property caused by any person, whether that person is a member of the corporation or has any interest in the common property or not ;

(*c*) be sued in respect of any matter connected with the parcel for which the registered proprietors of the units to which the common property relates are jointly liable ;

(*d*) establish, keep and maintain a fund or funds which, in the opinion of the corporation, is or are sufficient, and which the corporation may use—

(i) for administrative expenses and for the control, management and administration of the common property and for the payment of any premiums of insurance ;

and

(ii) for the discharge or the performance of any other function or obligation of the corporation ;

(*e*) determine from time to time in writing the amounts to be raised from the members for the purposes aforesaid and the time and manner of payment by each of the members of the amount payable by him ;

(*f*) raise amounts so determined by demanding and receiving payment of the same from members either in proportion to the unit entitlement of their respective units or in such other proportions as are agreed to by unanimous resolution of the corporation ;

(*g*) remedy any breach of any provision of its articles if—

(i) the breach is one that may be remedied by the expenditure of money ;

and

(ii) the breach has not been remedied by the person bound to comply with the provision within the time specified in a notice given to that person by the corporation specifying the nature of the breach and requiring the breach to be remedied within that time ;

and

(*h*) exercise such other powers and functions as are conferred or necessarily implied or prescribed by or under this Part or its articles or are incidental or ancillary thereto.

(6) Any amount demanded pursuant to paragraph (*f*) of subsection (5) of this section from each member shall be due and payable in accordance with the terms of the relevant determination and that amount or so much thereof as from time to time becomes due and payable (but not paid) shall be recoverable by the corporation in an action in any court of competent jurisdiction as a debt due to it jointly and severally from the person who was the member at the time when the same was so demanded and the person who is the member at the time when the action is commenced.

(7) Subject to this Part and to its articles, the corporation shall—

(*a*) control, manage and administer the common property vested in it and do all things reasonably necessary for the enforcement of its articles and the control, management and administration of the common property ;

(*b*) carry out the duties imposed on it by or under this Part or its articles ;

(*c*) unless by unanimous resolution of the corporation it is otherwise resolved, insure and keep insured all buildings and other improvements on the parcel for the replacement value from time to time thereof against fire and such other risks as may be prescribed ;

(*d*) effect such insurance as it is required by law to effect and such other insurance as it may by special resolution determine ;

(*e*) pay premiums on policies of insurance effected by it ;

(*f*) unless otherwise directed by order of the Court pursuant to section 223nl of this Act, forthwith apply the insurance moneys when received by it in respect of damage to any building or improvements in re-building and re-instating the building or improvements so far as the same may lawfully be done ;

(*g*) keep in a state of good and serviceable repair and properly maintain the common property and such other portions of the buildings and other improvements, fittings and fixtures on the parcel as by its articles are entrusted to its care ;

(*h*) comply with any notice, order or other instrument duly served on it by any competent authority under any law requiring repairs to be done to,

or work to be performed in respect of, the common property or any building or other improvement on the parcel;

and

(*i*) comply with any reasonable request for the names and addresses of the persons who are members of the committee of the corporation.

(8) For the purposes of effecting any insurance pursuant to paragraph (*c*) of subsection (7) of this section, the corporation shall be deemed to have an insurable interest to the replacement value of the buildings and improvements referred to therein, and for the purpose of effecting any other insurance pursuant to that subsection, the corporation shall be deemed to have an insurable interest in the subject matter of such insurance.

(9) The moneys received by the corporation under a policy of insurance effected by it under or pursuant to paragraph (*c*) of subsection (7) of this section in respect of any buildings or other improvements on the parcel comprised in the relevant deposited strata plan shall not be liable to be brought into contribution with moneys received under any other policy of insurance except another policy effected under or pursuant to that paragraph in respect of the same buildings or improvements.

(10) Where the corporation performs any repairs, work or act that it is required or authorized by or under this Part or its articles or by or under any other Act to perform (whether or not the repairs, work or act were or was performed consequent upon the service on it by a competent authority of any notice or order), but the repairs, work or act were or was wholly or substantially the liability or the responsibility of the registered proprietor of one unit only or wholly or substantially for the benefit of some of the units only or wholly or substantially the liability or the responsibility of the registered proprietors of some of the units only, any money expended by the corporation in performing the repairs, work or act shall—

(*a*) in the case where the repairs, work or act were or was wholly or substantially the liability or the responsibility of the registered proprietor of one unit only, be recoverable by the corporation in an action in any court of competent jurisdiction as a debt due to it jointly and severally from the relevant registered proprietor of the unit at the time when the repairs, work or act were or was performed and the relevant registered proprietor

of the unit at the time when the action was commenced;

or

(*b*) in the case where the repairs, work or act were or was wholly or substantially for the benefit of some of the units only or wholly or substantially the liability or the responsibility of the registered proprietors of some of the units only, be recoverable by the corporation in an action in any court of competent jurisdiction as a debt due to it jointly and severally from the relevant registered proprietor of each of such units at the time when the repairs, work or act were or was performed and the relevant registered proprietor of that unit at the time when the action was commenced, the amount payable by any registered proprietor and former registered proprietor in respect of any unit being not more than the proportion of the debt which the unit entitlement of the unit then bears to the aggregate unit entitlement of all those units.

(11) Where the corporation incurs any expenditure or performs any repairs, work or act that it is required or authorized by or under this Part or its articles or by or under any other Act to perform (whether or not the expenditure was incurred or the repairs, work or act were or was performed consequent upon the service on it by a competent authority of any notice or order) and the expenditure or the repairs, work or act were or was rendered necessary by reason of any wilful or negligent act or omission on the part of, or breach of any provision of its articles by any person or his tenant, lessee, licensee or invitee, the amount of that expenditure or any money expended by it in performing the repairs, work or act shall be recoverable by it from that person as a debt in an action in any court of competent jurisdiction.

(12) On application by or on behalf of a person who is a member of the corporation in respect of a unit or by or on behalf of a prospective purchaser of a unit that is offered for sale, the corporation shall issue to that person a certificate in the prescribed form certifying—

(*a*) the amount then unsatisfied of any determination made by the corporation pursuant to paragraph (*e*) of subsection (5) of this section;

(*b*) the time and manner of payment of the amount determined by it pursuant to that paragraph;

(*c*) the proportion of the amount of the determination which the member who is the registered proprietor of the unit is liable to pay to the corporation;

(*d*) the amounts (if any) demanded from that member pursuant to paragraph (*f*) of subsection (5) of this section and then unpaid;

(*e*) the amount (if any) then recoverable by the corporation in respect of the unit pursuant to subsection (6) of this section;

(*f*) the amount (if any) then recoverable by the corporation in respect of the unit pursuant to subsection (10) of this section;

(*g*) the sum or the respective sums standing to the credit of the fund or funds kept and maintained by the corporation pursuant to paragraph (*d*) of subsection (5) of this section, and the amount or respective amounts out of that fund or those funds committed or earmarked for any expenses already incurred by the corporation;

and

(*h*) whether or not the corporation has incurred any expenditure or performed or is about to perform any repairs, work or act in respect of which a liability is likely to be incurred by the member who is the registered proprietor of the unit under any provision of this Part or of the articles of the corporation and, if so, the estimated amount of the expenditure or the general nature of the repairs, work or act,

and as against the corporation and in favour of any person (including the member) relying in good faith on such certificate, that certificate shall be conclusive evidence of the matters certified therein.

(13) A notice or order requiring repairs to or work to be performed in respect of the parcel comprised in the deposited strata plan or any building or other improvements thereon which a competent authority is required or authorized by any law to serve may, notwithstanding anything contained in such law be served on the corporation in the manner provided by this Part and, when served in that manner, the notice or order shall be deemed to have been duly served on the person on whom it was required to be served and, subject to this Part, the corporation shall comply therewith.

(14) Where a member who is not beneficially entitled to possession of a unit in respect of which he is a member is

required to pay, and pays, any amount to the corporation pursuant to paragraph (*f*) of subsection (5) or to subsection (6) or subsection (10) of this section or any other provision of this Part or any provision of the articles of the corporation, he shall, subject to any agreement, express or implied, between him and the person beneficially entitled to possession of the unit, be entitled to recover from that person any amount so paid.

(15) The payment of any amount lawfully incurred by the corporation in the course of the exercise of any of its powers or functions or the carrying out of its duties or obligations or of any pecuniary penalty imposed on the corporation is, by force of this section, guaranteed by the persons who, for the time being, and from time to time, are the members of the corporation, the member who is, or the members who are, the registered proprietor or registered proprietors of each unit being liable under such guarantee only for such proportion of the money so incurred as the unit entitlement of that unit bears to the aggregate unit entitlement of all the units.

(16) Where--

(*a*) by reason of any liability of a member or former member of the corporation under subsection (15) of this section that member or former member has, in respect of any matter, been obliged to pay, and paid, more than the proportion for which he was liable in respect of that matter under subsection (6) of this section ;

and

(*b*) any other member or members of the corporation has or have not discharged or fully discharged his or their liability under that subsection in respect of that same matter,

the member or former member referred to in paragraph (*a*) of this subsection shall be entitled to recover from the member or members referred to in paragraph (*b*) of this subsection in any court of competent jurisdiction, as a debt due to him from that member or those members, an amount not exceeding the amount by which the aggregate amount paid by him in respect of that matter exceeded the amount of the proportion for which he was liable in respect of that matter under subsection (6) of this section, but no member referred to in paragraph (*b*) of this subsection shall be held liable to pay under this subsection more than the amount remaining undischarged of his liability in respect of that matter under subsection (6) of this section.

Restricted powers of corporation.

223nd. (1) The corporation may, if authorized by a unanimous resolution of the corporation—

(*a*) purchase, hire or otherwise acquire personal property for its own use or for use in connection with the enjoyment of the common property ;

(*b*) borrow moneys required by it for the purpose of carrying out its duties or exercising its powers ;

(*c*) secure the repayment of moneys borrowed by it, and the payment of interest thereon, by negotiable instrument or mortgage of unpaid contributions from the members (whether levied or not), or by any combination of those means ;

(*d*) deposit in any trading bank or savings bank account any moneys in any fund established pursuant to paragraph (*d*) of subsection (5) of section 223nc of this Act ;

(*e*) enter into and carry out an agreement with any member or any occupier of a unit for the provision of amenities or services by it to such unit or to the member or occupier ;

and

(*f*) grant to a member, or any person who has derived an interest in a unit through a member, any special privilege (not being a lease) in respect of the enjoyment of part or parts of the common property.

(2) Any grant made pursuant to paragraph (*f*) of subsection (1) of this section shall be determinable by notice in writing given by the corporation to that member or person pursuant to a special resolution of the corporation.

(3) Except in the course and for the purpose of controlling, managing, administering, maintaining, repairing and renewing the common property, or any part thereof or in the course and for the purpose of carrying out its functions and duties or exercising its powers as provided by this Part, the corporation shall not carry on any business for profit or for the purpose of securing pecuniary profit to its members.

Penalty : Five hundred dollars.

(4) Except as provided by this Part or in accordance with an order of the Court (which the Court is hereby authorized to make if it is satisfied that in all the circumstances it is proper to do so, having regard in particular to the corporation's accrued and contingent liabilities), the

corporation shall not pay to any of its members any moneys received or held by it.

Penalty : Five hundred dollars.

Committee of corporation.

223ne. (1) Subject to this Part, the powers, functions and duties of the corporation, shall be exercised and performed by the committee of the corporation in such manner as the corporation by resolution passed at a general meeting of the corporation may direct or, in the absence of such resolution, in such manner as the committee thinks fit.

(2) Until the first annual general meeting of the corporation, all the members thereof shall constitute the committee, but thereafter—

(*a*) subject to paragraph (*b*) of this subsection, the committee shall consist of not less than three nor more than seven members who shall be elected at each annual general meeting ;

and

(*b*) where there are not more than three members of the corporation the committee shall consist of all the members.

(3) Except where the committee consists of all the members of the corporation, the corporation may, by special resolution passed at an extraordinary general meeting, remove any member of the committee before the expiration of his term of office and appoint another member in his place to hold office until the next annual general meeting.

(4) Subject to subsection (3) of this section, when a casual vacancy occurs on the committee, the remaining members of the committee may appoint, in place of, and for the unexpired part of the term of office of, the member of the committee whose office is vacant, another member of the corporation.

(5) Any meeting of the committee at which a quorum is present shall be competent to transact the business of the committee, and a quorum necessary for the transaction of such business shall—

(*a*) where the committee consists of only one member, be one ;

(*b*) where the committee consists of two, three or four members, be two ;

(*c*) where the committee consists of five or six members, be three ;

and

(*d*) where the committee consists of seven members, be four.

(6) At the commencement of each committee meeting, the members present (if more than one) shall elect a chairman for the meeting who, in the case of equality of votes, shall have a second or casting vote and, if any chairman so elected vacates the chair during the course of a meeting, the members then present (if more than one) shall choose in his place another chairman who shall have the same rights of voting.

(7) At meetings of the committee all matters shall be decided by a majority of the votes of the members present.

(8) The committee may—

(*a*) subject to subsection (9) of this section, meet for the conduct of business, adjourn and otherwise regulate its meetings as it thinks fit;

(*b*) subject to such directions (if any) as may be given by special resolution of the corporation, for and on behalf of the corporation, employ agents and servants in connection with the control, management, administration, maintenance, repairing and renewing of the common property or any part thereof, and the exercise and performance of the powers, functions and duties of the corporation, and lawfully terminate such employment;

and

(*c*) subject to any restriction or direction that may be imposed or given by ordinary resolution passed at a general meeting of the corporation, delegate to one or more of its members such of its powers, functions and duties as it thinks fit, and at any time revoke such delegation.

(9) Any member of the committee may convene a meeting of the committee by giving to the other members of the committee not less than seven days' written notice specifying the reason for convening such meeting and the time and place of such meeting.

(10) Subject to the regulations, the committee shall—

(*a*) keep minutes of its proceedings;

(*b*) cause minutes to be kept, in a minute book of the corporation kept for the purpose, of proceedings at all general meetings of the corporation and include therein a record of every special

resolution, unanimous resolution and other resolution of the corporation ;

(*c*) cause proper records and books of account to be kept in respect of its assets and liabilities, all sums of money received and expended by it and owing to and by it ;

(*d*) in, and in respect of, each year, prepare proper accounts relating to all moneys of the corporation, and the income and expenditure thereof, and present them at each annual general meeting of the corporation for approval by the corporation and within fourteen days, or such further time as the Registrar of Companies may allow, after each annual general meeting, lodge with the Registrar of Companies a copy of the accounts as approved by the corporation certified as correct by a member of the committee ;

(*e*) on the application of a member or of a mortgagee of a unit, or any person authorized in writing by either of them, make the books of account, records and all minutes kept by the committee available to him for inspection at all reasonable times ;

and

(*f*) furnish the Registrar of Companies in accordance with the regulations with such returns and information as may be prescribed.

(11) No fee that is payable to the Registrar of Companies on the lodging or furnishing with him of any copy of accounts or any return or information under paragraph (*d*) or (*f*) of subsection (10) of this section shall exceed one dollar.

(12) If default is made in complying with any provision of subsection (10) of this section, each member of the committee shall, unless he shows the court before which he is charged that he had taken all reasonable steps to ensure that the default did not occur, be guilty of an offence against this Act and liable, on conviction, to a penalty not exceeding Twenty-five dollars.

(13) All acts done in good faith by the committee shall, notwithstanding that it be afterwards discovered that there was some defect in the appointment or continuance in office of any member thereof, be as valid as if such member had been duly elected or had duly continued in office.

General meetings.

223nf. (1) Subject to this Part and to its articles, a corporation may hold general meetings as it thinks fit, but—

(*a*) one such general meeting (which shall be called the annual general meeting and may be held in any calendar year in addition to any other meeting of the corporation held in the same year) shall be held at least once in every calendar year and (except in the case of the first annual general meeting) not more than fifteen months after the date of the last preceding annual general meeting;

and

(*b*) within six months after the deposit of the relevant strata plan in the Lands Titles Registration Office by the Registrar-General, the first annual general meeting of the corporation shall be held.

(2) The general meetings of the corporation, other than its annual general meetings, shall be called extraordinary general meetings.

(3) The committee of the corporation may, whenever it thinks fit, and shall, upon a requisition in writing made by members of the corporation entitled to not less than twenty-five per centum of the total unit entitlement of the units shown on the relevant strata plan, convene a general meeting of the corporation.

(4) Except where only one person is entitled to vote in respect of all the units defined on the relevant strata plan, at least fourteen days' notice of every general meeting of the corporation specifying the place, the date and the hour of the meeting and, in the case of special business, the general nature of such business, shall be given to all members of the corporation and to the mortgagees, if any, of the units defined on the relevant strata plan who have, in accordance with this Part, given the corporation written notice of their mortgages and have therein claimed their respective rights to vote as provided by this Part; but the non-receipt of such notice by any such member or mortgagee shall not invalidate the proceedings at any such meeting.

(5) Any notice required to be given under subsection (4) of this section shall be sufficiently given if sent by pre-paid letter addressed and posted to the person concerned to the last address of that person notified to the corporation or, if no such address has been so notified, to that person's last known place of abode or, if such person were a body

corporate, to its registered office or principal place of business or other known address in the State.

(6) All business that is transacted—

(*a*) at an annual general meeting of the corporation, with the exception of the election of the chairman for the meeting, the consideration of accounts and the election of members to the committee ;

or

(*b*) at an extraordinary general meeting, with the exception of the election of the chairman for the meeting,

shall be deemed to be special business.

(7) Except as provided in subsection (8) of this section, no business shall be transacted at any general meeting of the corporation unless a quorum, consisting of persons entitled to exercise the voting power in respect of not less than one-half of the number of the units defined on the relevant strata plan, is present at the time when the meeting proceeds to business.

(8) If within half an hour after the time appointed for a general meeting of the corporation the quorum referred to in subsection (7) of this section is not present, the meeting shall stand adjourned to the same day in the next week at the same place and time and if the quorum is not then present within half an hour after the time appointed for the meeting as so adjourned, the persons who are then present and entitled to vote shall constitute the quorum for the purposes of subsection (7) of this section.

(9) At the commencement of a general meeting of the corporation, the members present (if more than one) shall elect a chairman for the meeting.

Voting at meetings of corporation.

223ng. (1) Subject to this section, at any meeting of the corporation—

(*a*) where a unanimous resolution of the corporation is required, each member shall be entitled to exercise one vote ;

and

(*b*) except in the case of a unanimous resolution, one vote shall be exercisable in respect of each unit and that vote is exercisable by the member registered as the proprietor of that unit or, where there are two or more members registered as proprietors of the unit, by those members jointly.

(2) For the purposes of paragraph (*b*) of subsection (1) of this section, where, in respect of any unit, there are successive registered estates of freehold, the member or members entitled to exercise the power of voting in respect of that unit shall be the member or members registered as the proprietor or proprietors of the first of such estates as is, at the relevant time, an estate of freehold in possession.

(3) Where the estate of a member of the corporation in a unit in respect of which he is a member is subject to a registered mortgage or to registered mortgages, and the mortgagee or the first mortgagee, as the case may be, has given the corporation written notice of his mortgage and has in such notice claimed the right to exercise the power of voting otherwise exercisable by the member under subsection (1) of this section, then, at any meeting of the corporation, the power of voting conferred on the member by virtue of subsection (1) of this section shall not be exercisable by that member as the registered proprietor of the unit if, at the time of voting, the mortgagee or first mortgagee is present at the meeting personally or by proxy in which case such power may be exercised only by the mortgagee or first mortgagee; but if, at the time of voting, the mortgagee or first mortgagee is not present at the meeting personally or by proxy or is not deemed to be present at the meeting by virtue of subsection (12) of this section, the member himself may exercise that power of voting.

(4) At any general meeting, except where a unanimous resolution of the corporation is required, a poll may be demanded by any person present and entitled to exercise a power of voting, and, unless a poll is so demanded, a declaration by the chairman that the resolution has been carried shall be conclusive evidence of the fact without proof of the number or proportion of votes recorded in favour of, or against, such resolution.

(5) A demand for a poll at any meeting of the corporation may be withdrawn.

(6) A poll, if demanded, shall be taken in such manner as the chairman thinks fit and the result of the poll, which shall be declared by the chairman as soon as it is ascertained, shall be deemed to be the resolution in respect of which the poll was demanded.

(7) Subject to subsection (11) and subsection (12) of this section, a vote may be exercised personally or by proxy but where two or more persons are entitled to exercise one

vote jointly, that vote may, except in the case of a unanimous resolution, be exercised by any person (who may or may not be one of them) as their proxy jointly appointed by them.

(8) Except where a unanimous resolution or a special resolution of a corporation is required, every vote on any resolution shall be of equal value unless a poll is demanded and held when the value of each vote shall correspond with the unit entitlement of the unit in respect of which it is exercised.

(9) The chairman of a meeting of the corporation shall have a deliberative vote and, in the case of an equality in voting on an ordinary resolution, whether on a poll or not, shall be entitled also to a casting vote.

(10) Except where a unanimous resolution of the corporation is required, a power of voting conferred on the registered proprietor or mortgagee of a unit shall not be exercisable unless all amounts accrued due and payable in respect of that unit to the corporation by the member or members liable to pay the same have been paid.

(11) Where, at any meeting of the corporation, a unanimous resolution of the corporation is required for any purpose and more than one person is entitled to attend the meeting and vote on the resolution—

(*a*) the person proposing to move the proposed resolution shall give the committee of the corporation in writing not less than three weeks before the meeting is to be held notice of the motion ;

(*b*) the committee of the corporation shall give to each person who is entitled to receive notice of the meeting, a copy of the notice of motion which shall incorporate a voting paper in the prescribed form ;

and

(*c*) any person entitled to vote on the proposed resolution may, if he does not otherwise vote thereon, exercise an absentee vote by recording his vote on the voting paper in accordance with the regulations and delivering it or causing it to be delivered, duly completed in accordance with the regulations, to the corporation before the commencement of the meeting.

(12) A vote recorded on the voting paper by a person entitled to exercise an absentee vote and received by the corporation as provided by paragraph (*c*) of subsection (11)

of this section shall, unless the voting paper has not been completed in accordance with the regulations, be accepted by the chairman of the meeting as a valid vote by the person exercising it and, for the purposes of this Part, any person entitled to exercise an absentee vote on a proposed resolution at a meeting whose absentee vote thereon has been received by the corporation as provided by paragraph (*c*) of subsection (11) of this section shall, except for the purposes of subsection (7) of section 223nf of this Act, be deemed to be present at the meeting and to have exercised his power of voting on that resolution.

(13) The right of a person to vote at a meeting of the corporation—

(*a*) may, subject to this subsection, be exercised by him if he is of or over the age of eighteen years ;

(*b*) shall not be exercised by him if he is less than eighteen years of age, but may in that case be exercised by his guardian ;

(*c*) shall not be exercised by him if he is by any rule of law under a disability that prevents him from lawfully dealing with his property, but may in that case be exercised by the person who is, for the time being, authorized by law to control the property of the person under the disability.

(14) An instrument appointing a proxy for the purposes of this Part must be in the prescribed form and must be signed and attested as prescribed.

The common property.

223nh. (1) Subject to this Part, the corporation shall hold the common property in trust for the registered proprietors of the units defined on the relevant deposited strata plan, as tenants in common thereof in shares proportional to the unit entitlements from time to time of their respective units.

(2) Subject to this Act and the Planning and Development Act, 1966-1967, the corporation may, if authorized in that behalf by a unanimous resolution of the corporation, purchase or otherwise acquire for an estate in fee simple any other land that is contiguous to the parcel and on the completion of such purchase or acquisition and registration of the relevant instrument by the Registrar-General, such land shall be added to and form part of the common property and the Registrar-General shall amend the relevant deposited strata plan by including such land in the common property and the parcel.

(3) The corporation may, if authorized in that behalf by a unanimous resolution of the corporation, and with the

approval of the Director and the council within whose area the parcel comprised within the relevant strata plan is situated, make application to the Registrar-General requesting him to amend, vary, correct or alter the designation of any defined part or parts of the common property or to set apart any part or parts thereof for any particular purpose and the Registrar-General may, at his discretion, grant such application and make such entries or endorsements on the strata plan or other records kept in the Lands Titles Registration Office to give effect to such grant.

(4) A registered proprietor of a unit shall not be competent to enter into any dealing with his share of his equitable estate in the common property which is appropriate to that unit except where the dealing has effect as part of a dealing with that unit and any dealing with the unit shall likewise operate as a dealing with the share of the common property which is appropriate to that unit, notwithstanding that no mention of such share of the equitable estate is made in the instrument evidencing or giving effect to such dealing.

(5) Subject to this Part, the corporation may, if authorized in that behalf by a unanimous resolution of the corporation, execute a transfer of any part of the common property (other than an easement to which section 223ni of this Act applies), but the Registrar-General shall not register any such transfer if—

(*a*) the transfer is not accompanied by a certificate of approval by the Director and a certificate of the council within whose area the common property lies, signed by the town clerk or other officer of the council duly authorized by the council in that behalf, certifying that the transfer in effect does not contravene and is not inconsistent with any authorized development plan within the meaning of the Planning and Development Act, 1966-1967, or any law for the administration or enforcement of which the council is responsible or has power to act;

(*b*) such other documents and particulars as are required by the regulations to be lodged with the Registrar-General together with the transfer have not been so lodged;

(*c*) it appears to the Registrar-General that the transfer in effect does not comply with, or contravenes, or is inconsistent with, any provision of this Part;

or

(*d*) in the case where any of the units defined on the relevant deposited strata plan or the part of the common property that is dealt with by the transfer is subject to any existing registered estate or interest which, in the opinion of the Registrar-General, ought to be cancelled and discharged before or at the same time as the registration of the transfer, such estate or interest is not cancelled or discharged by an appropriate instrument registered or accepted for registration by him.

(6) Upon the registration by the Registrar-General of a transfer of any land constituting part of the common property, the land shall cease to form part of the parcel and shall also cease to form part of the common property and the Registrar-General shall—

(*a*) amend the relevant deposited strata plan by deleting therefrom that part of the land shown on the plan which is comprised in the transfer; and

(*b*) issue in the name of the transferee a certificate for the land transferred and thereupon such land shall be freed from any rights and easements created and existing over the land by virtue of section 223ni of this Act and from any trust referred to in subsection (1) of this section.

(7) The receipt in writing of the corporation for any moneys payable to the corporation under the terms of any transfer of any part of the common property and registered by the Registrar-General shall be a sufficient discharge to the person or persons who have paid those moneys and shall effectually exonerate him or them from seeing to the application or from being answerable for any loss or misapplication thereof.

(8) Any purchase moneys received by the corporation on the sale of any part of the common property shall be paid into the funds of the corporation to be used by the corporation to meet outstanding administrative expenses of the corporation and other expenses incurred by it in the control, management and administration of the common property and on account of premiums of insurance and other obligations of the corporation, and the balance, if any, remaining out of such purchase moneys shall, if the corporation by unanimous resolution so resolve, be paid to the registered proprietors of the units defined on the strata

plan in amounts proportional to the unit entitlements for the time being of their respective units, but the corporation may, from any amount payable to a registered proprietor under this subsection, retain such sum as may then be lawfully due to the corporation from that registered proprietor.

Easements.

223ni. (1) The corporation may, if it so resolves by unanimous resolution—

(*a*) grant, or execute any instrument granting, an easement over any portion of the common property;

or

(*b*) acquire or accept an easement granted for the benefit of the parcel or any portion thereof,

upon such terms and for such purposes as are approved by such resolution.

(2) When any grant of easement over common property is registered by the Registrar-General, the Registrar-General shall indicate on the relevant deposited strata plan, in such manner as he deems appropriate, the extent of such easement.

(3) By virtue of this section, the owner of each unit defined on a deposited strata plan and of the common property shall, in respect of that unit or the common property, as the case may be, and for the reasonable use and enjoyment thereof, have over any other unit or the common property, as the case may require, such rights of support, shelter and protection and such rights for the passage of garbage and for the connection, passage and provision of water, sewerage, drainage, gas, electricity and naturally or artificially heated or cooled air, and other services of whatsoever nature (including telephone, radio and television services) through or by means of pipes, wires, cable, ducts or other reasonable means as may from time to time be necessary, together with all ancillary rights necessary to make such rights effective (including rights of entry by himself or his agents, servants and workmen at all reasonable times for the purpose of inspecting, maintaining, repairing, replacing, renewing or restoring any pipe, wire, cable, duct, or other material used by virtue of any right vested in him) and the owner of any unit or of the common property over which any such right exists shall be under and subject to a corresponding duty, and such rights may be enjoyed and enforced accordingly by the persons

in whom they are vested as if they are easements, but any person exercising such rights shall be liable to make good any damage done in the course thereof.

Constitution of the corporation.

223nj. (1) Subject to this Part—

(*a*) the corporation and the members thereof shall be bound by the constitution of the corporation as contained in its articles to the same extent as if they respectively had agreed with each other under seal to be bound thereby and as if the constitution contained covenants on the part of the corporation and each member to observe all the provisions of the articles that are applicable to them respectively, whether the reference to a member therein were a reference to him as the registered proprietor of a unit or otherwise ;

and

(*b*) where any articles of the corporation relate to the manner in which or the purposes for which any unit, unit subsidiary or part of the common property is to be used, any person who uses or occupies such unit, unit subsidiary or common property shall be bound to comply therewith.

(2) The corporation or any member thereof may, subject to the rules of the Court, apply to the Court for, and the Court may make, an order enforcing the performance or restraining the breach of any of the articles of the corporation by any person bound thereby or bound to comply therewith.

(3) Upon the incorporation of the corporation by virtue of section 223nc of this Act, the articles set out in the twenty-sixth schedule to this Act shall, subject to this section, be the first articles of the corporation.

(4) Subject to this Part, the corporation may, by special resolution, amend its constitution by varying, amending, rescinding or adding to its articles or making any articles in place of any article so rescinded but no such resolution shall have effect unless and until a copy of the resolution certified as prescribed is lodged with the Registrar of Companies.

(5) Subject to this Part, the articles of the corporation may regulate and control the corporation, the committee of the corporation and the affairs of the corporation and the management, administration, use and enjoyment of the

units, the unit subsidiaries and the common property that are comprised in the relevant deposited strata plan.

(6) If any provision of the articles of the corporation is inconsistent with any provision of this Act, the latter provision shall prevail and the former provision shall, to the extent of the inconsistency, have no force or effect.

(7) If any provision of the articles of a corporation—

(*a*) confers any power or imposes any duty on the corporation which is not incidental to or necessarily consequential on the performance of the powers or duties imposed or conferred on it by this Part;

or

(*b*) prohibits or restricts the devolution of any unit or the equitable estate of the registered proprietor of a unit in the common property or the transfer, lease or mortgage thereof or other dealing therewith or destroys or modifies any right or easement implied or created by this Act,

such provision has no force or effect.

(8) The corporation shall, on the application of a member thereof or a mortgagee of a unit defined on the relevant deposited strata plan, or any person authorized in that behalf in writing by such a member or mortgagee, make the constitution of the corporation available to him for inspection at any reasonable time.

Insurance.

223nk. (1) Where—

(*a*) the buildings and other improvements on a parcel are insured by a corporation for the replacement value thereof;

and

(*b*) a registered proprietor of a unit within the parcel has mortgaged the unit,

the registered proprietor may insure against any damage to the unit in a sum not exceeding the amount for the time being secured by the mortgage or mortgages on the unit that are noted on the relevant policy of insurance.

(2) Where any such policy of insurance is in force, payment when due thereunder shall, in accordance with the terms and conditions of the policy, be made by the insurer

to the mortgagees whose interests are noted thereon in the order of their respective priorities as appear from the Register Book but, subject to the terms and conditions of the policy, the insurer's liability thereunder is limited to—

(*a*) the sum insured as stated in the policy ;

(*b*) the amount of the loss ;

or

(*c*) the amount sufficient at the date of the loss to discharge the mortgage or mortgages on the unit noted on the policy,

whichever is the least amount.

(3) Payment by the insurer to a mortgagee under any such policy shall not entitle the mortgagor to a discharge of the mortgage but, upon such payment by the insurer to the mortgagee—

(*a*) if the amount of the payment equals the amount necessary to discharge the mortgage held by the mortgagee upon the unit, the insurer is entitled to obtain from the mortgagee a transfer of that mortgage ;

or

(*b*) if the amount of the payment is less than the amount necessary to discharge the mortgage held by the mortgagee upon the unit, the insurer is entitled to obtain from the mortgagee, a transfer of such undivided share of the mortgagee's estate and interest in the mortgage as the amount of the payment bears to the amount that was owing under the mortgage immediately before the payment.

(4) Where the buildings and other improvements on a parcel are not insured by the corporation, or have been insured to less than their replacement value, a registered proprietor of a unit within the parcel may—

(*a*) insure against any damage to the unit in a sum not exceeding the amount of the replacement value of that unit less the amount (if any), calculated in accordance with subsection (6) of this section, to which the unit is, in accordance with that subsection, deemed to be insured under the policy or policies of insurance effected on the buildings and other improvements by the corporation ;

and

(*b*) notwithstanding any existing policies of insurance, insure against any damage to the unit in a sum not exceeding the amount for the time being secured by mortgages (if any) on the unit that are noted on the relevant policy of insurance.

(5) The provisions of subsections (2) and (3) of this section apply and have effect to and in relation to a policy of insurance of a kind referred to in paragraph (*b*) of subsection (4) of this section, to and in relation to the insurer thereunder and any payment to be made or made by the insurer thereunder and the mortgages which, and the mortgagees whose interests, are noted thereon as fully and effectually as if they were, respectively, a policy of insurance, the insurer, a payment to be made or made by the insurer, the mortgages and mortgagees and any estates and interests of mortgagees to and in relation to which and whom those provisions expressly apply and have effect.

(6) For the purposes of paragraph (*a*) of subsection (4) of this section, the amount to which the unit referred to therein is deemed to be insured under the policy or policies of insurance (if any) effected on the buildings and other improvements by the corporation shall be calculated by multiplying the amount, as stated in that policy, or the aggregate amount, as stated in those policies, to which the buildings and other improvements are insured by the unit entitlement of the unit and dividing the product so obtained by the aggregate unit entitlement of all the units included in the parcel.

(7) Nothing in this section shall restrict the right of the registered proprietor of a unit to effect a policy of insurance against risks other than damage to his unit.

(8) The moneys received by a registered proprietor under a policy of insurance effected by him under or pursuant to paragraph (*a*) of subsection (4) of this section shall not be liable to be brought into contribution with moneys received under any other policy of insurance except another policy of insurance effected by him under or pursuant to that paragraph.

(9) This section shall apply and have effect notwithstanding any other law relating to insurance.

Cancellation of deposited strata plan.

223nl. (1) An application in the prescribed form for the cancellation of a deposited strata plan may be made to the Registrar-General—

(*a*) by the registered proprietor (if only one) or all the registered proprietors (if more than one) of all the units defined on the plan ;

or

(*b*) by a person who, upon application to the Court in accordance with the rules of the Court, has obtained from the Court an order declaring that the Court is satisfied that, having regard to the rights and interests of all persons who have interests in the parcel, it is just and equitable that the plan should be cancelled.

(2) The Court may grant or refuse an application referred to in paragraph (*b*) of subsection (1) of this section and when, or at any time after, granting the application, may by order impose such conditions and give such directions (including directions for the payment of money or that any consent referred to in this section be dispensed with) as it thinks fit, for the purpose of adjusting, as between all or any of the persons whose rights will be affected by the cancellation of the plan, the respective rights and duties of those persons so far as they may be affected by the granting of the application.

(3) There must be lodged with the Registrar-General in support of every application for the cancellation of a deposited strata plan, unless the Registrar-General dispenses with the production thereof—

(*a*) the duplicate certificate for every unit and the common property to which the plan relates ;

(*b*) the duplicate instrument (if any) evidencing or creating every registered estate or interest relating to each of those units and to the common property ;

and

(*c*) a copy of each order (if any) referred to in paragraph (*b*) of subsection (1) and in subsection (2) of this section verified or certified as prescribed.

(4) Where—

(*a*) the Court makes an order of a kind referred to in paragraph (*b*) of subsection (1) of this section ;

and

(*b*)—

(i) the person having the custody or control of any duplicate certificate or instrument required for the purposes of an

application or proposed application for the cancellation of a deposited strata plan refuses or neglects, when requested in writing by an applicant or a person proposing to make the application, to produce that duplicate to him or to the Registrar-General for the purposes of the application ;

or

(ii) the production of any such duplicate certificate or instrument cannot be obtained as the person last known to have the custody or control thereof is dead, or is not in the State or cannot be found, or the production thereof is impracticable to obtain for any other reason,

the Court may, on the application of any person who has a registered estate or interest in the parcel or any part thereof, and on such terms and conditions as it thinks fit, by order, direct the Registrar-General to dispense with the production thereof or, in its discretion in any case to which subparagraph (i) of paragraph (*b*) of this subsection applies, order the person referred to in that subparagraph to produce the duplicate to the Registrar-General in accordance with the order.

(5) Subject to this Part, upon acceptance by the Registrar-General of an application for the cancellation of a deposited strata plan, the Registrar-General shall, if he is satisfied—

(*a*) that all duplicate certificates and instruments that are required to be lodged with him in connection with or in support of the application have been so lodged ;

(*b*) that, at the date of the application, the registered proprietor of every unit and the common property to which the plan relates and the administrator, if any, of the corporation, and every person who has a registered estate or interest in any unit or in the whole or any part of the common property have consented in writing to the cancellation of the strata plan (except where the Court has by order directed that any such consent be dispensed with, which order the Court has power to make upon such terms and conditions as it thinks fit) ;

(*c*) that the conditions and directions, if any, imposed or given by any order of the Court made under subsection (2) of this section have been complied with ;

and

(*d*) that notice in a form approved by him of the applicant's or the applicants' intention to make the application had, not less than two weeks nor more than four weeks before the receipt by him of the application, been published at least once in the *Gazette* and once either in a daily newspaper circulating generally throughout the State or in a newspaper generally circulating in the area in which the parcel lies,

cancel the deposited strata plan by making and signing an endorsement to that effect on the strata plan and making a memorandum of such cancellation in the Register Book on every certificate affected thereby.

(6) Upon the cancellation of the deposited strata plan—

(*a*) the land which, immediately prior to the cancellation, constituted the parcel shall vest in fee simple in the persons who then were the registered proprietors of the units defined on the plan as tenants in common, in undivided shares proportional to the unit entitlements of their respective units, but—

(i) the estate in such land so vested in each of them shall thereupon be subject to such estates and interests as, immediately prior to the cancellation, were notified on the original certificate for each unit of which he was the registered proprietor, but had not been discharged or extinguished ;

and

(ii) the land shall be free from any rights that, prior to the cancellation, existed over the parcel by virtue of subsection (3) of section 223ni of this Act and from any trust referred to in subsection (1) of section 223nh of this Act,

and the Registrar-General shall cancel the certificates for the units and the common property and issue the certificates in respect of the parcel accordingly ;

(*b*) the corporation, the members of which, immediately prior to the cancellation, were the

registered proprietors of the units defined on the deposited strata plan shall, by force of this subsection, be dissolved ;

and

(*c*) the Registrar-General shall notify the Registrar of Companies of the cancellation and the Registrar of Companies shall thereupon cancel the registration of the corporation and make an entry in his records accordingly.

(7) Where any building or other improvement on a parcel is damaged or destroyed, but the deposited strata plan relating thereto is not cancelled pursuant to subsection (5) of this section and an application for the cancellation thereof is not pending, the Court may, subject to the rules of Court, and the provisions of the Building Act, 1923-1965, the Planning and Development Act, 1966-1967, and the by-laws or regulations thereunder, by order settle a scheme—

(*a*) for the re-instatement in whole or in part of the building or improvement ;

(*b*) for the transfer of specified estates or interests of registered proprietors of any of the units or the common property defined on the plan to registered proprietors of other units defined thereon or the corporation ;

and

(*c*) for such other matters incidental thereto as the Court considers fair and equitable.

(8) In the exercise of its powers under subsection (7) of this section, the Court may make such orders as it deems necessary or expedient for giving effect to the scheme, including orders—

(*a*) directing the application of insurance moneys received by the corporation in respect of damage to the building or received by the registered proprietor of a unit in respect of damage to the unit ;

(*b*) directing the payment of money by or to the corporation or by or to any other person ;

(*c*) directing such amendment of the deposited strata plan as the Court thinks fit ;

and

(*d*) imposing on any person who is a party to the scheme such terms and conditions as the Court thinks fit.

(9) An application to which subsection (2) of this section applies or for an order referred to in subsection (7) of this section may be made to the Court by the corporation, an administrator of the corporation, or a registered proprietor or a mortgagee or an encumbrancee of a unit defined on the strata plan and, upon making the application, the applicant shall serve a copy thereof on the Registrar-General who shall thereupon make an endorsement on the deposited strata plan that the application has been made.

(10) In any proceedings relating to any application to the Court referred to in subsection (9) of this section, any person claiming to have any estate or interest in the parcel or in any part of the parcel and any insurer with whom any insurance has been effected on the buildings or other improvements on the parcel or any part thereof and any other persons whose evidence would, in the opinion of the Court, be material in the determination of the application shall have the right to appear and be heard.

(11) The Court may, from time to time, by order, cancel, vary, modify or discharge any order made by it under this section subject to such terms and conditions as it thinks fit and, on making any such order, shall send a copy thereof to the Registrar-General.

(12) Upon the dissolution of the corporation, unless the Court upon application and in such cases as it deems just, otherwise orders, the persons who, immediately prior to the dissolution were the members thereof become jointly and severally liable for the payment of any debt lawfully incurred by the corporation in the course of the exercise of any of its powers or functions or the carrying out of its duties or obligations prior to the dissolution and of any pecuniary penalty imposed on the corporation prior to the dissolution.

(13) On any application to the Court under this section, the Court may make such order for the payment of costs as it thinks fit.

Administrator.

223nm. (1) A corporation, a creditor of a corporation or any person having an estate or interest in a unit or in the parcel or any part of the parcel shown on a deposited strata plan may make an application to the Court for the appointment of an administrator of the corporation.

(2) The Court may, in its discretion and on cause shown, appoint a person to be administrator of the corporation for an indefinite period or for a fixed period on such terms and conditions as to remuneration or otherwise as it thinks fit.

(3) The remuneration of the administrator and the expenses incurred by him in the course of the exercise of any of his powers or functions or the carrying out of his duties or obligations as such shall be administrative expenses of the corporation.

(4) The administrator of a corporation has, subject to such directions as the Court may from time to time give by order made upon application by the administrator himself, the corporation, a creditor of the corporation or any other person referred to in subsection (1) of this section, to the exclusion of the corporation and the committee of the corporation, the powers, functions, duties and obligations of the corporation, and, for the purposes of this Part, an amount lawfully incurred by the administrator as such in the course of the exercise of any of his powers or functions or the carrying out of his duties or obligations shall be deemed to be an amount lawfully incurred by the corporation in the course of the exercise of its powers or functions or the carrying out of its duties or obligations, as the case may be.

(5) The administrator may, by writing under his hand, delegate or revoke the delegation of any of the powers or functions vested in him and, until such delegation is so revoked, the powers or functions so delegated may be exercised by the delegate and, when so exercised, shall have the same consequences as if they were exercised by the administrator.

(6) The Court may, in its discretion, on the application of the administrator or any person referred to in subsection (1) of this section, remove or replace the administrator.

(7) On any application made under this section, the Court may make such order for the payment of costs as it thinks fit.

(8) Forthwith after a person is appointed or ceases to be an administrator of a corporation, he shall furnish the Registrar-General and the Registrar of Companies with notices in the prescribed form together with such other documents as are prescribed.

Penalty : Fifty dollars.

Effect of deposit of strata plan on roads, streets and reserves shown thereon.

223nn. (1) Notwithstanding anything contained in section 223na of this Act, upon the deposit of a strata plan by the Registrar-General in the Land Titles Registration Office under this Part every road, street or reserve shown

thereon shall, by operation of this section, become vested for the purpose indicated on the plan for an estate in fee simple in the council of the area in which it is situated without compensation or payment to any person, and the Registrar-General shall make on any certificate such entries as he deems necessary to record the vesting accordingly.

(2) Every road or street so vested in a council shall, for all purposes, be a public road.

Service of documents.

223no. (1) A corporation shall at or near the front building alignment of the parcel comprised in the relevant deposited strata plan cause to be continuously available a receptacle suitable for the purposes of postal delivery, with the name of the corporation clearly designated thereon.

Penalty: Fifty dollars.

(2) A document may be served on the corporation, or the committee of the corporation—

(*a*) by despatching it by post enclosed in a pre-paid letter addressed to the corporation or the committee of the corporation, as the case may be, to the postal address of the building or buildings erected on the parcel;

or

(*b*) by placing it in the receptacle referred to in sub-section (1) of this section.

(3) As from time to time the postal address of the building or buildings erected on the parcel is altered, the corporation shall forthwith give notice of the alteration in the prescribed form to the Registrar-General and the Registrar of Companies each of whom shall thereupon make appropriate entries in their respective records accordingly.

(4) In this section, "document" includes summons, notice, order and other legal process.

Breaches of provisions of this Part.

223np. (1) If a corporation or the committee of a corporation commits a breach of any of the provisions of this Part or makes default in complying with any requirement of, or duty imposed on it by, any provision thereof, the corporation and each person who at the time of the breach or default was a member of the committee of the corporation shall be guilty of an offence and liable to a penalty expressly prescribed for such breach or default, or,

if no penalty is so prescribed, to a penalty not exceeding fifty dollars.

(2) It shall be a defence to a charge against a member of the committee of a corporation for an offence under any provision of this Part if the defendant satisfies the court before which he is charged that he took all reasonable steps to ensure that the breach or default constituting the offence did not occur or that the breach or default occurred accidentally or through inadvertence.

(3) Proceedings for any offence under this Part shall not be commenced without the consent in writing of the Attorney-General.

(4) Where a requirement or duty is imposed on a corporation by this Part, any person for whose benefit or for the benefit of whose unit that requirement or duty is imposed on the corporation may apply to the Court for an order compelling the corporation to carry out the requirement or perform the duty, as the case may be, and, on such an application being made, the Court may make such order as it thinks proper.

Powers of entry.

223nq. Where, by or under any law, a person is authorized or empowered to enter upon any land or part of any land comprised in a deposited strata plan, he is entitled to enter upon any part of the land comprised in that plan to the extent necessary or expedient to enable that person to exercise his authority or powers under that law.

Regulations.

223nr. (1) The Governor may make such regulations, not inconsistent with this Act, as are necessary or expedient for the purposes of giving effect to this Part and of any matters incidental thereto.

(2) Without limiting the generality of the provisions of subsection (1) of this section, such regulations may—

(*a*) prescribe particulars which strata plans or applications accompanying them must contain and requirements with which strata plans or applications accompanying them must comply for any of the purposes of this Part;

(*b*) prescribe the manner and procedure to be followed in connection with any application under this Part, other than an application to the Court;

(*c*) prescribe, in addition to the grounds set out in section 223md of this Act, any grounds on

which a council or the Director may refuse an application referred to in subsection (1) or subsection (2) of that section;

(*d*) prescribe conditions subject to compliance with which any such application may be granted;

(*e*) make such provisions as are required or authorized to be made by regulations under this Part;

(*f*) modify, but only for the purposes of section 223me of this Act, the effect of any regulation made under subsection (8) of section 27 of the Planning and Development Act, 1966-1967;

(*g*) prescribe the matters and returns to be furnished to the Registrar of Companies by the committee of every corporation and the manner in which they are to be furnished;

(*h*) prescribe the manner in which any document or copy of a document required to be used for the purposes of this Part is to be verified or certified;

(*i*) prescribe all or any of the forms to be used for the purposes of this Part;

(*j*) prescribe any fees that are not prescribed under any other Act, but are payable for any of the purposes of this Part;

(*k*) provide that a breach or contravention of, or non-compliance with, any provision of the regulations is an offence against the regulations punishable by a penalty not exceeding two hundred dollars;

and

(*l*) prescribe or provide for all or any other matters not prescribed or provided for by this Part but which by this Part are required or permitted to be prescribed or provided for by regulation or which may be necessary or convenient to be prescribed or provided for by regulation to give effect to this Part or for more effectually giving effect to matters to which this Part applies.

12. Section 227 of the principal Act is amended by striking out therefrom the passage "one hundred pounds" and inserting in lieu thereof the passage "two hundred dollars".

Amendment of principal Act, s. 227—On refusal or neglect of person summoned, Registrar-General may apply to Judge.

Amendment of principal Act, s. 232—Penalty for certifying incorrect instruments.

13. Section 232 of the principal Act is amended by striking out therefrom the passage "fifty pounds" and inserting in lieu thereof the passage "one hundred dollars".

Amendment of principal Act, s. 271—Registrar-General may licence land brokers.

14. Section 271 of the principal Act is amended by striking out therefrom the passage "five pounds" and inserting in lieu thereof the passage "ten dollars".

Amendment of principal Act, s. 272—Bond to be given and declaration made.

15. Subsection (1) of section 272 of the principal Act is amended—

(*a*) by striking out therefrom the passage "one thousand pounds" and inserting in lieu thereof the passage "two thousand dollars";

and

(*b*) by striking out therefrom the passage "five hundred pounds" and inserting in lieu thereof the passage "one thousand dollars".

Amendment of 2nd, 6th, 7th, 8th, 9th, 10th and 11th schedules to principal Act.

16. The second schedule, sixth schedule, seventh schedule, eighth schedule, ninth schedule, tenth schedule and eleventh schedule to the principal Act are amended by striking out therefrom, wherever it occurs in each of those schedules, the symbol "£" and inserting in lieu thereof in each case the symbol "$".

Enactment of 24th, 25th and 26th schedules to principal Act.

17. The following schedules are enacted and inserted in the principal Act after the twenty-third schedule thereto :—

THE TWENTY-FOURTH SCHEDULE.

Section 73.

FORM 1.

Register Book, vol. , folio

SOUTH [*Royal Arms*] AUSTRALIA.

Certificate of Title for Unit defined on a Strata Plan.

[*Refer here to the dealing, if any, pursuant to which the Certificate of Title is issued.*]

A.B., of [*here insert residence and occupation or other description*] is the proprietor of an estate [*here describe the estate of freehold*] subject nevertheless to such encumbrances, liens and interests as are notified by memorial underwritten or endorsed hereon in UNIT [*here state the number of the unit*] defined on Strata Plan No. [*here state the number of the plan*] deposited in the Lands Titles Registration Office on the day of 19 .

In witness whereof I have hereunto signed my name and affixed my seal this day of 19 in the presence of—

Further particulars relating to the title :—
[*Here insert such further particulars as are relevant.*]

[Signature of Registrar-General] (L.S.)

Registrar-General.

FORM 2.

Register Book, vol. , folio

SOUTH [*Royal Arms*] AUSTRALIA.

Certificate of Title for COMMON PROPERTY comprised in a Strata Plan.

[*Refer here to the dealing, if any, pursuant to which the Certificate of Title is issued.*]

[*Here insert name and address of corporation*] is the proprietor of an estate in fee simple in the COMMON PROPERTY comprised in Strata Plan No. [*here insert the number of the plan*] deposited in the Lands Titles Registration Office on the day of 19 [*here refer to any easement to which the common property is subject and to any easement which is appurtenant to the common property.*]

In witness whereof I have hereunto signed my name and affixed my seal this day of , 19 in the presence of—

[Signature of Registrar-General] (L.S.)

Registrar-General.

THE TWENTY-FIFTH SCHEDULE.

Schedule to Deposited Strata Plan No..... Section 223mf.

Unit Entitlement		Office Use Only		
		Current C's of T.		
Unit No.	Unit Entitlement	Vol.	Fol.	
				The unit entitlement of each unit as set out herein is approved by me Commissioner of Land Tax [*or other authority appointed by the Governor*]. Dated this day of 19
Aggregate				

THE TWENTY-SIXTH SCHEDULE.

Section 223nj.

First Articles of a Corporation.

1. In these articles, unless the contrary intention appears—

(*a*) words and expressions have the same respective meanings as they have in Part XIXB of the Real Property Act, 1886-1967 ;

and

(*b*) "the Act" means the Real Property Act, 1886-1967, as amended from time to time and includes the regulations made under any provision thereof.

2. The corporation, its agents and servants shall be permitted by the registered proprietor or occupier of a unit, and shall have the right, at all reasonable times and on giving the registered proprietor or the occupier reasonable notice (except in cases of emergency when no such notice shall be required), to enter upon the unit for the purpose or in the course of carrying out the functions or duties of the corporation or exercising its powers which, without limiting the generality of the foregoing, shall be deemed to include power—

(*a*) to inspect the unit ;

(*b*) to carry out maintenance repairs or work ;

and

(*c*) to enter upon and inspect any part of the unit for the purpose of ensuring that the Act and these articles are being observed.

3. The registered proprietor of a unit shall do or cause to be done the following :—

(*a*) upon all rates, taxes, charges, outgoings and assessments in respect of his unit becoming payable, forthwith pay the same ;

(*b*) subject to the Act and these articles, repair and maintain his unit and always keep the same in a state of good repair ;

and

(*c*) notify the corporation forthwith of any change of ownership or of occupancy of his unit.

4. The registered proprietor of a unit and every occupier thereof shall not—

(*a*) use the common property or permit the same to be used in such a manner as unreasonably to interfere with the use and enjoyment thereof by other members of the corporation or occupiers of units or their families or visitors ;

or

(*b*) use the unit or any unit subsidiary that is appurtenant thereto or permit the same to be used in such a manner or for such purposes as would cause a nuisance or hazard to any other member of the corporation or occupier of any unit or the families or visitors of any such member or occupier.

5. The registered proprietor of a unit and every occupier thereof shall not—

(*a*) change the use or alter the character of that unit or any unit subsidiary that is appurtenant to that unit ;

or

(*b*) erect or alter any structure on any unit subsidiary that is appurtenant to tha unit,

unless express approval for doing so has been obtained by a unanimous resolution of the corporation.

6. The corporation shall—

(*a*) keep in a state of good and serviceable repair and always properly maintain all chattels, fixtures and fittings (including elevators, stairways and fire escapes, if any) held by the corporation or used or intended, adapted or designed for use in connection with the common property or the enjoyment thereof by the registered proprietors or occupiers of the units or by their families or visitors ;

(*b*) always maintain in good repair and proper working order and renew, where renewal thereof is reasonably necessary, the pipes, wires, cables, ducts and the other apparatus and equipment, if any, of whatsoever nature installed in the building by the corporation or entrusted to its care by these articles or used or intended, adapted or designed for use in connection with or for the provision of any of the services in respect of which rights are, by virtue of section 223ni of the Act, vested in the owner of the common property ;

and

(*c*) at the written request of the registered proprietor or registered mortgagee of a unit, produce for inspection to that registered proprietor or mortgagee or to any person authorized in writing by him, the policy or policies of insurance effected by the corporation and the receipt or receipts for the last premium or premiums in respect thereof.

7. The registered proprietor of a unit and every occupier thereof shall not—

(a) use the unit or permit the unit to be used for any purpose which may be unlawful;

(b) except with and in accordance with the corporation's permission (which the corporation may withdraw at any time by written notice given pursuant to a special resolution), keep any animals in the unit or in the common property;

or

(c) make undue noise in or about any unit or the common property.

8. (1) Where the common boundary between any of the units or any part of a unit and the common property or any part of the common property lies within or is the whole or a part of a wall, floor or ceiling of the building or other improvements on the parcel, such wall, floor or ceiling is hereby entrusted to the care of the corporation.

(2) All fittings and fixtures that had been attached to the parcel before the incorporation of the corporation or which have since been installed in the building by the corporation, but are appurtenant to all the units or to one or more of the units and the common property are hereby entrusted to the care of the corporation.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.

ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

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and twenty pounds sterling a year" therein and inserting in lieu thereof the passage "two thousand one hundred pounds sterling a year".

Amendment of Audit Act, 1921-1966, s. 6—Salary of Auditor-General.

3. Subsection (1) of section 6 of the Audit Act, 1921-1966, is amended by striking out the passage "five thousand eight hundred pounds" therein and inserting in lieu thereof the passage "thirteen thousand dollars".

Amendment of Industrial Code, 1920-1966, s. 13—Salary of President.

4. Subsection (1) of section 13 of the Industrial Code, 1920-1966, is amended by striking out the passage "five thousand six hundred and fifty pounds" therein and inserting in lieu thereof the passage "thirteen thousand dollars".

Amendment of Police Regulation Act, 1952-1966, s. 8—Salary of Commissioner of Police.

5. Section 8 of the Police Regulation Act, 1952-1966, is amended—

(*a*) by striking out the passage "five thousand four hundred pounds" in subsection (1) thereof and inserting in lieu thereof the passage "twelve thousand two hundred dollars";

and

(*b*) by striking out the passage "fifty-five pounds" in subsection (2) thereof and inserting in lieu thereof the passage "one hundred and twenty dollars".

Amendment of Public Service Act, 1936-1966, s. 17—Salary of Public Service Commissioner.

6. Subsection (1) of section 17 of the Public Service Act, 1936-1966, is amended by striking out the passage "five thousand eight hundred pounds" therein and inserting in lieu thereof the passage "thirteen thousand dollars".

Amendment of Public Service Arbitration Act, 1961-1964, s. 4—Salary of Public Service Arbitrator.

7. Subsection (1) of section 4 of the Public Service Arbitration Act, 1961-1964, as amended from time to time, is amended by striking out the symbol and figures "£5,100" wherever occurring therein and inserting in lieu thereof in each case the passage "eleven thousand four hundred dollars".

Operation of increases in salaries.

8. The amendments made by this Act shall be deemed to have come into operation on the first day of July, 1967.

Arrears.

9. (1) The arrears of salary payable to any person by virtue of this Act may be paid in one sum.

(2) This Act shall, without further appropriation, be sufficient authority for the payment of all such arrears.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.

ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

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No. 39 of 1967

An Act to amend the Institute of Technology Act 1892-1959.

[*Assented to 28th September,* 1967]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short titles.

1. (1) This Act may be cited as the "Institute of Technology Act Amendment Act, 1967".

(2) The Institute of Technology Act, 1892-1959, as amended by this Act, may be cited as the "Institute of Technology Act, 1892-1967".

(3) The Institute of Technology Act, 1892-1959, is hereinafter referred to as "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Commencement.

3. This Act shall come into operation on a day to be fixed by the Governor by proclamation.

Amendment of principal Act, s. 3—

4. Section 3 of the principal Act is amended—

Definitions.

(*a*) by inserting before the definition of "appointed day" therein the following definition :—

"academic staff of the Institute" means and includes persons holding office as Heads of

Divisions, Heads of Schools, Heads of Departments, Senior Lecturers and Lecturers in the Institute : ;

and

(*b*) by inserting after the definition of "the council" therein the following definition :—

"the Institute" means the South Australian Institute of Technology : .

5. Section 6 of the principal Act is amended— Amendment of principal Act, s. 6— Constitution of the council.

(*a*) by inserting after the word "thereafter" in subparagraph (i) of paragraph (*a*) of subsection (2) thereof the passage "and until the day on which the Institute of Technology Act Amendment Act, 1967, comes into operation" ;

and

(*b*) by inserting therein after subsection (2) thereof the following subsections :—

(2a) On the day on which the Institute of Technology Act Amendment Act, 1967, comes into operation, the council shall consist of nineteen members of whom fifteen shall be appointed by the Governor and hold office in accordance with subsection (2) of this section, one shall be the Director of the Institute who shall be a member *ex officio*, two shall be appointed by the Governor on the nomination of the academic staff of the Institute, and one shall be an officer of the Department of Education appointed by the Governor on the nomination of the Minister. The additional members, other than the Director of the Institute, shall, subject to subsection (2c) of this section, be appointed and hold office for such period not exceeding three years in each case as the Governor specifies when making each appointment and shall be eligible for re-appointment : Provided that a member appointed on the nomination of the academic staff of the Institute shall not hold office for more than two terms in succession.

(2b) The members of the council holding office immediately prior to the commencement of the Institute of Technology Act Amendment Act, 1967, shall continue in office for the terms for which they were respectively appointed but shall be eligible for re-appointment as members of the council.

(2c) Of the three additional persons first appointed as members of the council pursuant to subsection (2a) of this section—

one shall be appointed on the nomination of the academic staff of the Institute for a period of one year,

one shall be appointed on the nomination of the academic staff of the Institute for a period of two years,

one shall be an officer of the Department of Education appointed on the nomination of the Minister for a period of three years.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.

ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

****

No. 40 of 1967

An Act to amend the Land Tax Act, 1936-1966.

[*Assented to 28th September,* 1967]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short titles and commencement.

1. (1) This Act may be cited as the "Land Tax Act Amendment Act, 1967", and shall come into operation on the day on which the Real Property Act Amendment (Strata Titles) Act, 1967, comes into operation.

(2) The Land Tax Act, 1936-1966, as amended by this Act, may be cited as the "Land Tax Act, 1936-1967".

(3) The Land Tax Act, 1936-1966, is hereinafter referred to as "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment of principal Act, s. 4—

3. Section 4 of the principal Act is amended—

Interpretation.

(*a*) by inserting after the passage "had not been made" in the definition of "unimproved value" therein the passage " ; but, where the land is a unit defined on a deposited strata plan, its unimproved value is that proportion of the unimproved value of the parcel, of which the unit is a part, which bears to the total unimproved value of the parcel the same

proportion as the unit entitlement of the unit bears to the aggregate unit entitlement of all the units defined on the plan" ;

and

(*b*) by inserting after the word "valuation" being the last word in the definition of "unimproved value" therein the passage " ; and the terms "unit", "deposited strata plan", "parcel" and "unit entitlement" mean, respectively, unit, deposited strata plan, parcel and unit entitlement as defined in Part XIXB of the Real Property Act, 1886-1967".

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.

ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

****

No. 41 of 1967

An Act to consolidate and amend the laws relating to the supply of intoxicating liquors and matters connected therewith, to amend the Prices Act, 1948-1967, and for other purposes.

[*Assented to 28th September,* 1967]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

PART I. PART I.

PRELIMINARY

Short title and commencement.

1. This Act may be cited as the "Licensing Act, 1967", and shall come into operation on a day to be fixed by the Governor by proclamation.

Division of Act.

2. This Act is divided into parts and divisions, as follows :—

PART I.—PRELIMINARY.

PART II.—THE LICENSING COURT.

PART III.—LICENCES AND THE GRANT, RENEWAL, TRANSFER, TRANSMISSION, REMOVAL, AND FORFEITURE THEREOF—

DIVISION I.—LICENCES FOR SALE OF LIQUOR :

DIVISION II.—CLASSES OF LICENCES :

DIVISION III.—FEES FOR LICENCES :

DIVISION IV.—APPLICATIONS FOR LICENCES, AND OBJECTIONS :

DIVISION V.—TRANSFER OF LICENCES :

DIVISION VI.—TRANSMISSION OF LICENCES :

DIVISION VII.—REMOVAL OF LICENCES :
DIVISION VIII.—PROCEDURE ON HEARING OF APPLICATIONS :
DIVISION IX.—SPECIAL AUTHORITIES TO SELL LIQUOR :
DIVISION X.—FORFEITURE OF LICENCES :
DIVISION XI.—GENERAL :
DIVISION XII.—SPECIAL PROVISIONS APPLICABLE TO CLUBS :
DIVISION XIII.—LICENCES AT RENMARK :
PART IV.—RAILWAY LICENCES.
PART V.—RIGHTS, DUTIES, AND LIABILITIES OF LICENSEES AND OTHERS, AND OFFENCES.
PART VI.—TIED HOUSES AND ONEROUS LEASES.
PART VII.—HISTORIC INNS.
PART VIII.—LEGAL PROCEEDINGS AND EVIDENCE.
PART IX.—REGULATIONS AND FORMS.

Repeal and savings.

3. (1) The Acts mentioned in the Schedule to this Act are repealed.

(2) All legal proceedings and every application, petition, and appeal pending or not finally disposed of at the commencement of this Act may be continued and completed and any appeal instituted in connection therewith and any legal proceedings in relation to any alleged offence alleged to have been committed before the said commencement may be instituted and completed and any appeal instituted in connection therewith dealt with under the repealed Acts as if this Act had not been passed.

(3) Subject to this section, every licence, certificate, register, approval, permit, permission, order, conviction granted, issued, given, made or passed under the repealed Acts and not expired at the time of the passing of this Act, shall confer and involve the same rights, privileges, liabilities and effects as if this Act had been in force when they were granted, issued, done, given or had and as if they were granted, issued, done, given or had under the authority or by virtue of this Act.

(4) Every publican's licence in force at the commencement of this Act shall be deemed to be a full publican's licence under this Act and every registration of a club so in force shall be deemed to be a club licence under this Act.

(5) Every holder of a storekeeper's licence granted under the repealed Acts and in force at the commencement of this Act may, within one month after the commencement of this Act, apply to the court to have his licence declared to be a wholesale storekeeper's licence or a retail storekeeper's licence under this Act, and the court may grant the application whereupon the licence shall, for the purposes of this Act, be deemed to be a wholesale storekeeper's licence or a retail storekeeper's licence granted under this Act.

(6) Every permit granted under section 197a of the repealed Acts and in force at the commencement of this Act and every storekeeper's Australian wine licence in force at the commencement of this Act shall continue and remain in force and confer and impose the same rights privileges liabilities and effects as it conferred and imposed under the repealed Acts. During a period of three years after the commencement of this Act but not thereafter every such permit may be renewed, and any such licence may be granted in respect of previously licensed premises, renewed, transferred or removed, as the case may be and every such permit if renewed, and every such licence if granted, renewed, transferred or removed, as the case may be, under this subsection, shall confer and impose the same rights privileges liabilities and effects as it would have conferred and imposed under the repealed Acts. The fee payable for every permit renewed, or licence granted, transferred or renewed under this subsection shall be calculated and paid in the same manner as such fee was calculated and payable under the repealed Acts.

(7) No wine licence shall be renewed after the expiration of five years after the commencement of this Act except in accordance with the provisions of this Act.

(8) The clerk and every officer of every licensing court in existence at the commencement of this Act and the Superintendent of Licensed Premises and every inspector appointed before such commencement shall continue in office as if this Act had been in force when he was appointed and he was appointed under this Act.

Interpretation.

4. (1) In this Act, except where the subject matter or context, or other provisions of this Act, require a different construction—

"bar-room" means any room in which liquor is kept and in or from which liquor is directly supplied to customers :

"clerk" means the clerk of the licensing court :

"court" or "licensing court" means the licensing court constituted under section 5 of this Act :

"inspector" means an inspector of licensed premises appointed under this Act :

"licence" means licence granted under this Act:

"licensed person" or "licensee" means a person holding a licence which is for the time being in force and authorizes the act or matter referred to or other person deemed by this Act to be a licensee generally or for a specified purpose:

"licensed premises" means premises in respect of which a licensed person is licensed and the area of which is defined by the court:

"liquor" means brandy, gin, rum, whisky, cordials containing spirits, wine, cider, perry, mead, ale, porter, beer, or any other spirituous, malt, vinous, or fermented liquors, but does not include any liquor which does not contain more than two per centum of proof spirit:

"owner of licensed premises" includes a *cestui que trust*, and means the person for the time being receiving or entitled to receive the rents of such premises, whether on his own account or as agent, trustee, or attorney for any other person:

"previously unlicensed premises" or "premises previously unlicensed" means premises not at the time licensed:

"proof spirit" means spirit of a strength equal to that of pure ethyl alcohol compound with distilled water so that the resultant mixture, at a temperature of sixty degrees Fahrenheit, has a specific gravity of 0.9198 as compared with that of distilled water at the same temperature:

"repealed Acts" means the Acts repealed by this Act:

"rules of court" means rules made by the Judge of the court pursuant to this Act:

"sale" includes sale, barter, exchange, and retailing:

"sale of liquor is prohibited by law" means sale of liquor is prohibited by this Act:

"sell" includes sell, barter, exchange and retail:

"Superintendent of Licensed Premises" means the Superintendent of Licensed Premises appointed under section 178 of this Act:

"Treasurer" means the Treasurer for the time being of the State:

"unlicensed person" means a person other than a licensed person (as hereinbefore defined).

(2) For the purposes of this Act one dozen containers each containing not less than twenty-six fluid ounces or two dozen containers each containing not less than thirteen fluid ounces shall in either case be deemed to contain a total quantity of two gallons.

PART II.

THE LICENSING COURT

Constitution of Licensing Court.

5. (1) There is hereby constituted a court to be known as the Licensing Court of South Australia which shall be a court of record and shall have a seal which shall be judicially noticed.

(2) The court shall be constituted of a chairman, a deputy chairman and the Licensing Court Magistrates appointed as hereinafter mentioned.

(3) The Governor shall appoint a person who is eligible for appointment as a Local Court Judge to be chairman of the court. The chairman shall have the rank and title of Judge of the court.

(4) Subject to subsections (5) and (7) of this section, the chairman shall be appointed on such terms and conditions as are fixed by the Governor: Provided that he shall be appointed to hold office until he reaches sixty-five years of age and shall not be removed from office before reaching that age except upon an address of both Houses of Parliament.

(5) If any person in the employ of the Government of the State is appointed as chairman, his service as chairman shall be counted as service for the purpose of continuing all his existing and accruing rights and privileges.

(6) In the case of the illness or absence of the chairman, the Governor may appoint a person to act as acting chairman during such illness or absence, and the acting chairman shall, while so acting, have all the powers and perform all the duties of the chairman.

(7) The chairman shall be paid a salary at the rate of eleven thousand four hundred dollars per year: Provided that a person appointed as chairman may while holding that appointment hold any other appointments in the employ of the Government of the State in which event he shall be paid the salary in respect of his appointment as chairman or the salary in respect of any such other appointment whichever is the greater: Provided further that nothing in this subsection shall preclude the chairman from receiving such additional remuneration as the Governor may determine in respect of any part time appointment held by him.

(8) There shall be paid to the chairman such sums as he may incur as travelling expenses and which are considered reasonable by the Governor.

(9) The salary of the chairman shall be charged upon and be payable out of the general revenue of the State which is hereby to the necessary extent appropriated accordingly.

(10) The Governor shall appoint a special magistrate to be deputy chairman of the court.

(11) The Governor shall from time to time appoint such special magistrates as he thinks fit to be Licensing Court Magistrates.

(12) Three members of the court, one of whom shall be the chairman or deputy chairman, shall constitute a Full Bench of the court.

Jurisdiction.

6. (1) Subject to this Act and the rules of the court the jurisdiction vested in or exercisable by the court shall be exercised either by the Full Bench or by a single member of the court: Provided that the Full Bench shall hear and determine—

(*a*) all applications for new licences, the forfeiture, removal and suspension of licences, the imposition of conditions with respect to licences and the variation and revocation of such conditions;

(*b*) all appeals from a single member of the court;

(*c*) all special cases and points and questions of law referred to or reserved for the consideration of the Full Bench by a single member of the court;

and

(*d*) such other matters as are required by the rules of court or by the express provisions of this or any other Act to be heard or determined by the Full Bench.

(2) The Judge of the court may make rules of court as to the mode of hearing applications for licences and for the renewal, transfer and removal of licences, and generally as to the manner of conducting the business of the court and the practice and procedure thereof and prescribing forms for the purpose of this Act.

(3) Rules may be made modifying, to any extent that may be necessary or expedient, any provisions in respect of any of the matters mentioned in subsection (2) of this section.

Disqualification in certain cases.

7. (1) No member of the court who is a member of any club shall be qualified to act as a member of the court when any application relating to that club or any information, complaint, appeal or matter in which the club is interested or concerned or relating to anything alleged to have been done or omitted to be done on the premises of the club is being heard, inquired into, determined or adjudicated upon.

(2) In the event of neither the chairman nor deputy chairman being able to act the Minister may appoint a licensing court magistrate to act as chairman for the hearing of a particular application or on a particular day.

Clerk of Court.

8. The Governor may appoint a fit and proper person to be clerk of the court and such other officers of the court as he deems necessary.

Appeal to Supreme Court.

9. (1) There shall be an appeal to the Full Court of the Supreme Court from every direction, determination, order, or decision given or made by the Full Bench of the Licensing Court with respect to any matter arising under this Act.

(2) The appeal shall be instituted by notice within one calendar month or within such further time as the Supreme Court in its discretion allows from the time of the direction, determination, order, or decision appealed against.

(3) The notice of appeal shall be in writing and shall be given to the clerk and shall state the nature and grounds of the appeal.

(4) A copy of the notice of appeal shall be given also to each objector or applicant, as the case requires.

(5) Forthwith after the appeal is instituted the clerk shall cause the originals of the evidence given and notes taken on the hearing before the court or true copies thereof certified by the clerk as such, to be transmitted to the Master of the Supreme Court.

(6) No evidence shall be received on the hearing of the appeal other than such originals or copies as aforesaid, except by consent of the parties or by the order of the Supreme Court.

(7) Every appeal shall be heard and be determined by the Supreme Court in a summary way and in accordance with the rules in force with reference to the proceedings of the Supreme Court in that behalf.

(8) Upon the hearing of the appeal the Supreme Court may—

(*a*) adjourn the same from time to time ;

(*b*) mitigate any penalty, forfeiture, or sum ;

(*c*) affirm, quash, or vary the direction, determination, order, or decision appealed from, or substitute, give, or make any direction, determination, order, or decision which in its opinion ought to have been made in the first instance ;

(*d*) remit the subject matter of the appeal for hearing or further hearing before the Full Bench of the Licensing Court;

and

(*e*) make such order as to costs or otherwise as the Supreme Court shall think fit.

(9) When the Supreme Court makes any order as to the costs of an appeal it shall direct by, and to whom, and the time within which, such costs shall be paid.

Power to state case.

10. (1) The Full Bench of the Licensing Court may at its discretion state a special case for the opinion of the Full Court of the Supreme Court on any question of law.

(2) The Full Court of the Supreme Court shall deal with every such special case according to the practice of the Supreme Court on special cases and may make such order thereon as to the Full Court seems just.

(3) The Full Court of the Supreme Court may send any such special case back for amendment, or may itself amend the same.

(4) The Full Bench of the Licensing Court shall give its decision in accordance with the opinion of the Full Court of the Supreme Court.

PART III.

PART III.

LICENCES, AND THE GRANT, RENEWAL, TRANSFER, TRANSMISSION, REMOVAL, AND FORFEITURE THEREOF.

DIVISION I.

DIVISION I.—LICENCES FOR SALE OF LIQUOR

Duty to obtain licence.

11. Except as allowed elsewhere in this Act, no person shall directly or indirectly sell or permit to be sold within the State, any liquor without being licensed so to do under this Act.

Disqualification for licence.

12. No person in any office or situation under or in the employ of the Government of the State, or of the Commonwealth, and no member of the police force, and no sheriff's officer or other person employed to execute any legal process, and no licensed auctioneer shall, except where the court is satisfied that special circumstances justifying the grant of a licence exist, be licensed under this Act.

13. (1) The provisions of this Act relating to the sale of liquor shall not apply to—

(*a*) the sale of spirituous or distilled perfume, *bona fide* as perfumery ;

(*b*) the prescription or administration of any liquor simply as medicine or for medicinal purposes by or under the direction of any legally qualified medical practitioner, or pharmaceutical chemist, within the meaning of the Pharmacy Act, 1935-1965 ;

(*c*) the sale by a pharmaceutical chemist of any spirituous medicinal wines compounded under a formula similar to one contained in the British Pharmacopoeia Codex of 1934.

(2) During a period of twelve months after the commencement of this Act, no licence shall be required under this Act by any person who is the occupier of a cider factory, vineyard or orchard for the sale or delivery by himself or his servants, in quantities of not less than two gallons of mead, wine, cider or perry manufactured by such person from honey, or fruit produced or grown in the Commonwealth of Australia : Provided that such mead, wine, cider, or perry is—

I. neither sold nor delivered to any person in a state of intoxication :

II. neither sold nor delivered to any person to whom it is by this Act made unlawful to sell or supply liquor :

III. not consumed on any premises in the possession or occupation of such occupier of a cider factory, vineyard, or orchard, or his servants :

IV. neither sold nor delivered except between the hours of five o'clock in the morning and six o'clock in the evening on any day except Sunday, Good Friday and Christmas Day :

V. neither sold nor delivered at any place other than at the cider factory, vineyard, or orchard in the occupation of the person selling and delivering the same.

(3) Any person who, acting as an agent for more than one person, purchases or accepts delivery of any mead, wine, cider, or perry under the provisions of subsection (2) of this section, shall be guilty of an offence.

(4) No licence shall be required by the master or commander of any steamer or other vessel for the supply of any allowance of liquor to the crew of such steamer or vessel.

(5) This Act shall not apply to the sale or supply of liquor in Parliament House by the permission and under the control of the proper authority.

DIVISION II.—CLASSES OF LICENCES

Nature of licences.

14. (1) The licences to be granted by virtue of this Act shall be of sixteen classes, and shall be denominated as follows:—

(*a*) "Full publican's licence";
(*b*) "Limited publican's licence";
(*c*) "Wholesale storekeeper's licence";
(*d*) "Retail storekeeper's licence";
(*e*) "Wine licence";
(*f*) "Brewer's Australian ale licence";
(*g*) "Distiller's storekeeper's licence";
(*h*) "Vigneron's licence";
(*i*) "Club licence";
(*j*) "Packet licence";
(*k*) "Railway licence";
(*l*) "Restaurant licence";
(*m*) "Cabaret licence";
(*n*) "Theatre licence";
(*o*) "Special licence";
(*p*) "Five gallon licence".

(2) Licences shall be in the forms respectively prescribed by rules of court.

(3) The annual fees to be paid for such licences shall be as provided in Division III of this Part.

Natural pleasure resort or national park provision.

15. Notwithstanding the provisions of section 13 of the National Pleasure Resorts Act, 1914-1960 or the provisions of any other Act, but subject to the provisions of this Act, a full publican's licence, a limited publican's licence or a restaurant licence may be granted to the lessee of the chalet at the Wilpena National Pleasure Resort or the proprietor of any other premises situated upon any lands that the Governor declares by proclamation (which he is hereby empowered to do) to be a national pleasure resort or a national park.

Leigh Creek Coal Field.

16. Notwithstanding anything in the Electricity Trust of South Australia Act, 1946-1966—but subject to the provisions of this Act, a full publican's licence may be granted to the Electricity Trust of South Australia in respect of the Leigh Creek Coal Field subject to such conditions and restrictions as the court thinks fit. Section 168 shall not apply to the Trust. The Trust shall not sell or supply any liquor except as is authorized under any such licence: Provided that the Trust may, during a period of twelve months after the commencement of this Act, sell and supply liquor in accordance with the said Electricity Trust of South Australia Act.

Licences for premises in Aboriginal institutions

17. Notwithstanding anything in the Aboriginal Affairs Act, 1962-1967, contained, but subject to the provisions of this Act, a full publican's licence may be granted to any organization or association in respect of premises in any Aboriginal institution subject to such conditions and restrictions as the court thinks fit. Section 168 shall not apply to the holder of a licence under this section.

Special licence for Barossa Valley Vintage Festival.

18. (1) Notwithstanding anything in this Act contained, but subject to this section, a licence may be granted by the court once in every calendar year to the Barossa Valley Vintage Festival Association Incorporated authorizing the said Association to sell or supply liquor of any kind in any quantity to the public at such times during a period not exceeding three days excluding Sundays at any one time upon such conditions as the court shall approve.

(2) Notwithstanding anything in this Act contained, but subject to this section, a licence may be granted by the court once in any calendar year to Süd Australischer Allgemeiner Deutscher Verein Incorporated authorizing the said Association to sell or supply liquor of any kind in any quantity to the public at such times during one day excluding Sunday upon such conditions as the court shall approve.

(3) A licence granted under this section shall be in the form prescribed by the rules of court and shall set forth the times during which liquor may be sold or supplied, the period during which it shall be in force, and the conditions upon which it is granted. Every such licence shall authorize the Committee of the Association to which it is granted to sell and dispose of any liquor in any quantity in accordance with the conditions thereof.

(4) A fee of fifty dollars shall be payable for any licence granted under this section.

Publican's licence.

19. (1) Subject to subsections (2), (3) and (4) of this section, every full publican's licence shall authorize the person thereby licensed to sell and dispose of any liquor in any quantity, in the house or premises therein specified—

(*a*) upon any day (other than Sunday, Christmas Day and Good Friday) between the hours of nine o'clock in the morning and ten o'clock in the evening or in the case of any particular licensed premises for such other continuous period not exceeding thirteen hours beginning not earlier than five o'clock in the morning and ending not later than ten o'clock in the evening as is fixed by the Licensing Court on the application of the licensee;

(*b*) upon Christmas Day, not being a Sunday, between the hours of nine o'clock in the morning and eleven o'clock in the morning ;

(*c*) upon any day (other than Sunday, Christmas Day and Good Friday) between the hours of ten o'clock in the evening and half past eleven o'clock in the evening or in the case of any particular licensed premises for such other period ending not later than half past eleven o'clock in the evening as is fixed by the Licensing Court on the application of the licensee, for consumption by persons taking *bona fide* meals in such areas of the licensed premises as are fixed by the court, with or ancillary to such meals, but not otherwise ;

(*d*) upon Sunday, Christmas Day and Good Friday between the hours of twelve o'clock noon and a quarter to eleven o'clock in the evening or for such shorter period between the hours mentioned in this paragraph as is fixed by the Licensing Court on the application of the licensee for consumption by persons taking *bona fide* meals in such areas of the licensed premises as are fixed by the court, with or ancillary to such meals, but not otherwise ;

(*e*) where a permit (in this Act called a "supper permit") under subsection (2) of this section is in force, subject to and in accordance with the permit, on any day (other than Sunday, Christmas Day or Good Friday) between the hours of ten o'clock in the evening and half past eleven o'clock in the evening for consumption with or ancillary to substantial food in such part of the licensed premises as is specified in the permit and upon such conditions as the court shall fix.

and

(*f*) at any time to excepted persons in the circumstances and subject to the restrictions set forth in section 158.

No offence shall be deemed to be committed by any person by reason of the consumption by him during the hours specified in paragraphs (*a*) and (*b*) of this subsection or within fifteen minutes thereafter or during the hours specified in paragraphs (*c*), (*d*) and (*e*) of this subsection or within thirty minutes thereafter of any liquor sold or supplied during the hours specified in such paragraphs respectively.

(2) The court may on application by the licensee (or the applicant for a new licence) and on payment of the fee prescribed in that behalf by the rules of court grant a permit subject to such terms and conditions and in respect of such part of the

licensed premises as it thinks fit for the purposes of paragraph (*e*) of subsection (1) of this section. Any such permit shall, unless sooner revoked by the court on the application of the Superintendent of Licensed Premises or an inspector, remain in force until a date specified therein being a date not later than one year from the grant thereof and may on the application of the licensee and on payment of the fee prescribed by the rules of court be renewed with the licence.

(3) The court may upon application by the holder of a full publican's licence for a renewal of his licence or of its own motion, having regard in either case, to the requirements of the public, renew a licence restricting the sale and supply of liquor by the licensee to the sale and disposal of liquor in and for consumption in bars or drinking areas and such of the following as the court thinks fit:—

(*a*) the sale and disposal of liquor in sealed containers and not for consumption on the licensed premises;

(*b*) the sale and disposal of liquor for consumption by persons taking *bona fide* meals on the licensed premises with or ancillary to such meals;

and

(*c*) the sale and disposal of liquor to a *bona fide* lodger at any time.

(4) Every full publican's licence which is renewed restricting the sale and disposal of liquor pursuant to subsection (3) of this section shall authorize the person thereby licensed to sell and dispose of any liquor in any quantity in the house or on the premises therein specified only upon the occasions and during the times specified in the licence.

Limited publican's licence.

20. (1) Every limited publican's licence shall authorize the person thereby licensed to sell and dispose of any liquor in any quantity in the house or premises therein specified being premises specifically constructed and primarily used for the service of the itinerant public—

(*a*) for consumption by persons taking *bona fide* meals thereon with or ancillary to such meals, but not otherwise, on any day (except Sunday, Christmas Day and Good Friday) between the hours of twelve o'clock noon and half past eleven o'clock in the evening and on Sunday, Christmas Day and Good Friday between the hours of twelve o'clock noon and a quarter to eleven o'clock in the evening or in any case for such period or periods between the hours respectively mentioned in this section as are fixed by the court on the application of the licensee

for consumption by persons taking *bona fide* meals in such areas of the licensed premises as are fixed by the court with or ancillary to such meals, but not otherwise ;

(*b*) where a permit (in this Act called a "supper permit") under subsection (2) of this section is in force subject to and in accordance with the permit, on any day (other than Sunday, Christmas Day, or Good Friday) between the hours of ten o'clock in the evening and half past eleven o'clock in the evening, for consumption with or ancillary to substantial food in such part of the licensed premises as is specified in the permit and upon such conditions as the court shall fix ;

and

(*c*) the sale and disposal of liquor to a *bona fide* lodger at any time.

No offence shall be deemed to be committed by any person by reason of the consumption by him during the hours specified in this subsection or within thirty minutes thereafter of any liquor sold or supplied during the hours specified therein.

(2) The court may on application by the licensee (or the applicant for a new licence) and on payment of the fee prescribed in that behalf by the rules of court grant a permit subject to such terms and conditions and in respect of such part of the licensed premises as it thinks fit for the purposes of paragraph (b) of subsection (1) of this section. Any such permit shall, unless sooner revoked by the court on the application of the Superintendent of Licensed Premises or an inspector, remain in force until a date specified therein being a date not later than one year from the grant thereof and may on the application of the licensee and on payment of the fee prescribed by the rules of court be renewed with the licence.

Wholesale storekeeper's licence.

21. Every wholesale storekeeper's licence shall authorize the person thereby licensed to sell and dispose of liquor in the house, or on the premises therein specified, on any day (except Sunday, Good Friday and Christmas Day) between the hours of five o'clock in the morning and six o'clock in the evening, in quantities of not less than one gallon of spirits, or two gallons of wine or other fermented liquor, to be taken away at one time by one person, and not to be drunk in or about the house, or on the premises in which such liquor is sold : Provided that a wholesale storekeeper's licence may provide that the holder thereof may supply free of charge for consumption on any specified portion of the licensed premises any spirits, wine or other fermented liquor by way of sample.

Retail storekeeper's licence.

22. (1) Every retail storekeeper's licence shall authorize the person thereby licensed to sell and dispose of liquor of any kind in any quantity, in the house or premises therein specified on any day (except Sunday, Christmas Day and Good Friday) between the hours of nine o'clock in the morning and six o'clock in the evening or in the case of any particular licence during such other hours as are fixed by the court on the application of the applicant for the licence, to be taken away by any person and not to be drunk in or about the house or premises in which the liquor is sold: Provided that where a retail storekeeper's licence relates to premises in a locality where other retail premises conducting business of a like nature are lawfully open during one or more evenings the court may, on application of an applicant or licensee extend the hours during which liquor may be sold and disposed of on one such evening per week to an hour not later than nine o'clock in such evening: Provided further that the court may grant renew or remove a retail storekeeper's licence subject to such conditions as the court, on the application of a person applying for such licence, or of its own motion, thinks fit.

(2) A retail storekeeper's licence except in an area situated outside a radius of five miles from existing licensed premises shall not, during a period of two years after the commencement of this Act, be granted except to the holder of a Storekeeper's Australian wine licence in force by virtue of subsection (6) of section 3 of this Act, or to a person who has held a brewer's Australian ale licence within a period of six months prior to his application for a retail storekeeper's licence, and, after the expiration of such period, a retail storekeeper's licence shall not be granted to any applicant therefor unless the court is satisfied that the public demand for liquor cannot be met by other existing facilities for the supply of liquor in the locality in which the applicant proposes to carry on business in pursuance of the licence.

(3) Nothing in subsection (2) of this section contained shall be deemed to limit the power of the court to declare a storekeeper's licence granted under the repealed Acts to be a retail storekeeper's licence under this Act pursuant to subsection (5) of section 3 of this Act.

Wine licence.

23. (1) Every wine licence shall authorize the person thereby licensed to sell in the house or shop, or on the premises therein specified on any day (except Sunday, Good Friday and Christmas Day) between the hours of five o'clock in the morning and six o'clock in the evening, mead, wine, cider, or perry, in any quantity, for consumption in the premises or otherwise: Provided that if the court is satisfied that substantial food would be available on the premises specified in the licence for consumption by any person who might resort thereto and the premises and the service provided by the licensee are of such a

high standard that it is proper to extend the hours beyond six o'clock in the evening, the court may authorize the licensee to sell mead, wine, cider or perry as aforesaid during a continuous period not exceeding thirteen hours and ending not later than nine o'clock in the evening.

(2) No new wine licence shall be granted after the commencement of this Act.

(3) Every wine licence in force at the commencement of this Act may be renewed from time to time during a period of five years after the commencement of this Act but shall not thereafter be renewed unless the court is satisfied with the suitability of the premises and any such licence so renewed shall provide that any liquor to be consumed on the premises shall be consumed with substantial food on the licensed premises.

Brewer's Australian ale licence

24. (1) Every brewer's Australian ale licence shall authorize the person thereby licensed to sell and dispose of liquor on the premises therein specified on any day (except Sunday, Good Friday and Christmas Day) between the hours of five o'clock in the morning and six o'clock in the evening, in quantities of not less than two gallons of spirits or two gallons of wine or other fermented liquor, to be taken away at one time by one person, and not to be drunk in or about the house or premises in which such liquor is sold. Such a licence shall be granted only to a brewer of ale, stout, or other fermented liquor, or to any manufacturer of cordials containing spirits who at any time before the twenty-third day of December, 1915, held a brewer's colonial ale licence: Provided that a brewer's Australian ale licence may provide that the holder thereof may supply free of charge for consumption on any specified portion of the licensed premises any spirits, wine or other fermented liquor by way of sample.

(2) No person while holding a brewer's Australian ale licence shall be capable of holding a wholesale or retail storekeeper's licence or a wine licence. Any grant of any of such last-mentioned licences to a person holding a brewer's Australian ale licence shall be void and of no effect.

Distiller's storekeeper's licence.

25. (1) Every distiller's storekeeper's licence shall authorize the distiller thereby licensed to sell and dispose of liquor on the premises therein specified, on any day (except Sunday, Good Friday and Christmas Day) between the hours of five o'clock in the morning and six o'clock in the evening, in quantities of not less at one time than one gallon of spirits, or two gallons of wine or other fermented liquor to be taken away at one time by one person, and not to be drunk in or about the house or premises in which such liquor is sold. Such a licence shall be granted only to a person holding a distillation licence under any

Act in force in the Commonwealth: Provided that a distiller's storekeeper's licence may provide that the holder thereof may supply free of charge for consumption on any specified portion of the licensed premises any spirits, wine or other fermented liquor by way of sample.

(2) No person, while holding a distiller's storekeeper's licence, shall hold a wholesale storekeeper's or retail storekeeper's licence or a wine licence. Any grant of any of such last-mentioned licences to a person holding a distiller's storekeeper's licence shall be void and of no effect.

Vigneron's licence.

26. Every vigneron's licence shall authorize the person thereby licensed to sell and dispose of mead, wine, cider or perry on any day (except Sunday, Good Friday and Christmas Day) between the hours of five o'clock in the morning and six o'clock in the evening, in any quantity to any person or organization licensed to sell liquor, or in quantities of not less than two gallons at one time to persons not licensed by this Act: Provided that such mead, wine, cider or perry—

(i) is the produce of honey or fruit produced or grown within Australia;

(ii) is to the extent of at least seventy per centum made by him and is to the extent to which it is not made by him used only for the purpose of blending with mead, wine, cider or perry made by him;

(iii) is sold and is delivered at the place at which such person makes mead, wine, cider or perry;

and

(iv) is not consumed or intended to be consumed on the premises where the same is made, sold or offered for sale:

Provided that a vigneron's licence may provide that the holder thereof may supply free of charge for consumption on any specified portion of the licensed premises any wine or other fermented liquor by way of sample.

Club Licence.

27. (1) Subject to section 87 of this Act every club licence shall authorize the sale supply and delivery of liquor by or on behalf of the club in the club premises to a member of the club or to a visitor in the presence and at the expense of a member thereof—

(*a*) upon any day (other than Sunday, Christmas Day and Good Friday) between the hours of nine o'clock in the morning and ten o'clock in the evening;

(*b*) upon Christmas Day, not being a Sunday, between the hours of nine o'clock in the morning and eleven o'clock in the morning;

(*c*) upon any day (other than Sunday, Christmas Day and Good Friday) between the hours of ten o'clock in the evening and half past eleven o'clock in the evening for consumption by persons taking *bona fide* meals in such areas of the premises of the club as are fixed by the court with or ancillary to such meals but not otherwise ;

(*d*) upon Sunday, Christmas Day and Good Friday between the hours of twelve o'clock noon and a quarter to eleven o'clock in the evening for consumption by persons taking *bona fide* meals in such areas of the club premises as are fixed by the court with or ancillary to such meals but not otherwise ;

(*e*) where a permit (in this Act called a "supper permit") under subsection (2) of this section is in force, subject to and in accordance with the permit, on any day (other than Sunday, Christmas Day or Good Friday) between the hours of ten o'clock in the evening and half past eleven o'clock in the evening for consumption with or ancillary to substantial food in such part of the licensed premises as is specified in the permit and upon such conditions as the court shall fix ;

and

(*f*) where a licence subject to conditions is granted under subsection (3) of this section, subject to and in accordance with the conditions of the licence so granted and not otherwise and shall authorize the sale and supply of liquor by or on behalf of the club in the club premises at any time to a *bona fide* lodger who is a member of the club.

No offence shall be deemed to be committed by any person by reason of the consumption by him during the hours specified in paragraphs (*a*) or (*b*) of this subsection or within fifteen minutes thereafter or during the hours specified in paragraphs (*c*), (*d*) or (*e*) of this subsection or within thirty minutes thereafter of any liquor sold or supplied during the hours specified in such paragraphs respectively.

(2) The court may on application by the licensee (or the applicant for a new licence) and on payment of the fee prescribed in that behalf by the rules of court grant a permit subject to such terms and conditions and in respect of such part of the licensed premises as it thinks fit for the purposes of paragraph (*e*) of subsection (1) of this section. Any such permit shall, unless sooner revoked by the court on the application of the Superintendent of Licensed Premises or an inspector, remain in force until a date specified therein not being a date later than

one year from the grant thereof and may on the application of the licensee and on payment of the fee prescribed by the rules of court be renewed with the licence.

(3) Subject to subsection (4) of this section, the court may grant or renew a club licence subject to such conditions as the court, on the application of the person applying for such licence, or of its own motion, thinks fit and, without limiting the generality of the foregoing, the court may impose either or both of the following conditions upon the licensee—

(*a*) restricting the sale of liquor by him to such periodic or other occasions as may be specified by the court;

or

(*b*) requiring the licensee to purchase all the liquor that he requires for the purposes of the club from a person holding a full publican's licence.

(4) In the case of a club that is a sub-branch of the Returned Sailors' Soldiers' and Airmen's Imperial League of Australia (South Australian Branch) Club, if the court is satisfied that the sub-branch has, prior to the first day of August, 1967, obtained the liquor purchased by it for its purposes or a substantial part thereof from that Club, the sub-branch may continue to purchase liquor from that Club.

(5) Notwithstanding anything in this section contained a club licence held by any club to which section 113 of the Licensing Act, 1932-1966 applied or in respect of which a proclamation under section 114 of that Act was in force at the commencement of this Act shall authorize the sale, supply and delivery of liquor by or on behalf of the club in the club premises to a member of a club or to a visitor in the presence and at the expense of a member thereof at any time on any day.

Packet licence.

28. (1) Every packet licence shall authorize the master or commander thereby licensed to sell and dispose of liquor in any quantity to any passenger on board the steamer or vessel of which he is master or commander for consumption on the steamer or vessel during any voyage or passage, subject to the following restrictions:—

(*a*) If the steamer or vessel plies only from port to port within the State, liquor shall not be sold nor disposed of whilst the steamer or vessel is at her berth or moorings, nor until she has proceeded on her voyage or passage:

(*b*) If the steamer or vessel is on a voyage extending or about to extend from start to finish for a distance not greater than forty miles, or is on the River Murray or any lake connected therewith, liquor shall not be sold or disposed of except between the hours of nine o'clock in the morning and ten o'clock in the evening upon a day other than a Sunday or Good Friday.

Five gallon licence.

29. Every five gallon licence shall authorize the person thereby licensed to sell and dispose of liquor on the premises therein specified, on any day (except Sunday, Good Friday and Christmas Day) between the hours of five o'clock in the morning and six o'clock in the evening in quantities of not less than five gallons to any person licensed to sell liquor of that kind under this Act.

Railway licence.

30. Every railway licence shall authorize the person thereby licensed to sell and dispose of any liquor, in any quantity, on the premises therein specified, in the manner mentioned in Part IV of this Act.

Restaurant licence.

31. (1) Every restaurant licence shall authorize the person thereby licensed to sell and dispose of liquor of any kind in any quantity in the house or premises therein specified—

(*a*) for consumption by persons taking *bona fide* meals thereon with or ancillary to such meals, but not otherwise, on any day (except Sunday, Christmas Day and Good Friday) between the hours of twelve o'clock noon and half past eleven o'clock in the evening and on Sunday, Christmas Day and Good Friday between the hours of twelve o'clock noon and a quarter to eleven o'clock in the evening or in any case for such period or periods between the hours respectively mentioned in this section as are fixed by the court on the application of the licensee, for consumption by persons taking *bona fide* meals in such areas of the licensed premises as are fixed by the court with or ancillary to such meals but not otherwise ;

and

(*b*) where a permit (in this Act called a "supper permit") under subsection (2) of this section is in force, subject to and in accordance with the permit, on any day other than Sunday, Christmas Day or Good Friday, between the hours of ten o'clock in the evening and half past eleven o'clock in the evening for consumption with or ancillary to substantial food in such part of the licensed premises as is specified in the permit and upon such conditions as the court shall fix.

No offence shall be deemed to be committed by any person by reason of the consumption by him during the hours specified in this subsection or within thirty minutes thereafter of any liquor sold or supplied during the hours specified therein.

(2) The court may on application by the licensee (or the applicant for a new licence) and on payment of the fee prescribed in that behalf by the rules of court grant a permit subject to

such terms and conditions and in respect of such part of the licensed premises as it thinks fit for the purposes of paragraph (*b*) of subsection (1) of this section. Any such permit shall, unless sooner revoked by the court on the application of the Superintendent of Licensed Premises or an inspector, remain in force until a date specified therein being a date not later than one year from the grant thereof and may on the application of the licensee and on payment of the fee prescribed by the rules of court be renewed with the licence.

(3) The court shall not fix any area of the premises other than a dining room for the consumption of liquor by persons ancillary to *bona fide* meals except where it is satisfied that the premises are of such a size and standard that the provision of an area outside the dining room is desirable.

Cabaret licence.

32. (1) Every cabaret licence shall, subject to such terms and conditions as are fixed by the court and specified in the licence, authorize the licensee to sell and dispose of liquor to any person on the premises therein specified for consumption on the premises with or ancillary to the supply of food and entertainment between seven o'clock in the evening and three o'clock in the morning, but the licence shall not authorize the sale or disposal of liquor on Good Friday at any time or on a Sunday or Christmas Day after three o'clock in the morning.

(2) A cabaret licence shall not be granted in respect of any premises for which a full publican's licence, a limited publican's licence or a restaurant licence is in force.

Theatre licence.

33. (1) Every theatre licence shall authorize the licensee to sell and dispose of liquor for consumption on the premises on the part or parts of the premises specified in the licence between the hours of seven o'clock in the evening and eleven o'clock in the evening or such later hour on a special occasion as may be specified in a permit issued under this Act on any evening upon which performances are given to the public on those premises.

(2) A theatre licence shall not authorize the licensee to sell and dispose of liquor except during an evening on which the theatre is being used to provide entertainment in which all the performers whose words or actions constitute the entertainment are physically present in the theatre and actually perform the entertainment.

(3) A theatre licence shall not specify a part of the premises as a part for the sale or disposal of liquor which is readily accessible to persons who are not attending the performance.

Payment of fees and date when licences take effect.

34. (1) The fees for all licences, certificates, and permits under this Act shall be paid to the clerk.

(2) Every licence, other than a packet licence, or a special licence, shall—

(*a*) without regard to the date thereof, commence and take effect from the day on which it is actually granted by the court;

(*b*) if not previously forfeited, be in force for a period of twelve months and fourteen days thereafter or such lesser period as the court may determine and specify in the licence.

(3) Every packet licence shall, if not previously forfeited, be in force for twelve months from the date of its issue.

Special licence.

35. (1) Where an application for the renewal of a licence is adjourned, the court may grant a special licence to the applicant.

(2) The special licence shall be under the hand of the clerk of the court, and may be granted for such period, not exceeding three months, as the court thinks fit, and the period for which any such licence is granted shall be specified therein.

(3) A special licence shall have the same effect as if the licence the renewal whereof is applied for had been renewed in favour of the person named in the special licence for the period specified in such special licence.

Fee for licence for part of a year.

36. If any licence is issued for a period of less than a year, a proportionate amount only of the licence fee shall be payable by the licensee.

DIVISION III.

DIVISION III.—FEES FOR LICENCES.

Licence fees.

37. (1) The fees to be paid for licences respectively shall subject to subsections (2) and (3) of this section, be as follows:—

(*a*) for any of such licences, other than those for which other provision is made in this section, the fee shall be equal to the sum of five per centum of the gross amount paid or payable for all liquor including liquor disposed of pursuant to any permit, and any certificate of approval granted under sections 65 and 71, which during the twelve months ended on the last day of June preceding the date of the application for the grant or renewal of the licence was purchased for the purposes of the licence in respect of which such grant or renewal is sought: Provided that the gross amount paid or payable during the twelve months ended on the thirtieth day of June, 1967, shall be deemed not to include sales to persons holding a licence under the Acts repealed by this Act;

(*b*) for a wholesale storekeeper's licence—a fee which is equal to the sum of five per centum of four-fifths of the gross amount paid or payable to the licensee for all liquor which, during the twelve months ended on the last day of June preceding the date of the application for the grant or renewal of the licence, was sold or disposed of under such licence to persons other than persons licensed under this Act or otherwise permitted by law to sell liquor ;

(*c*) on a renewal of a wine licence in force at the commencement of this Act a fee equal to the sum of five per centum of the gross amount paid or payable by the licensee for all liquor including liquor disposed of pursuant to any certificates of approval granted under section 71 which, during the twelve months ended on the last day of June preceding the date of the application for the renewal of such licence, was purchased by the licensee for the purposes of the licence and was not disposed of under such licence to any other person licensed under this Act to sell liquor or exempted under section 13 ;

(*d*) for a packet licence—a fee of fifty dollars ;

(*e*) for a brewer's Australian ale licence—a fee equal to the sum of five per centum of four-fifths of the gross amount paid or payable to the licensee for all liquor which, during the twelve months ended on the last day of June preceding the date of the application for the grant or renewal of such licence was sold or disposed of under such licence to persons other than persons licensed under this Act or otherwise permitted by law to sell liquor ;

(*f*) for a distiller's storekeeper's licence or a vigneron's licence—a fee equal to the sum of five per centum of four-fifths of the gross amount paid or payable to the licensee for all liquor which, during the twelve months ended on the last day of June preceding the date of the application for the grant or renewal of such licence, was sold or disposed of under such licence to persons other than persons licensed under this Act or otherwise permitted by law to sell liquor;

(*g*) for a five gallon licence—ten dollars.

In this subsection "gross amount" means amount paid or payable for liquor including any duties other than sales tax thereon but excluding packing, delivery and freight charges : Provided that where pursuant to any condition imposed by the court a licensee is required to make his purchases by retail from another licensee or licensees such purchases by retail shall

not be taken into account in computing a "gross amount" in relation to the licensee required so to purchase liquor.

(2) Where any fee for any licence computed in accordance with the provisions of subsection (1) of this section is less than fifty dollars the fee for such licence shall be fifty dollars.

(3) All fees to be paid for licences under this Act shall be computed and payable to the nearest dollar.

(4) The said fees shall be payable annually or may be paid (except in the case of packet licences) in equal quarterly instalments as provided by section 49 of this Act.

Court to fix percentage fee.

38. (1) The Licensing Court shall finally and conclusively fix the amount of any fee payable on a percentage basis under this Act: Provided that the court may in its absolute discretion, upon application by the superintendent of licensed premises or the holder of a licence, at any time within twelve months of the grant or renewal of the licence, reassess such amount in which case the amount so reassessed shall be final and conclusive.

(2) The court shall fix such sum as it thinks reasonable in any case—

(*a*) where no information is produced to the court, or the information produced is incomplete or insufficient to enable the court to determine the gross amount paid or payable for liquor purchased or sold or disposed of (as the case may be);

or

(*b*) where information covering a period of twelve months cannot be produced.

(3) For the purpose of enabling the Licensing Court to fix fees payable on a percentage basis the court may by order in writing require any person firm or body corporate to state in such form as the court may require the name and address of every person holding a licence under this Act and of every person holding a permit under this Act and of every licensed club to whom or to which such person, body corporate or firm sold or supplied liquor during the twelve months ended on the preceding thirtieth day of June.

(4) Such statement shall show the quantity and nature of liquor so sold or supplied in each case the price paid or payable therefor and such other particulars as the court may require.

(5) Every person or body corporate and every member of a firm who or which within fourteen days after such order does not furnish such statement shall be liable to a penalty of not less than twenty nor more than two hundred dollars.

(6) When the court grants a licence or a renewal of a licence for which a fee is payable on a percentage basis the court shall cause to be inserted on the licence the amount of the percentage fee payable.

Applicants for licences, etc., to furnish declarations as to liquor purchases.

39. (1) Every applicant for the grant of a new licence shall, prior to the hearing of the application, furnish such particulars as the court may require to enable it to estimate what, if the application were for a renewal of licence, would have been the probable extent of the annual purchases or, as the case requires. sales of liquor for the premises in respect of which such grant is sought.

(2) Save as otherwise expressly provided every intending applicant for the renewal of a licence for which a fee is payable on a percentage basis shall in each year on or before a date fixed by the rules of court forward to the clerk a statutory declaration by such intending applicant (or where such intending applicant is a body corporate or club by the secretary thereof) setting forth with regard to the twelve months ended on the last preceding thirtieth day of June as nearly as practicable or if liquor has not been purchased during the whole of such period then with regard to any shorter period preceding the said thirtieth day of June during which liquor was purchased—

(*a*) the quantity of liquor purchased for the purposes of the licence in respect of which the application is made and the quantity of liquor purchased for sale pursuant to any certificates of approval granted under sections 65 and 71 and the gross amount paid or payable therefor;

and

(*b*) the names and addresses of the persons firms or bodies corporate who or which sold such liquor.

In this subsection the expression "gross amount" has the same meaning as it has in subsection (1) of section 37.

(3) In the case of an application for the transfer of a licence by a person other than a person specified in subsection (5) of this section a like declaration relating to liquor purchased or, as the case requires, sold up to the date of the application shall at the time of the application be furnished as aforesaid by the applicant.

(4) In the case of an application for the renewal of a brewer's Australian ale licence, distiller's storekeeper's licence, wholesale storekeeper's licence, or a vigneron's licence a like declaration shall be furnished as aforesaid setting forth the liquor sold or supplied during the said period of twelve months by every holder of the licence to persons other than persons licensed under this Act or otherwise permitted by law to sell liquor.

(5) Within seven days after the happening of any of the events mentioned in subsection (1) of section 55, the holder of any licence in respect of which such event happens or a person deemed to be a licensed person under section 55 (or in the case of any of the events mentioned in subdivisions I, II, III and IV of subsection (1) of section 55, the persons specified in the second column of the said subsection opposite to the event) shall furnish as aforesaid a like declaration setting forth the liquor purchased or, as the case requires, sold during the current licensing year in respect of the licensed premises up to the date of such event.

(6) Any person who is required by any provision of this section to forward or furnish to the clerk any statutory declaration and who fails so to forward or furnish on or before the due date or within the proper time a declaration in accordance with the requirements of this section shall be guilty of an offence and shall be liable to a penalty of not less than twenty dollars and not more than two hundred dollars.

DIVISION IV. DIVISION IV.—APPLICATIONS FOR LICENCES AND OBJECTIONS.

Applications to be made to court.

40. Every application for a licence or for the transfer or removal of any licence, shall be made to and considered by the court.

Conditions precedent to application for licence for previously unlicensed premises.

41. (1) No person shall be entitled to apply for a licence except a packet licence or vigneron's licence in respect of previously unlicensed premises unless he has—

(*a*) twenty-eight clear days before the date upon which the application is to be made deposited with the clerk plans of the buildings erected or proposed to be erected on the said premises;

(*b*) within seven days of the deposit caused notice of the deposit to be given by two advertisements in such newspapers as a member of the court on application by the intending applicant directs;

(*c*) during the whole of the interval between the date of the deposit and the date upon which the application is to be made posted and kept posted on or near the main entrance to the premises or if the said premises have not been erected or completed on a conspicuous part of the land upon which it is intended to erect or complete the premises and in any case so as to be easily legible from the nearest public footpath notice in the form prescribed by the rules of court;

and

(*d*) at the time of depositing the plans delivered to the clerk a duplicate of the said notice.

(2) The plans deposited under this section must show exactly—

(*a*) the site of the premises ;

(*b*) the boundaries thereof ;

(*c*) the situation thereon of the front door of the buildings erected or proposed to be erected and the entrance and exit of the drive-in bottle department (if any) and the parking area or areas appurtenant thereto ;

and

(*d*) words indicating which is or is to be the front door.

(3) Such plans shall be—

I. upon paper of at least the width of twenty-four inches :

II. certified as correct by such person and by a registered architect or licensed surveyor :

III. open to public inspection without fee.

(4) Forthwith after the deposit of any plans the clerk shall cause notice thereof to be inserted in two consecutive numbers of the *Gazette*. The applicant shall pay the cost of the said insertion.

Mode of dealing with applications.

42. (1) Any person who has complied with the requirements of section 41, may apply to the court for a licence in respect of the premises specified in the plans, and the court may thereupon—

(*a*) if the premises have already been erected or completed, grant or refuse the application ;

and

(*b*) if the premises have not then been erected or completed, decide whether a licence will be granted for such premises when erected or completed in accordance with such deposited plans to the satisfaction of and within a reasonable time to be then fixed by the court or such other time as the court may subsequently allow :

Provided that the court—

(*a*) may at any stage of the proceedings from time to time permit the deposited plans to be altered in any manner and to any extent or other plans to be substituted therefor ;

and

(*b*) subject to this Act, on approval of any such deposited plans or altered or substituted plans, may—

(i) grant the licence for the premises in their then state;

or

(ii) decide whether the licence will be granted for such premises when erected or completed in accordance with such altered or substituted plans to the satisfaction of and within a reasonable time to be then fixed by the court:

Provided further that where the court permits the deposited plans to be altered or substituted the court may require the applicant as nearly as may be in accordance with the requirements of section 41 relating to the advertising of applications for new licences to advertise his intention to apply for approval of the altered or substituted plans and serve notice in writing of such intention upon all objectors to the original application. Any person who was entitled to object to the original application, whether in fact he did so object or not, may as nearly as may be in the manner in which objections might have been taken to the original application, object to the application in respect of the altered or substituted plans, but if any such person did not object to the original application such objection shall be limited to the alterations proposed to be made to the deposited plans or to the substituted plans or matters arising therefrom.

(2) If any application is rejected on the ground—

(*a*) that the plans deposited do not meet with the approval of the court;

or

(*b*) that the premises erected or proposed to be erected are not, or would not, in its opinion, be suitable to the locality,

the court shall, upon the request of the applicant or his counsel, state in what particulars—

I. the plans do not meet with its approval, or

II. the buildings or proposed buildings are unsuitable.

(3) When the court has decided that a licence will be granted for any premises not then erected or completed, those premises, upon being erected or completed in accordance with the deposited plans within the time fixed by the court, shall, for the purpose of regulating the mode of application for a licence therefor, be deemed to be previously licensed premises.

Application by unlicensed person in respect of previously licensed premises.

43. Any unlicensed person applying for any licence other than a packet licence, in respect of previously licensed premises, shall—

(*a*) twenty-eight clear days before the date upon which the application is to be made, post and keep posted until the date of the application, on or near the main entrance to the premises and so as to be easily legible from the nearest public footpath a notice in the form prescribed by the rules of court;

and

(*b*) at the same time deliver to the clerk a duplicate of that notice.

Manner of application for renewal of any licence.

44. Any licensed person applying for a renewal of his licence shall, twenty-eight clear days before the expiration of his licence deliver to the clerk a notice in the form prescribed by the rules of court.

Notice of application to Superintendent.

45. Upon the receipt of any notice of application, the clerk shall file the same, and shall forthwith cause notice of such application and the particulars thereof to be forwarded to the Superintendent of Licensed Premises.

Notice of objection to be served.

46. No person other than the Superintendent of Licensed Premises shall be heard, either personally or by counsel, in support of any objection to the grant, renewal, transfer, or removal of a licence before the court unless notice in writing of such objection, stating the nature and grounds thereof, signed by the objector, and giving his place of residence and occupation or style, has been delivered to the clerk and to the person who has given the notice of application prescribed by this Act at least fourteen clear days before the day fixed by the clerk for the hearing of the application.

Matters to be established.

47. An applicant for a licence other than a packet licence or a vigneron's licence in respect of previously unlicensed premises or for the removal of a licence shall satisfy the court—

(*a*) that the licensing of the premises is required for the needs of the public having regard to the licensed premises existing in the locality in which the premises are to be situated;

(*b*) that owners or occupiers of premises in the locality in which the premises are to be situated will not be unreasonably affected;

(*c*) that the premises will not be situated within an area set aside by any competent zoning authority for purposes which exclude premises of the kind desired to be licensed therefrom;

(*d*) that the site shown in the application is suitable for the premises and that the applicant has complied with all the requirements of this Act;

(*e*) in the case of an application for any licence in a new or expanding community the licence would not unreasonably restrict the grant of a full publican's licence in the locality.

Objections to licences and renewals.

48. The objections to the grant or renewal of any licence except a packet licence or a vigneron's licence are the following:—

(1) As to all applications—

(*a*) that the applicant is—

I. of bad fame or character;

II. interested in keeping a brothel or house of ill-fame;

III. of drunken or dissolute habits;

IV. not a fit and proper person to be licensed;

(*b*) that during the twelve months preceding the day on which the notice of objection is given to the clerk, unlawful gaming within the meaning of the Lottery and Gaming Act, 1936-1967, has taken place on the premises mentioned in the application;

(*c*) that the applicant has within six months previously been deprived of a licence under this Act or any Act repealed by this Act;

(*d*) that the said premises, or any adjacent store, shop or house, owned or occupied by the applicant (whether there is or is not any means of communication between such adjacent store, shop or house and the said premises) is—

I. of a disorderly character;

or

II. frequented by prostitutes, thieves, or persons of bad character;

(*e*) that the licensing of the premises is not required for the needs of the public;

or

(*f*) in the case of an application for a renewal of a full publican's licence restricting the sale and supply of liquor to all or any of the occasions or purposes mentioned in subsection (3) of section 19 the restrictions sought would leave a substantial public need uncatered for.

(2) As to applications for premises not previously licensed—

(*a*) that the said premises are in the vicinity of a church or other place of public worship, or a hospital, recognized youth centre, or school, and would, if licensed, be the cause of inconvenience or annoyance to the persons using or frequenting such church, place of worship, hospital, centre or school;

(*b*) that the quiet of the locality in which the said premises are situated will be disturbed or that owners or occupiers of premises in the locality will be unreasonably affected if a licence is granted for the sale of liquor in the premises;

(*c*) that the said premises are not suitable to be licensed;

(*d*) that the licensing of the premises is not required on the site shown in the application for the needs of the public;

(*e*) that the site shown in the application is unsuitable or does not comply with the requirements of this Act;

(*f*) that the applicant has not the financial resources to carry out his proposals;

(*g*) that the premises will be situated within an area set aside by a competent zoning authority for purposes which exclude from such area premises of the kind desired to be licensed;

(*h*) in the case of an application for a new licence in a new or expanding community the licence would unreasonably restrict the grant of a full publican's licence in the locality;

or

(*i*) that the grant of the licence would result in undue competition and economic waste.

(3) As to applications for renewal of licences or by new applicants for previously licensed premises—

(*a*) that the management of the licensed premises in such particulars as are specified in the notice has not been satisfactory;

or

(*b*) that any direction of the court has not been complied with.

Effect of non-payment of licence fee.

49. Until the licence fee, or, except in the case of a packet licence, the first quarterly instalment of the licence fee is paid to the clerk, and the licence is actually issued by him, the person entitled to the licence or (in the case of a club licence the club) shall be deemed unlicensed, and if the said licence fee or quarterly instalment is not paid within two calendar months after the date on which the licence was granted, the clerk may give notice in writing of such non-payment of such licence fee or quarterly instalment to the owner of the freehold of the premises in respect of which such licence was granted or (in the case of a club licence) to the members of the committee of management of the club, and if such licence fee or instalment is not paid within fourteen days after the giving of such notice as aforesaid, the grant shall be wholly void. Except in the case of a packet licence the subsequent quarterly instalments shall be paid three, six, and nine calendar months respectively after the date on which the licence was granted, and if default is made in paying any such instalment on the due date and the default continues for two calendar months, the clerk may give notice in writing of such default to the owner of the freehold of the premises in respect of which such licence was granted or (in the case of a club licence) to the committee of management of the club, and if such default continues for fourteen days from the giving of such notice, the licence shall thereby be *ipso facto* forfeited and wholly void for all purposes.

Publication of list of licences issued and notice of non-payment of fees.

50. The clerk shall cause a list of all licences issued, and also notice of the non-payment of any licence fees or instalments as mentioned in section 49, to be inserted in the *Gazette*, on the first, second, or third day of its publication after the issue of the licences, or after the expiration of the said period of two calendar months and fourteen days, as the case may be.

DIVISION V.

DIVISION V.—TRANSFER OF LICENCES.

Application to transfer to person holding certificate or who has entered.

51. (1) Any person who—

(*a*) has a certificate under section 55 ; or

(*b*) has given notice of entry to the clerk under subsection (2) of section 55,

may apply to the court to have the licence in respect of the premises the subject of the certificate or which have been entered transferred to himself.

(2) Notice in writing of the intention to make the application shall be given to the clerk at least fourteen days before the application is to be made. From the date on which such notice is given, a duplicate of the notice shall be posted and kept

posted on or near the main entrance to the premises so as to be easily legible from the nearest public footpath until the application is made.

(3) The court may, subject to this Act, transfer the licence to the applicant. A memorandum of the transfer shall be endorsed on the licence by the clerk upon payment to him of the sum of ten dollars.

Transfer on sale of licensed premises.

52. (1) On the sale of any licensed premises (other than a club) an application may be made for the transfer of the licence from—

(*a*) the holder of the licence ;

or

(*b*) a person who has a certificate under section 55, in respect of those premises ;

or

(*c*) a person who has given notice of entry upon those premises under subsection (2) of section 55,

to some person other than himself. Such application shall be made by the transferor and proposed transferee jointly.

(2) The application shall be made to the court. Such application shall set forth the licensed premises the subject of the application and the names of the transferor and proposed transferee and shall be signed by them. The application shall be accompanied by—

(*a*) a copy of the contract of sale certified by the applicants ;

(*b*) a certificate by any person who has agreed to advance any moneys in connection with the sale setting forth details of such agreement ;

(*c*) a copy of an advertisement which has previously been inserted in at least one daily newspaper of the intention of the applicants to make the application ;

and

(*d*) where the licensed premises are held under a lease, a copy of the lessors terms of consent to the proposed transfer certified by the applicants.

(3) The court may, subject to this Act, approve the transfer to the proposed transferee as from the date upon which possession of the premises is to be taken by him. Within seven days after such possession has been taken the transferee shall give notice thereof to the clerk and deliver the licence to the clerk who shall thereupon endorse a memorandum of the transfer on the licence upon payment of the sum of ten dollars.

Effect of transfer.

53. Upon the endorsement of a memorandum of transfer upon any licence pursuant to section 51 or section 52—

(*a*) the transferee shall thereafter have and exercise the same privileges and be subject to the same liabilities and penalties as if such licence had been originally granted to him ;

and

(*b*) the person whose licence is so transferred shall cease to be a licensed person under this Act in respect of the premises mentioned in such licence, but shall remain liable for any act or omission done, caused, permitted, or made by him prior to such transfer.

Objections to transfers.

54. The objections to a transfer, of which notice may be given, are the following :—

(1) That the licence of the person proposing to transfer the same is liable to be forfeited for offences against this Act, or any Act hereby repealed.

(2) That the person to whom it is proposed to have the licence transferred—

(*a*) is of bad fame or character ;

(*b*) is interested in keeping a brothel or house of ill-fame ;

(*c*) is of drunken or dissolute habits ;

(*d*) is not a fit and proper person to be licensed ;

(*e*) has within six months previously been deprived of a licence under this Act, or any Act hereby repealed, as being personally incapable or unfit to hold the same.

(3) That on any premises for which the proposed transferee held a licence at any time during the period of twelve months preceding the day on which the notice of objection is given to the clerk, unlawful gaming within the meaning of the Lottery and Gaming Act, 1936-1967, took place during that period or that the said transferee is a bookmaker or reputed bookmaker.

(4) That the lease under which the holder of the licence occupies his house contains a covenant or prohibition against transferring the licence, or assigning, or subletting without the consent of the lessor, and that such consent has not been obtained.

(5) That any direction of the court has not been complied with.

DIVISION VI.—TRANSMISSION OF LICENCES.

Transmission of licences.

55. (1) If any of the events mentioned in the first column of this subsection happens to the holder of any licence other than a club or packet licence, or of a certificate under this section, or if such holder does, permits, or suffers any of the acts, matters, or things mentioned in the first column, the person specified in the second column opposite to the events, acts, matters or things mentioned in the first column shall thereupon be entitled to enter upon the licensed premises of such holder, and may, subject to obtaining a certificate from the court as hereinafter mentioned, continue and carry on the business thereof for a period not exceeding twenty-eight days after such entry.

Within the said period of twenty-eight days an application shall be made by the person who has so entered for a transfer of the licence, or for a licence, as the case may require, and the proceedings to obtain the transfer or licence shall be the same, or as nearly as may be, and the court shall have and exercise the same discretion as in ordinary cases of applications for a transfer or licence.

First Column.	Second Column.
I. On death :	I. The legal personal representative (or his nominee or assignee), or the widow, widower, or any child of the deceased :
II. On bankruptcy, statutory assignment, or composition whereby the estate of a licensed person becomes an asset for the benefit of his creditors :	II. The assignee, trustee, or other person in whom the estate becomes vested, or his nominee or assignee :
III. On sickness or other infirmity, whereby the licensed person becomes disabled personally to conduct the business of the licensed premises :	III. The wife, or husband, or any child, or the nominee of the licensed person :
IV. On the mental defect of any licensed person :	IV. The committee of such person or the nominee of such committee :

First Column.	Second Column.
v. On surrender, forfeiture, recovery by legal process, or other determination of the right of the licensed person to the possession of the licensed premises, or upon the licensed person yielding up possession of the premises before the expiration of the licence, or allowing such premises to become vacant :	v. The landlord, mortgagee, or other person who may be *bona fide* entitled to the licensed premises or the possession thereof, or the nominee or agent of any such landlord, mortgagee, or other person :
vi. On the neglect or refusal of the licensed person to give notice of application for the renewal of his licence, or, having given such notice, on his neglecting to apply for such renewal, or, on his having so applied, his being refused a renewed licence merely on personal grounds, or having been granted a licence, on his refusing or neglecting to pay the first quarterly instalment of the licensing fee within thirty days from the meeting of the court at which the licence was granted, or any other quarterly instalment within thirty days from the due date for the payment of the same :	vi. The landlord, mortgagee, or other person prejudiced thereby :
vii. On the neglect or refusal of a person to whom a certificate has been granted as hereinafter mentioned to make	vii. The landlord, mortgagee, or other person prejudiced thereby.

application for a transfer of the licence or for a licence (as the case may require) or upon the refusal of the court to transfer the licence or to grant a licence (as the case may require) to such person.

(2) Every person entering upon any licensed premises, and continuing the business thereof under the provisions of this section, shall, within seven days after entry, give notice thereof in writing to the clerk, and shall if the court so requires, on receiving notice from the clerk, attend before the court, at a time and place to be specified in the last mentioned notice. If the court is satisfied that the said person is a desirable person to hold a certificate and has not been previously refused a licence by any court, it may, in its discretion, grant him a certificate, in the form prescribed by the rules of court, and he shall, so long as the certificate continues in force, be deemed a licensed person, and shall be subject to the same liabilities and penalties as if he held a licence under this Act, and the certificate shall, whilst in force, be deemed to be his licence.

(3) The time specified in the notice last mentioned in subsection (2) of this section shall be not less than fourteen days after the clerk has received the notice first mentioned in that subsection; and the clerk shall send to the Commissioner of Police and to an inspector particulars of the notice in this subsection first referred to.

(4) Any person entering upon premises in consequence of any of the events mentioned in the said first column shall, within fourteen days after obtaining a certificate, present or send the same to the clerk and pay such licence fee as may be due in respect of the premises.

(5) A person who enters on premises under this section shall from the time of entry until he is granted a certificate as aforesaid, be deemed a licensed person, and his certificate, when granted, shall be subject to the same indorsements as if it had been in force at the time of entry.

(6) The production of a notice of entry given by any person under this section shall be sufficient proof, in any proceedings for any offence against this Act, that he has entered upon the premises mentioned in the notice of entry, and that he is carrying on the business of those premises.

DIVISION VII.—REMOVAL OF LICENCES.

Removal of licence.

56. (1) Any person holding—

(*a*) any licence under this Act except a packet or railway licence ;

or

(*b*) a certificate under section 55,

may apply to the court to remove his business to other suitable and convenient premises.

(2) No person shall be entitled to make any such application unless he has—

(*a*) twenty-eight clear days before the date upon which the application is to be made deposited with the clerk plans of the buildings erected or proposed to be erected on the premises to which it is proposed to remove the licence ;

(*b*) within seven days of the deposit caused notice of the deposit to be given by two advertisements in such newspapers as a member of the court on application by the intending applicant directs ;

(*c*) posted and kept posted during the whole of the interval between the date of the deposit and the date upon which the application is to be made notice of application in the form prescribed by the rules of court on or near—

(i) the main entrance to the licensed premises ;

and

(ii) the main entrance to the premises to which it is proposed to remove the licence, or if those premises have not been erected or completed upon a notice board placed on a conspicuous part of the land upon which it is intended to erect or complete those premises.

Every such notice shall be so posted so as to be easily legible from the nearest public footpath ;

(*d*) at the time of depositing the plans deliver to the clerk a duplicate of the said notice.

(3) The plans to be delivered under subsection (2) of this section shall comply with all the requirements as to plans contained in section 41 of this Act.

(4) This section shall not render it obligatory on the holder of a licence who puts up on the site of his licensed premises new premises containing accommodation equal to or superior to that contained in the licensed premises to apply for a removal of his licence to those new premises.

Objections to removal of licence.

57. (1) The objections to a removal of which notice may be given are, in addition to the grounds of objection specified in section 48, the following :—

(*a*) That the licensing of the premises to which it is proposed to remove the licence is not required for the accommodation of the public :

(*b*) That the said premises are in the vicinity of a church or other place of public worship, or a hospital, recognized youth centre, or school, and would, if licensed, be the cause of inconvenience or annoyance to persons using or frequenting such church, place of worship, hospital, centre or school :

(*c*) That the quiet of the locality in which the said premises are situated will be disturbed, if a licence is granted for the sale of liquor in those premises :

(*d*) That the lease under which the holder of the licence occupies his premises contains a covenant or prohibition against removing the licence to any other premises without the consent of the lessor, and that such consent has not been obtained.

Procedure on application for removal.

58. (1) Any person who has complied with the provisions of section 56 may apply to the court for the removal of his licence or his certificate under section 55 in accordance with the notice.

(2) The provisions of section 42 *mutatis mutandis* shall apply to the application : Provided that if the premises to which it is proposed to remove the licence have not at the time of the application been erected or completed, and the court decides that the application will be granted when the premises have been erected or completed as mentioned in section 42, the application shall be adjourned to be finally dealt with after the premises have been so erected or completed.

(3) When an application for removal is granted a certificate shall be issued in the form prescribed by the rules of court. Upon the issue of the certificate and payment of the sum of ten dollars therefor—

(*a*) the holder of a licence or of a certificate under section 55 shall be authorized to carry on business thereunder

in the premises to which the licence or certificate is removed instead of in his former house, in the same manner as if the licence had been originally granted in respect of the premises to which the licence or certificate is removed according to the tenor and effect of the licence;

(*b*) the premises in respect of which the licence was originally granted shall thereupon cease to be licensed.

DIVISION VIII. DIVISION VIII.—PROCEDURE ON HEARING OF APPLICATIONS.

Proceedings on consideration of application.

59. (1) The provisions of this Act as to the proceedings upon an application for a licence shall apply as nearly as possible to the proceedings upon an application for the transfer of a licence or the removal of a licence from one house to another.

(2) The proceedings on the consideration of—

(*a*) every application for any licence;

(*b*) every application to remove any licence;

(*c*) any objection to any application,

shall be public and shall be dealt with by the Full Bench of the court.

(3) The court shall—

(*a*) hear, inquire into, and determine—

I. all such applications;

II. all such objections;

(*b*) hear on oath such witnesses as are called.

(4) The court may—

(*a*) grant, subject to this Act, such licences to such persons as are approved by the court;

(*b*) direct the holder of a licence to—

I. supply additional accommodation at his premises;

II. make repairs therein;

(*c*) upon application—

I. approve of alterations or additions to buildings;

II. approve areas being deleted from or added to the licensed premises,

in such manner and within such reasonable time as it deems fit.

Duties of clerk magistrate, and treasurer at meetings.

60. (1) The clerk shall—

(*a*) attend all the sittings of the court;

(*b*) minute the result of the proceedings;

(*c*) prepare a list of applications to be heard at each sitting of the court;

(*d*) lay that list before the court;

(*e*) sign a licence in respect of every application for a licence granted by the court in such form as is prescribed by the rules of court;

(*f*) record the signing of each licence together with the date of the signing on the said list.

(2)—

(*a*) The court shall record the grant of every application and the amount of any fee fixed pursuant to section 38 at the time of the grant by writing opposite to or against the name of the applicant in the said list:

(*b*) The record so made by the court shall be a valid authority to the clerk to sign any licence pursuant to paragraph (*e*) of subsection (1) of this section.

(3) The clerk shall issue and deliver every licence granted by the court but shall first—

(*a*) receive the annual licence fee or, except in the case of a packet licence, the first quarterly instalment of the annual fee payable in respect of the licence;

(*b*) record at the foot of the licence the date of the issue and delivery thereof.

Discretion of court as to all applications.

61. (1) No licence shall be renewed nor shall any application be granted as a matter of course; and upon the hearing of any application for the grant, renewal, transfer, or removal of a licence, whether objection is taken at the hearing or not, the court shall hear, inquire into, and determine the application and all such objections (if any) on the merits, and shall grant or refuse the application with or without conditions upon any ground or for any reason whatsoever which, entirely in the exercise of its discretion, it deems sufficient.

(2) No compensation shall be payable to any person by reason of the refusal of the court to grant any application.

(3) The court shall have general power to waive compliance with any formalities in connection with any application upon such terms as to adjournment, costs, or otherwise, as it thinks fit.

Summons for witnesses.

62. (1) The applicant, or any person objecting to the grant of a licence, or to the renewal, transfer, or removal, of a licence, may obtain, at the office of the clerk, summonses for witnesses.

(2) Every such summons shall be in the form prescribed by the rules of court or to the like effect.

(3) The court may direct that any person, whose evidence it deems desirable to have, be summoned to attend and give evidence including evidence relating to the fixing of the amount of any fees payable on a percentage basis in the matter of any application for the grant, renewal, transfer, or removal of a licence. The clerk shall thereupon issue such summons as mentioned in subsection (1) of this section, and cause the same to be served upon the said person.

(4) Any person summoned under this section who refuses or neglects to attend or to give evidence or to answer any relevant question may be dealt with in the same manner as a court of summary jurisdiction might deal with a person so offending.

(5) The provisions of section 208 shall apply to a person summoned as a witness under this section.

Duty of applicant to give evidence.

63. (1) The applicant for the grant, renewal, transfer, or removal of a licence may be summoned under the next preceding section hereof to attend and give evidence upon the hearing of the application ; and whether summoned or not, such applicant may, if present at the hearing, be called as a witness.

(2) All the provisions of the last preceding section and of the section therein mentioned shall apply to any applicant so summoned and to any applicant present at the hearing.

Power to order costs against unsuccessful applicants or objectors.

64. (1) If the court refuses an application for the grant, renewal, transfer, or removal of a licence it may order payment of a sum to meet the reasonable costs and expenses of the person who has objected successfully to the granting of such application, to be made to the person by the unsuccessful applicant.

(2) If the said court grants any such application to which objection has been made it may in its discretion order the person objecting and failing to support his objection to its satisfaction to pay to the applicant such sum as the court thinks reasonable for the costs incurred by the applicant in supporting such application.

(3) Costs so ordered may be recovered in the same manner as any sum of money ordered to be paid by an order of justices.

(4) No order for costs shall be made where the objection is made by the Superintendent of Licensed Premises, any member of the police force, or any inspector.

DIVISION IX.—SPECIAL AUTHORITIES TO SELL LIQUOR.

Five days' certificate.

65. (1) Any person—

(*a*) who holds a full publican's licence;

and

(*b*) has obtained the consent and approval of the stewards, committee of management, or other persons having the conduct, control or management of any fair, military encampment, agricultural exhibition, races, regatta, rowing match, cricket ground, or other place of public or private amusement or any other organized gathering approved by the court;

may apply to the court for a certificate of approval authorizing him to sell for such period as the court approves liquor in any booth or building at the said fair, military encampment, agricultural exhibition, races, regatta, rowing match, cricket ground, or other place of public or private amusement or other arranged gathering.

(2) If the court is satisfied that the consents and approval have been obtained as mentioned in subsection (1) of this section it may signify its approval in writing by a certificate in the form prescribed by the rules of court.

(3) Upon the issue of the certificate and payment of a fee of two dollars for the first day and one dollar for every subsequent day for which the certificate is granted, it shall be lawful for the licensed person therein mentioned to sell liquor accordingly in the said booth or building and for the number of days specified in the certificate.

(4) Nothing in this section shall authorize any person—

(*a*) to sell or supply liquor to any person to whom it is by this Act made unlawful to sell or supply liquor;

(*b*) to admit any such person to the said booth or building, or allow him to remain therein ;

or

(*c*) to sell or supply any liquor during any day or time other than a day or time approved by the court.

(5) Nothing in this section shall apply to the occasion of any cadets' military encampment, or any races, regatta, rowing or other match, or sports held in connection with any college or school, or any association of which the members are or may be of less than twenty-one years of age.

Permits.

66. (1) Where an entertainment is to be held on licensed premises, the licensee, may apply to the court for a special permit for the sale and supply and consumption of liquor at that entertainment during hours, or in circumstances, in which the supply or consumption of the liquor would otherwise be unlawful.

(2) Where an entertainment is to be held on unlicensed premises, the person proposing to hold the entertainment may apply to the court for a special permit for the consumption of liquor at that entertainment during hours, or in circumstances, in which the consumption of the liquor would otherwise be unlawful.

(3) An applicant for a special permit shall, at least fourteen clear days before the day on which the entertainment is to be held, deliver or send by post to the clerk and to the Commissioner of Police notice in writing of his intention to apply for a special permit, which notice shall contain particulars of the entertainment in respect of which the application is made including the name and objects of the organization (if any) on behalf of which the application is made.

(4) Where the applicant is not the person in possession or control of the premises in which it is proposed to hold the entertainment the notice to the clerk shall be accompanied by evidence of consent by that person to the use of those premises for the purpose of holding the entertainment.

(5) On receipt of a notice under subsection (3) of this section, the Commissioner of Police may make a written report to the clerk on the following matters :—

(*a*) the place in which the entertainment is to be held ;

(*b*) the manner in which the applicant proposes to control the supply or consumption of liquor at the entertainment ;

(*c*) the standing of the applicant, and of the organization (if any) on behalf of which the application is made ;

(*d*) the manner in which the applicant, and the organization (if any) on behalf of which the application is made, conducted any entertainment for which a special permit was granted on any prior occasion ;

and

(*e*) whether he does or does not object to the application,

and the clerk shall, before the hearing of the application, refer any such report to the court.

(6) The court shall hear and determine an application duly made under this section, and may, in its discretion, grant a special permit subject to any special conditions which it thinks necessary or desirable, or may refuse the application.

(7) The court may, if it considers that the circumstances justify it in so doing, hear and determine an application although the notices referred to in subsection (3) of this section have been delivered or sent less than fourteen clear days before the day on which the entertainment is to be held.

(8) A special permit shall specify—

(*a*) the persons or class of persons to whom the permit applies ;

(*b*) the hours during which liquor may be consumed ;

(*c*) the rooms or places where liquor may be consumed;

and

(*d*) any special conditions subject to which the special permit has been granted.

(9) A special permit shall, according to its tenor but subject to this section and the conditions (if any) specified in the permit, authorize—

(*a*) the sale and supply of liquor to the persons, or to persons included in the class of persons, during the period and in rooms or places specified in the permit ;

or

(*b*) the consumption of liquor so supplied by those persons in the rooms and places so specified during the period so specified and a period of thirty minutes immediately following that period,

or both such sale and supply and consumption as the case requires.

(10) The holder of a special permit in respect of unlicensed premises shall not, during the hours and in the rooms or places specified in the permit, supply or permit any person to supply liquor to a person under the age of twenty-one years.

(11) A person under the age of twenty-one years shall not consume liquor during the hours and in the rooms or places specified in a special permit.

(12) The holder of a special permit shall comply with and observe every condition subject to which the permit has been granted.

(13) Where a special permit has been granted, a person, other than the holder of the special permit or his servant or agent, shall not carry liquor into or away from the rooms or places specified in the permit during the hours specified in the permit : Provided that the court may in any case where it is satisfied that by reason of the nature of the entertainment or the age of the persons likely to attend or for any other reason that it is proper so to do, specify in the permit that liquor shall not be sold or supplied at that entertainment but may be carried into the rooms or places specified and there consumed by the persons or class of persons to whom the permit applies.

(14) Subject to subsection (16) of this section, a person shall not consume liquor in unlicensed premises.

(15) Subject to subsection (16) of this section, a person shall not permit or suffer liquor to be consumed in unlicensed premises under his control.

(16) It shall be a defence to a prosecution under either subsection (14) or subsection (15) of this section if the person charged proves that the liquor was consumed—

(*a*) by the occupier of the unlicensed premises, or a member of the family of the occupier dwelling on the premises or a servant of the occupier dwelling on the premises ;

or

(*b*) by a person, or a person included in a class of persons, to whom a special permit applies, in a room or place specified in the permit, and during the period specified in the permit and a period of thirty minutes immediately following that period.

(17) An Inspector or member of the police force may at any time demand admittance into unlicensed premises or premises of which unlicensed premises form a part, and, if admittance is refused or delayed, the Inspector or member of the police force may break into the premises by force.

(18) A person shall not refuse or delay the admittance of an Inspector or member of the police force into unlicensed premises or premises of which unlicensed premises form a part.

(19) A fee of three dollars shall be payable upon the issue of a special permit: Provided that no fee shall be payable for a special permit in respect of an entertainment to be given or held for any charitable purpose within the meaning of the Collections for Charitable Purposes Act, 1938-1947, by a person, society, body or association holding a licence under that Act.

(20) In this section, unless the contrary intention appears—

"entertainment" means—

(*a*) a social gathering;

(*b*) a dinner or banquet;

(*c*) a concert;

(*d*) a dance;

or

(*e*) a function of a like character,

at which not less than twelve adult persons or a lesser number approved by the court are likely to be present, and whether or not a charge is made for admission or attendance, but does not include any function which is to be held on Good Friday, Christmas Day, or any other prescribed day or part of a day:

"supply" when used as a noun includes sale and when used as a verb includes sell:

"unlicensed premises" means premises (other than premises for which a licence is in force) of any of the following descriptions:—

(*a*) a cafe, restaurant, oyster saloon, eating house or other premises where meals or refreshments are ordinarily sold or disposed of to the public for consumption on the premises;

(*b*) premises which the occupier of premises referred to in the last preceding paragraph uses or is permitted to use for the purposes of, or in connection with, his business;

or

(*c*) a public hall or other place intended for, or ordinarily used as, a meeting place for the public;

Permit for supply of liquor for consumption at club.

67. (1) Any club that was in existence at the date of the commencement of this Act, whether licensed under this Act or not, may, upon application to the court accompanied by the fee prescribed by the rules of court being not less than five dollars and not more than fifty dollars, be granted a permit for the keeping sale and supply of liquor for consumption only by the members of the club or by visitors under and in accordance with subsection (3) of this section on such portion of the club premises as is specified by the court on such days (including Sundays) and during such periods as the court deems proper.

(2) A permit shall not be granted under subsection (1) of this section unless, in the opinion of the court—

(*a*) there are adequate restrictions upon admission to membership of the club;

and

(*b*) there is adequate reason for the grant of the permit.

(3) A permit under this section shall be granted upon condition that liquor shall not be supplied to a visitor except in the presence and at the expense of a member and that a member shall not introduce more than one visitor to the club on any one day during the period within which liquor may be supplied under the permit.

(4) It shall be a condition of a permit granted under subsection (1) of this section, except a permit granted to a club licensed under this Act, that the liquor kept, sold or supplied in pursuance of the permit, shall be purchased—

(*a*) from the holder of a full publican's licence or a retail storekeeper's licence licensed in respect of premises in the vicinity of the club premises;

or

(*b*) from the holder of a full publican's licence or a retail storekeeper's licence, if the club has purchased supplies of liquor from that person prior to the first day of August, 1967;

or

(*c*) if it is impracticable for the provisions of paragraph (*a*) or (*b*) of this subsection to be complied with or if the limitation of the permit pursuant to paragraphs (*a*) and (*b*) of this subsection would prevent a reasonable choice of licensee from whom to make purchases from the holder of a licence under this Act nominated by the court;

or

(*d*) in the case of a club that is a sub-branch of the Returned Sailors' Soldiers' and Airmen's Imperial League of

Australia (South Australian Branch) Club, from that Club, if the court is satisfied that the sub-branch has, prior to the first day of August, 1967, obtained the liquor purchased by it for its purposes or a substantial part thereof from that Club.

(5) In the case of a permit under this section that authorizes the sale and supply of liquor on a Sunday the club shall not advertise in the press, by handbills or by radio or television, that it has a permit authorizing it to sell or supply liquor on a Sunday or that entertainment is provided on the premises of the club on a Sunday.

(6) The provisions of subsections (3), (5), (6), (7), (8), (9), (10), (11), (12), (13), (17) and (18) of section 66 shall, *mutatis mutandis*, apply to permits under this section.

Packet certificates.

68. (1) The court may, by a certificate in duplicate in the form prescribed by the rules of court and upon payment of a fee of two dollars, give permission to the master or commander of any steamer or other vessel in respect of which a packet licence has not been granted or is not subsisting to sell liquor on such steamer or vessel on the occasion of any excursion or trip for a period not exceeding one day.

(2) The person to whom any such certificate is granted may sell liquor on the said steamer or vessel during the period mentioned in the certificate.

(3) Nothing in this section shall authorize any person—

(*a*) to sell liquor to any person to whom it is by this Act made unlawful to sell or supply liquor;

(*b*) to admit any such person to any bar on the said steamer or other vessel, or to allow him to remain therein;

or

(*c*) to supply or sell liquor except between the hours of nine o'clock in the morning and ten o'clock in the evening on a day other than a Sunday or Good Friday.

Gazettal of certificates.

69. Notice of the grant of any certificate under the next preceding section, giving the name of the person to whom, and the name of the steamer or vessel in respect of which, the same has been granted, shall be published by the clerk in the *Gazette* as soon as practicable after he receives notice of the grant thereof.

Provision for carrying on business during the absence of licensed person.

70. (1) Any holder of a licence who intends to leave the licensed premises for a time may obtain permission for a person to act for him during his absence in the following manner :—

(*a*) He shall give notice of his intention to the clerk stating the time he intends to be absent and the name and description of the person he wishes to be appointed to act for him :

(*b*) He shall, on receiving notice from the said clerk, attend before the court with the person he wishes to be appointed unless the court in its discretion exempts him and the said person from so attending.

(2) If the court in its discretion deems the said person to be a desirable person to act and if that person has not been previously refused a licence on personal grounds the court may grant a certificate in the prescribed form, permitting the said person to act for the holder of the licence during his absence for such time not exceeding twelve months as the court in its discretion allows.

(3) Any person so permitted to act shall be liable to the same liabilities and penalties as if he were the holder of a licence under this Act and as if the licence of the person who appointed him to act were his licence.

Certificates to sell liquor on goldfields.

71. (1) If the court approves of any person holding a full publican's licence selling liquor or any person holding a wine licence selling mead, wine, cider and perry, on any goldfield, in any erection or building to be approved by the court, the court may, upon being satisfied that such licensed person has first obtained the consent of the officer in charge of such goldfield, grant one or more certificate or certificates, in the prescribed form, to sell liquor, or mead, wine, cider, and perry, as the case may be, in a stated place on such goldfield for the residue of the term of the applicant's licence, subject to a fee of ten dollars for a full publican's licence, and two dollars for a wine licence, being paid into the hands of the officer in charge of such goldfield before any such sale is made. Such officer shall pay all fees so received to the clerk.

Renewal of such certificates.

(2) Any such certificate may on like payment be renewed from time to time for a further term not exceeding six months by the court, so long as the person holding the certificate holds a licence under this Act : Provided that any person holding such a certificate for premises situate within one mile from the nearest boundary of any town or township which is proclaimed, or from any hotel for which a licence is obtained, shall, after thirty days' notice by the clerk, and although the period for which such certificate was granted has not expired, cease to be entitled to sell any liquor under the certificate.

(3) No certificate shall be granted to any person in respect of premises situate on Crown lands unless such person has lawful authority to occupy those Crown lands.

Permits for auctioneers.

72. (1) The Court may grant a permit to a licensed auctioneer authorizing him, in the *bona fide* exercise of his business, to sell or offer for sale by auction, any liquor—

(*a*) on account of another person authorized to sell such liquor where such sale or offering for sale takes place on the premises in respect of which such authority is held ;

or

(*b*) on account of the estate of a deceased or bankrupt person ;

or

(*c*) on account of another person where such liquor is sold or offered for sale in conjunction with other effects of such person and such other effects are substantially greater in value than the value of such liquor.

(2) A permit granted under this section shall authorize the person to whom it is granted to sell or offer for sale by auction any liquor in accordance with the terms thereof.

Breach of permit or certificate.

73. (1) If the holder of a permit or certificate under this Division contravenes or fails to comply with any term or condition of the permit or certificate or any provision of this Act, he shall be guilty of an offence.

(2) If the holder of a permit or certificate is convicted of an offence under subsection (1) of this section, the court may, upon the application of the Superintendent of Licensed Premises, cancel the permit or certificate.

DIVISION X.—FORFEITURE OF LICENCES.

DIVISION X.

Forfeiture of licences.

74. If any person holding a licence is—

(*a*) convicted of any indictable offence ;

or

(*b*) permits any person whomsoever, other than a member of his family, to manage, superintend or conduct the business of his licensed premises during his absence for a longer period than one month, without the previous consent of the court ;

or

(*c*) whether residing in the premises or not, permits any unlicensed person to become virtually or in effect the keeper thereof ;

or

(*d*) suffers his licensed premises or any part thereof to become ruinous or dilapidated or unsuitable in any particular ;

or

(e) neglects or fails to comply with any direction of the court as to additional accommodation,

then, upon complaint by any person and on proof of the facts to the satisfaction of the court, the court may, by an order under the hand of the clerk, declare the said licence to be forfeited, and the said licence shall thereupon cease to be of any force or effect: Provided that if the licensed premises have become ruinous dilapidated or unsuitable in any particular by reason of fire, tempest, or other cause beyond the control of the holder of the licence, then the licence shall not be declared forfeited until a reasonable time has elapsed for the holder to repair or reinstate the licensed premises.

Forfeiture of licence for convictions.

75. (1) If any person holding a licence is within a period of two years convicted two several times of offences for which his licence is liable to be forfeited as provided in this Act, the court may declare the licence to be forfeited.

(2) If any person holding a licence is within a period of three years convicted three several times of such offences as aforesaid, the court shall declare the licence to be forfeited: Provided that this section shall not apply in the case of a licence held by a company if the court so decides.

(3) The declaration of forfeiture may be made upon complaint by any person and proof of the convictions, by an order under the hand of the clerk.

(4) No such declaration or forfeiture shall be made by the court except upon a complaint lodged with the clerk within four months after the second or third conviction, as the case may be, nor unless seven days' notice of the time and place of the hearing of the complaint has been given by the clerk to the holder of the licence.

(5) An order for forfeiture under this section may be made but shall not be enforced while the hearing of any appeal against the second or third conviction, as the case may be, is pending, but if that conviction is upheld on appeal the order shall take effect from the time when the appeal is disposed of.

(6) If the convicting court considers that the offence is of a trifling nature, this section shall not apply in respect of that offence.

(7) The offences mentioned in sections 123, 124, 125, 126, 129, 130, 131, 133, 134, 140, 141, 142, 143, 144, 146, 153, 155, 157, 158, 159, 172, 175, 176, 180, 182 and 184 of this Act, and in the section or subsection of any repealed Act respectively corresponding to these sections are hereby declared to be offences for which a licence may be forfeited as provided in this section.

Forfeiture of licence for unsatisfactory management of premises.

76. (1) The Superintendent of Licensed Premises or any inspector may apply to the court to forfeit any licence on the ground that the management of the licensed premises has not been satisfactory.

(2) The court may hear and inquire into the application at any hearing: Provided that notice in writing, stating the particulars in which it is alleged that the management of the premises has not been satisfactory, and signed by the applicant, has been delivered to the clerk and to the licensee, at least fourteen clear days before the day fixed for the hearing.

(3) If the court is satisfied that the management of the premises has not been satisfactory, and is of opinion that the licence should be forfeited, the court shall, by an order signed by the clerk, declare the licence to be forfeited, and the licence shall thereupon cease to be of any force or effect.

Effect of convictions prior to transfer of licence to spouse.

77. If, after any holder of a licence has been convicted of any offence for which his or her licence is liable to be forfeited as in this Act provided, he or she procures the transfer of the licence to his or her wife or husband (as the case may be), and after the transfer the wife or husband is convicted of any offence or offences, the licence of the transferee shall be under the same liability to forfeiture as if the transferee had been the holder of the licence at the time the transferor was convicted of the offence, and had been convicted in the place of the transferor.

Forfeiture not a waiver of penalty.

78. Nothing in this Act shall prevent the infliction of any pecuniary penalty nor any term of imprisonment to which any person whose licence is forfeited would be liable nor shall in any way limit the power of the court to refuse any licence to such person.

Forfeiture for not depositing fresh plan of premises.

79. (1) Upon granting the renewal of any licence other than a packet licence the court may impose the condition that the licensee shall deposit new plans of his licensed premises with the clerk: Provided that no such condition may be imposed within five years of the first grant of such a licence in respect of the premises, nor within five years of the last deposit of plans thereof as mentioned in this section.

(2) If such a condition is imposed unless the court, on the application of the applicant for renewal approves of altered plans of the premises, the licence shall, at the expiration of six months after the said renewal, or such further time as the court allows, become forfeited and void unless in the meantime the licensee has deposited with the clerk such plans of his licensed premises as would be necessary if he were applying for a licence pursuant to section 41 of this Act in respect thereof, as premises which had not been previously licensed.

Power of landlord or mortgagee when licence forfeited.

80. (1) If the person who holds a licence which is forfeited under this Act is a tenant or a mortgagor of the premises in respect of which the licence is forfeited, a member of the court may, on an *ex parte* application by the owner or superior landlord, or other person entitled to the reversion of the said premises, or the mortgagee, and on proof by affidavit or otherwise of the forfeiture, make an order authorizing the owner or superior landlord, or other person entitled to the reversion of the said premises, or the mortgagee, or the agent of either of those persons, to enter and take possession of the said premises.

(2) Thereupon the person mentioned in the order may enter upon the said premises, and continue and carry on the business thereof until the sitting of the court held next after the expiration of twenty-eight days from the time of such entry, within which time an application may be made by that person in possession for a new licence; and the proceedings to obtain a licence shall be the same as in ordinary cases for obtaining a licence for previously licensed premises.

(3) The person authorized by the said order to enter and take possession shall until the said application is heard be deemed to be a licensed person, and the order shall be deemed to be his licence, and he shall be liable to the same liabilities and penalties as if he were the holder of a licence.

Costs on forfeiture.

81. The court may, if it thinks fit, order any person whose licence is forfeited to pay costs to the person on whose complaint such forfeiture is ordered; or in case any such complaint is dismissed, may order the person (other than a member of the police force or an inspector) laying such complaint to pay costs to the holder of the licence.

DIVISION XI.

DIVISION XI.—GENERAL.

Power of company to hold licence.

82. (1) A company incorporated under the laws of the State, and with the sole object of carrying on the business of a licensed victualler, may hold a full publican's licence in respect of one hotel only, and any company incorporated under the said laws may hold any licence other than a full publican's licence.

(2) Upon applying for any such licence the company shall submit to the court the name of a person as its manager of the licensed premises, and for the purpose of objections that person and every director of the company shall be deemed to be applicants. The licence shall state the manager's name, and the approval in writing of the court shall be necessary before any change of manager will be recognized for the purposes of this Act.

(3) For the purposes of this Act the manager of the licensed premises and during any period when there is no manager every director of the company shall, on default by the company in compliance with any of the provisions of this Act be deemed to be the person licensed in respect of the premises or the holder of the licence thereof and the premises shall be deemed to be his licensed premises or the premises in respect of which the company is licensed or holds a licence.

(4) In addition to the manager and the directors the company shall be liable to pay the amount of any fines or penalties incurred or inflicted in consequence of any offence upon the licensed premises against this Act, and the same may be enforced by distress in manner provided by the Justices Act, 1921-1965.

(5) Any licence granted or issued to any person prior to the fifteenth day of November, nineteen hundred and thirty-two, shall be deemed to be a valid licence if the only ground of objection to such licence is or was that it was issued or granted to or held by or on behalf of a company incorporated under the laws of the State.

(6) Any licence other than a publican's licence granted or issued prior to the fifteenth day of November, 1932, to a company incorporated in the United Kingdom or Australia and registered in the State as a foreign company pursuant to Division III of Part XI of the Companies Act, 1962-1965, shall be deemed to be and to have been a valid licence if the only ground of objection to such licence is or was that it was issued or granted to a company not incorporated under the laws of the State and any such company may hold any such licence notwithstanding that it is not incorporated under the laws of the State.

Disqualification of minors.

83. No licence or permit of any class shall be granted to any person who is under the age of twenty-one years.

Publication of applications and forfeitures.

84. (1) The clerk—

(*a*) shall cause a report to be inserted in the first, second, or third number of the *Gazette* published next after the last days of March, June, September and December in each year showing—

I. the dates of the sittings of the court ;

II. the names of all applicants ;

III. the nature of the applications ;

IV. the names and situations of the premises in respect of which the applications were made;

v. the manner in which the applications were disposed of, including (if the court so directs), in case of a refusal, any objection or objections on account of which the refusal was made ;

and

(*b*) shall cause particulars of every forfeiture of a licence and of the issue of every certificate or other authority under this Act to sell or supply liquor, or carry on the business of any licensed premises so situated of which he receives notice or has knowledge to be inserted in the first, second, or third number of the *Gazette* published next after he receives notice or acquires knowledge of such events.

(2) The clerk shall file duplicates of the reports referred to in subsection (1) (*a*) of this section as a record which shall be open for inspection by any person at the office of the clerk without payment of any fee.

Duty of clerk as to plan.

85. The clerk, as soon as practicable after the deposit with him of any plans, shall forward those plans to the Superintendent of Licensed Premises. The said Superintendent shall keep the said plans in his custody, but shall produce them for the use of the court whenever necessary.

Provision for issuing duplicate of lost licence.

86. (1) Whenever any licence is lost or destroyed, the licensee or the holder of a certificate authorizing such holder to carry on business in any licensed premises, may apply to the court for a duplicate thereof.

(2) If the court is satisfied of the loss or destruction of the licence, and that the same has not been forfeited or transferred or wilfully destroyed, it may grant the issue of a duplicate licence ; and the clerk shall, upon payment of a fee of ten dollars deliver the duplicate licence to the licensee or holder of a certificate.

DIVISION XII. DIVISION XII.—SPECIAL PROVISIONS APPLICABLE TO CLUBS.

Licensing of clubs.

87. (1) Except in pursuance of a permit granted under section 67 of this Act, no liquor shall be sold or supplied by or on behalf of a club in the club premises or kept in or upon those premises unless the club has been duly licensed under this Act.

(2) A club licence shall not authorize the sale or supply of liquor otherwise than to a member of the club or to a visitor in the presence and at the expense of a member of the club.

(3) Except as provided by subsection (7) of this section, liquor shall not be sold or supplied by or on behalf of any club that was not registered under the repealed Acts immediately before the commencement of this Act for consumption otherwise than in the licensed portion of the club premises nor shall it be carried away from that portion of the premises of any such club.

(4) Liquor shall not be supplied or delivered to any person in pursuance of a club licence otherwise than upon the club premises.

(5) Subsections (2), (3) and (4) of this section shall not apply to or in relation to the sale or supply of liquor—

(*a*) to a club under paragraph (*b*) of subsection (4) of section 67 of this Act by the holder of a club licence ;

or

(*b*) to a sub-branch of the Returned Sailors' Soldiers' and Airmen's Imperial League of Australia (South Australian Branch) Club by that Club under subsection (4) of section 27 or paragraph (*c*) of subsection (4) of section 67 of this Act,

and for the purposes of paragraph (*e*) of subsection (1) of section 88 of this Act, any such sale or supply of liquor shall be deemed not to have been made to a member of the public.

(6) Every person who sells or supplies or keeps liquor, and every member of the committee of management of a club who permits the sale or supply or keeping of liquor, in contravention of this section, shall be guilty of an offence. The averment in an information or complaint that a member of the committee of management of a club permitted the sale or supply or keeping of liquor in contravention of this section shall be *prima facie* evidence of the fact so averred.

(7) The holder of a club licence in respect of a club which was not registered at the time of the commencement of this Act may apply to the court to be authorized to sell liquor to members of the club to be consumed otherwise than upon the licensed portion of the club premises, and the court, if it is satisfied that the members of the club are unable, without great inconvenience, to procure supplies of liquor from a source other than the club, may authorize the licensee accordingly.

88. (1) No club shall be or continue to be licensed under this Part of this Act unless all the following conditions exist with respect to it :— **Conditions of licence.**

(*a*) The club must be a *bona fide* association, body, or company of such number of persons as the court considers appropriate. The court may, in granting or renewing a club licence, impose a condition as to the minimum or maximum number of members of the club :

(*b*) The club must be a body, association, or company associated together for social, literary, political, sporting, athletic, or other lawful purpose :

(*c*) The club must be established upon premises of which the said association, body, or company is the *bona fide* occupier :

(*d*) The accommodation must be provided and maintained from the joint funds of the club, and no person may be entitled under its rules or articles to derive any profit, benefit, or advantage from the club which is not shared equally by such of the members thereof and pursuant to such rules as the court may approve :

(*e*) The premises upon which the club is established and the accommodation must be suitable for the purposes of the club and the activities of the club on club premises and elsewhere must be consistent with the declared objects of the club. Without limiting the generality of the foregoing no club shall be licensed or continue to be licensed where its activities include any form of trading in the sale or supply of liquor with the public whether on or off the premises of the club :

(*f*) No payment or part payment of any secretary, manager, or other officer or servant of the club shall be made by way of commission or allowance from or upon the receipts of the club for liquor supplied :

(*g*) A register of members of the club for the time being shall be kept on the club premises as hereinafter required :

(*h*) The business and affairs of the club must be under the management of a committee elected for not less than twelve months by the general body of members upon such conditions as to the voting rights of members or classes of members as the court thinks fit :

(*i*) The books of account, minute books, and other records of the club and of all committees thereof, the register of members, and all other books relating to the transactions, business, rules, and management of the club, shall be written in the English language.

Rules of club.

89. (1) No club shall be eligible to be licensed or its licence renewed unless its rules provide that—

(*a*) The committee shall hold meetings at least once a quarter, and minutes of all resolutions and proceedings of the committee shall be entered in a book to be kept for that purpose :

(*b*) The names and addresses of persons proposed as ordinary members of the club shall be displayed in a conspicuous place in the club premises for at least a week before their election, and an interval of at least two weeks shall elapse between nomination and election of ordinary members:

(*c*) All members shall be elected by the general body of members or by a general or election committee, and a record shall be kept by the secretary of the club of the number of the members voting:

(*d*) There shall be a defined subscription payable by members monthly, quarterly, half-yearly, or annually, in advance: Provided that the court may in any case require a minimum subscription to be defined:

(*e*) Correct accounts and books shall be kept showing the financial affairs of the club and the particulars usually shown in the books of account of a like nature:

(*f*) A visitor shall not be supplied with liquor in the club premises unless in the company and at the expense of a member who has entered the name of the visitor in a book kept for the purpose and signed his name opposite the name of the visitor. No member shall introduce or entertain more than five visitors on any one day:

(*g*) No person shall be allowed to become an honorary or temporary member of the club, or be relieved of the payment of the regular subscription, except those possessing certain qualifications defined in the rules and subject to conditions and regulations described therein:

(*h*) No person under twenty-one years of age shall be admitted to full membership of the club except when a club is primarily devoted to some athletic purpose in which case there shall be no limitation in the age of a member. No liquor shall be sold or supplied to any person under twenty-one years of age:

and

(*i*) No person under eighteen years of age, except boys who are being trained as waiters or messengers and are not allowed to serve behind the bar, shall be employed in the premises of such club.

(2) The Governor may, by proclamation, declare that any club named therein which is mainly devoted to some athletic purpose, and the management of which is vested in trustees, shall be exempted from compliance with paragraphs (*b*) and (*c*) of this section, and with paragraphs (*c*) and (*h*) of section 88, and such trustees shall, for the purposes of this Division, be deemed the elected committee of the club.

Manner of application for licence.

90. An application for a club licence or the renewal or removal of a club licence shall be made by the secretary, steward, or manager of the club.

Notice of application to inspector.

91. When application is made for the grant of any such licence the clerk shall file the same and forthwith cause notice of the application and the particulars thereof to be forwarded to the Superintendent of Licensed Premises.

Inspection of club premises.

92. The Superintendent of Licensed Premises, on receipt of any such notice, may inspect the premises of the club and the register of its members, and satisfy himself by proper inquiries that the premises are in a satisfactory condition, and that the provisions of this Division are being duly observed.

Personal attendance of applicant.

93. (1) Every applicant for a licence for a club not previously licensed shall—

(*a*) attend the court on the hearing of his application ;

and

(*b*) if required by the court verify upon oath the averments contained in the application.

(2) No applicant for a renewal of a club licence who has given notice as required by this Act shall be required to attend the court for the purpose of obtaining a renewal of the licence unless notice of objection to the application, stating the grounds, has been duly served as required by section 96.

Proceedings on consideration of application.

94. (1) The proceedings on the consideration of any application or any objection to an application for a club licence and also of every application for or objection to the renewal of such a licence or to change the premises, shall be public.

(2) The court—

(*a*) shall hear, inquire into, and determine on the merits, all such applications, and also all objections which are made to any such applications ;

(*b*) shall hear on oath such witnesses as are called;

(*c*) shall grant or refuse the application entirely in the exercise of its discretion;

(*d*) may direct that such additional accommodation shall be supplied in or repairs made to such club premises and in such manner and within such reasonable time as it deems fit.

(3) No compensation shall be payable to any person by reason of the refusal of the court to grant any application.

Objections to grant or renewal of licence.

95. (1) At the hearing of an application for the grant or renewal of a licence objections may, subject to section 96, be taken upon one or more of the following grounds in addition to the grounds specified in section 48:—

(*a*) That the application made by the club or the rules of the club or any of them are in any respect specified in such objection not in conformity with this Act:

(*b*) That the club has ceased to exist or that the number of members is less than the number fixed by the court:

(*c*) That the club is not conducted in good faith as a club, or that it is kept or habitually used for any unlawful purpose or mainly for the supply of liquor:

(*d*) That there is frequent drunkenness in the club premises, or that persons in a state of intoxication are frequently seen to leave the club premises, or that the club is conducted in a disorderly manner:

(*e*) That illegal sales of liquor have taken place in the club premises:

(*f*) That persons who are not members are habitually admitted to the club premises, merely for the purpose of obtaining liquor:

(*g*) That a licence of any class or a certificate of registration under any Act hereby repealed, in respect of the premises occupied or proposed to be occupied by the club, has been forfeited or cancelled, or the renewal thereof has been refused within twelve months next preceding the formation of the club, or next preceding the application:

(*h*) That the supply of liquor to the club is not under the control of members of the committee appointed by the members:

(*i*) That any of the rules of the club are habitually broken :

(*j*) That the rules have been so changed as not to be in conformity with the provisions required by this Act to be embodied in the rules :

(*k*) That persons are habitually admitted as members without an interval of at least two weeks between nomination and election :

(*l*) That any other specified provision of this Division has not been complied with.

(2) For the purpose of determining whether a club is conducted in good faith as a club, the court shall, amongst other things, have regard to the nature of the premises occupied by the club.

Persons entitled to object and notice of objection

96. (1) An objection to the grant or renewal of a club licence may be taken by any person or number of persons.

(2) No objector other than the Superintendent of Licensed Premises shall be heard against any application unless notice in writing of the objection has been given to the clerk and to the applicant fourteen clear days before the time fixed for the hearing of the application to which the notice applies.

Powers of court to grant licence.

97. (1) Upon proof being made to the satisfaction of the court of the matters mentioned in sections 88 and 89 of this Act, the court may grant to the applicant a licence for the club.

(2) The clerk shall forthwith sign a licence in the form prescribed by the rules of court.

(3) The licence shall state the name of the person who is then the secretary, steward, or manager of the club ; and until receipt by the clerk of a notice in writing of change of secretary, steward, or manager, as provided by section 98, the certificate shall be *prima facie* evidence that that person is the secretary, steward, or manager of the club.

Duty to notify change of steward or manager and alteration of rules.

98. (1) The committee of management of a licensed club shall—

(*a*) within fourteen days after any change in the secretaryship, stewardship, or managership thereof forward notice in writing of the change to the clerk, and that notice shall be *prima facie* evidence of the appointment of the person named therein as the secretary, steward, or manager of such club ;

(*b*) within fourteen days from the making of any amendment or alteration in the rules of such club forward to the said clerk a certified copy of every such amendment or alteration.

(2) Every member of any committee which fails to comply with this section shall be guilty of an offence.

Cancellation of licence.

99. (1) Upon the complaint of the Superintendent of Licensed Premises, an inspector or an inspector of police, the secretary, steward, or manager, or other person conducting or managing a club, may be called upon to show cause before the court why the licence of the club should not be cancelled.

(2) Upon the hearing of the complaint, if it is proved that—

(*a*) the conditions of sections 88 and 89 or any of those conditions have not substantially been fulfilled with respect to the club ;

or

(*b*) that any one or more of the grounds set forth in section 95 exists with respect to the club or the premises thereof ;

or

(*c*) that three or more convictions for offences for which a licence under this Act is liable to be forfeited as provided by section 75, or against this Divisions have been made in respect of any acts or omission, in connection with the club,

the court shall cancel the licence ; or if two such convictions have been made the court may cancel the licence.

Duty to produce licence upon hearing.

100. (1) Every secretary, steward, manager, or other person conducting or managing a club shall, on the hearing of any charge against himself or against any member of the committee of management of the club for any offence against this Act, produce the licence of the club to the special magistrate or justices hearing such charge.

(2) If the secretary, steward, manager, or other person conducting or managing the club, or any member of such committee is convicted of any offence, the special magistrate or justices shall endorse a memorandum of the conviction on the licence.

(3) If the secretary, steward, or manager of or other person conducting or managing the club refuses or neglects to produce the licence upon the hearing of the charge, he shall be guilty of an offence.

Duty to produce licence, register and rules of club on demand.

101. The steward, secretary, manager, or other person for the time being conducting or managing any club who refuses or neglects to produce to any inspector or any inspector of police, when demanded, the licence for the club, or the register of existing members, or a certified copy of the rules of the club shall be guilty of an offence.

Punishment for false statement in notice or declaration.

102. Any secretary, steward, or manager of a club, or any person purporting to be secretary, steward, or manager of a club, who makes any untrue statement in any notice or declaration under the provisions of this Division, knowing the same to be untrue, shall be guilty of an offence and liable to be imprisoned for any term not exceeding twelve months, with or without hard labour.

Application of other provisions of Act.

103. For the purposes of the provisions of this Act, other than this Division—

(*a*) the secretary, steward, or manager named in a club licence or in such notice as mentioned in section 96 shall be deemed to be the person licensed in respect of the premises of the club or the holder of the licence thereof;

and

(*b*) the premises of a licensed club shall be deemed to be the licensed premises of the secretary, steward, or manager, or the premises in respect of which he is licensed or holds a licence.

Effect of non-renewal of Returned Soldiers League's registration as club.

104. If at any time after the passing of this Act the renewal of the certificate of registration or licence as a club granted to the secretary or manager of the Returned Sailors and Soldiers Imperial League of Australia (South Australian Branch) Incorporated in respect of the premises formerly known as the Prince of Wales Hotel, situated in Angas Street, Adelaide, is not applied for or is refused by the court the court may, upon application made pursuant to this Act, grant a full publican's licence in respect of the said premises to a person appointed for the purpose of holding such a licence by the trustees appointed by or pursuant to a certain indenture made on the 27th day of July, 1922, between Arthur Seaforth Blackburn and others of the first part, Sir Henry Newman Barwell, K.C.M.G., of the second part, the said association of the third part, and the said Arthur Seaforth Blackburn and others of the fourth part, and filed in Action No. 648 of 1921 in the Supreme Court of South Australia.

DIVISION XIII.

DIVISION XIII.—LICENCES AT RENMARK.

Licences for premises at Renmark.

105. (1) No licence shall be granted in respect of any previously unlicensed premises situated in that portion of the State which is comprised and described in "The Chaffey Brothers Irrigation Works Act, 1887", and in the schedule thereto, unless—

(*a*) the Governor has consented to the grant of such licence ;

and

(*b*) a petition has been presented to the court signed by not less than a majority of the electors resident within the said portion of the State, praying that the licence be granted ; and

I. setting forth the purposes to which any profits of the business to be carried on under the said licence are intended to be applied ;

II. nominating the first members of the committee in this section after mentioned ;

and

III. stating the mode of appointing subsequent members of the said committee.

(2) In this section the word "licence" means a full publican's licence or a limited publican's licence.

(3) Upon the presentation of such a petition, and upon being satisfied that the Governor has consented as aforesaid, the court may in its discretion grant the licence upon the following conditions, but not otherwise, namely :—

(*a*) That arrangements be made for the said business being vested in and managed by a committee in trust to carry on the said business, and to apply the profits thereof for the purposes set out in the petition ;

(*b*) That the said purposes be approved by the Treasurer.

(4) Upon the said arrangements being made to the satisfaction of the Treasurer, and upon the said purposes being approved by him, the Treasurer may issue the licence.

(5) The Treasurer may from time to time entirely or partially change or vary the purposes to which the profits of the said business shall be applied, and upon receiving notice in writing of any such change or variation the committee shall, until receipt of notice of further change or variation, use any profits not already applied and any future profits accordingly : Provided that the Treasurer shall not make any such change or variation except upon petition setting forth the proposed change or variation and signed by two-thirds at least of the electors resident within the said portion of the said State.

(6) A licence granted and issued as provided by this section may be renewed or transferred, or be removed to other premises situated in the said portion of the State, upon the court being satisfied that the committee is at the time fully constituted, and that the business is being properly managed by the committee, and that the profits (if any) are being applied for the purposes for the time being in force in respect thereof: Provided that notwithstanding anything in this section, such renewal, transfer, or removal shall be entirely at the discretion of the court.

(7) The provisions of subsections (5) and (6) of this section shall apply to all licences granted in respect of premises situated in the said portion of the State, whether granted before or after the passing of this Act, and whether such premises were licensed or not at the time of the passing of this Act, and to the businesses carried on under such licences.

(8) This section shall apply to licences in respect of premises situated within the Cobdogla Irrigation Area in the same way and to the same extent as it applies to licences in respect of premises situated within the portion of the State mentioned in subsection (1) of this section.

(9) In any case where before the fifteenth day of November, one thousand nine hundred and thirty-two, the court decided that a licence would be granted in respect of premises proposed to be erected in the Cobdogla Irrigation Area and which were not completed at the time when the application for the licence was made the requirements of this section as to the presentation and signature of the petition shall be deemed to be complied with if a petition otherwise complying with this section is signed by the members of the House of Assembly for the electoral district in which the premises are situated and is duly presented to the court.

In this subsection and the preceding subsection "Cobdogla Irrigation Area" means the irrigation area commonly known by that name as delineated by the proclamation made on the third day of November, one thousand nine hundred and sixteen, under the Irrigation and Reclaimed Lands Acts, 1914 and 1915, or by any other proclamation substituted for or amending that proclamation.

PART IV.

RAILWAY LICENCES.

Power to lease refreshment rooms.

106. The South Australian Railways Commissioner (in this Part hereinafter referred to as "the Commissioner") may, from time to time, demise for refreshment-rooms, for any period not exceeding seven years, upon such terms and conditions as may appear to him expedient, any premises at any railway station in South Australia vested in him as such Commissioner.

Grant of licences by court.

107. The court may grant to any lessee under the last preceding section a licence to be called a railway licence, in the form prescribed by the rules of court, which licence shall authorize the holder thereof to sell and dispose of liquor in any quantity, at such refreshment-rooms upon such days and during such hours as are authorized by the licence, any law relating to the sale of such liquors to the contrary notwithstanding.

Times of sale.

108. No railway licence shall authorize the sale or supply of any liquor except during the times specified in the licence.

Period of licence.

109. No railway licence shall be granted or issued for a longer period than twelve calendar months from the day of the issue thereof, or shall continue in force for any longer period.

Licence fee.

110. The annual licence fee for a railway licence shall be as provided in Division III of Part III of this Act.

Forfeiture of licences.

111. Every railway licence shall determine and become forfeited on the holder thereof becoming bankrupt, or making any assignment for the benefit of his creditors, or on his lease becoming determined, or on his being convicted within a period of nine months for three several offences against this Part.

Summary recovery of possession.

112. The Commissioner may, on the expiration or forfeiture of any lease under this Part of this Act, by any writing under his hand, authorize any person to take possession of the premises mentioned in such lease on behalf of the Commissioner; and it shall be lawful for the person so authorized and his assistants, without any further authority, to forcibly eject any person and the goods and effects of any person in possession or occupation of such premises, and to take possession thereof on behalf of the Commissioner. Notice of any authorization given by the Commissioner under this section shall be given to the clerk.

Penalty on sales at authorized hours or to railway employees.

113. If any person holding a railway licence directly or indirectly sells, or supplies, or permits to be sold, or supplied, any liquor—

(*a*) at any time not authorized by his licence ;

(*b*) during any day or time during which the sale of liquor is prohibited by law ;

or

(*c*) to any railway employee contrary to any rule or regulation of the Railway service,

he shall be guilty of an offence against this Part and shall be liable to a penalty of not less than four dollars and not more than forty dollars.

Effect of railway licence.

114. Every person holding a railway licence, shall, for the purposes of sections 123, 124, 125, 129, 130, 140, 153, 155, 157 and 184 of this Act, be deemed to be a person holding a licence, and the refreshment-rooms for which he holds a licence under this Act shall, for such purposes, be deemed to be licensed premises.

Other offences.

115. The provisions of sections 159, 163, 165, 166, 170, 173 and 174 of this Act shall apply to any person holding a railway licence, to the refreshment-rooms for which he is licensed, to the sale or supply of liquor therein, to the purchase or obtaining of liquor therein, or the attempt to purchase or obtain liquor therein, or the drinking of liquor therein, and to the presence of any person therein. A conviction in proceedings taken in relation to the provisions of any one or more of the sections in this section mentioned shall be deemed to be a conviction for an offence against this Part of this Act.

Power of Commissioner to make regulations.

116. The Commissioner may make regulations to be observed by every lessee under this Part for regulating the quality and variety of the refreshments (including liquor) to be provided by such lessee : to limit the scale of charges to be made therefor : to provide the forms, particulars, terms, and conditions of tendering, for any lease, and to provide what covenants, conditions, and provisos shall be inserted in any lease and generally for carrying this Part into effect.

Publication of regulations.

117. All such regulations shall be published in the *Gazette*, and shall thereafter have the force of law ; and all regulations for the time being in force shall, for all purposes, be incorporated with and form part of this Part of this Act.

PART V.

RIGHTS, DUTIES, AND LIABILITIES OF LICENSEES AND OTHERS, AND OFFENCES.

Duty to display names, etc.

118. (1) Every person holding a full publican's licence shall keep his Christian names and surname and the words "Licensed Dealer in Ales, Wines and Spirits", and every person holding a wine licence shall keep his Christian names and surname and the words "Licensed Dealer in Australian Wines", legibly painted, in letters not less than three inches in length, on some conspicuous part of the front of his licensed house.

(2) Where the court has fixed hours for particular licensed premises under paragraph (*a*) of subsection (1) of section 19 or has restricted the sale and supply of liquor by the holder of a licence under subsection (3) of section 19, the licensee shall also cause the particulars of the hours fixed or a reference to the terms of the licence sufficient to indicate the nature of the restriction or both (as the case may be) to be exhibited in prominent letters and figures on some conspicuous part of the front of his licensed premises.

(3) Any person who fails to observe any provision of this section shall be guilty of an offence.

Exemption from distress of stranger's goods.

119. (1) No *bona fide* property of any traveller, guest, or inmate of any premises, in respect of which a full publican's or limited publican's licence has been granted under this Act, or of any person who has entrusted any such traveller, guest, or inmate therewith, and being in or on the said premises or any part thereof, or in or on any place used or occupied therewith, shall be liable to be distrained or seized for or in respect of the rent of the said premises or place.

(2) If any such property is so distrained or seized, any special magistrate or two justices may inquire into any complaint made in respect of the seizure or distress in a summary manner, and order the property to be restored, and award reasonable costs to the complainant, and may levy such costs by distress and sale of the goods or effects of the person so distraining or seizing as aforesaid.

(3) Nothing in this section shall deprive licensed persons of their lien on any such property for their own lawful demands.

Liability of licensee for loss of property of guests.

120. (1) In this section "licensee" means the holder of a full publican's or limited publican's licence; and "licensed premises" means the premises in respect of which a full publican's or limited publican's licence is in force.

(2) No licensee shall be liable to make good to any guest of such licensee any loss of or injury to goods or property brought on the licensed premises to any greater amount than the sum of sixty dollars, except in the following cases :—

(*a*) Where the goods or property has been stolen, lost, or injured through the wilful act, default, or neglect of the licensee or any servant in his employ ;

(*b*) Where the goods or property has been deposited with or entrusted to the licensee expressly for safe custody : Provided that in such case the licensee may, if he thinks fit, require as a condition of his liability that the goods or property shall be deposited or placed in a box, room, outhouse, or other receptacle or place fastened and sealed or locked by the person depositing the same.

(3) Every licensee shall cause at least one copy of the second subsection of this section printed in plain type to be exhibited in a conspicuous part of the hall or entrance to his licensed premises, and he shall be entitled to the benefit of this section in respect of such goods or property only as are brought to his licensed premises while the copy is so exhibited.

Right of sale on lien.

121. (1) Subject to this section the holder of a full publican's or limited publican's licence may in addition to his ordinary lien sell or dispose of by public auction any goods or property which under such lien he has detained or which have been deposited with him or left on his licensed premises when the person who deposited or left such goods or property is indebted to him for any accommodation.

(2) Such sale shall not be made—

(*a*) until after the said goods or property have been for the space of two months in the charge or custody of the said holder or on the licensed premises without such debt having been paid or satisfied ;

(*b*) unless the said holder has at least one month before the intended sale caused to be entered in one Adelaide newspaper circulating throughout the State or left an advertisement of such intended sale giving shortly a description of the goods or property intended to be sold and the name of the owner or person who deposited or left the same where known ;

and

(*c*) unless the said holder has served upon the owner of the goods or property where his address is known to him a copy of such advertisement.

(3) The said holder after having out of the proceeds of such sale deducted the amount of any such debt together with the cost and expenses of such sale shall pay to the clerk of the nearest Local Court to the credit of the owner of any such goods or property remaining after such sale and in all cases whether there be a surplus or not give to the said clerk an account containing particulars of the debt, costs and expenses and the proceeds of such sale together with a fee to be estimated according to the scale of charges for receiving and paying money fixed by the third Schedule of the Local Courts Act, 1926-1962, as amended, and to be paid by the said clerk to the Treasurer as provided in respect of other moneys received by him by section 316 of that Act; and the said clerk shall on demand pay to the person to whose credit he received it the surplus (if any) so paid to him. Any holder of a full publican's or limited publican's licence making default in compliance with the provisions of this subsection in any particular shall be guilty of an offence.

(4) No such sale shall be for any other or greater debt than the debt for which the goods or property could have been retained by the inn-keeper under his ordinary lien and nothing in this section shall be construed to give any holder of a full publican's or limited publican's licence any lien or power of sale in respect of any goods or property in any circumstances in respect of or in which he is not by law entitled to a lien.

(5) Whenever any person indebted for accommodation to the holder of a full publican's or limited publican's licence neglects or refuses to pay the amount so owing that amount may be recovered in a summary way but so that no person shall be imprisoned for default in payment.

Tippling clause.

122. (1) No person holding a full publican's or limited publican's or wine licence shall recover any debt or demand for or on account of any liquor, unless the debt has been *bona fide* contracted at one time to the amount of two dollars or upwards.

(2) No debt for liquor shall be recovered where the value of the liquor actually delivered at one time does not amount to two dollars, notwithstanding that the debt or any part thereof has been secured or agreed to be paid, unless—

I. a written order for the liquor or wine was given by the purchaser before the liquor or wine was delivered;

or

II. the purchaser was at the time of the delivery resident in the licensed premises;

or

III. the purchaser was when the liquor was supplied a person taking liquor with or ancillary to a meal in the licensed premises.

Penalty on licensed persons taking payment in anything except legal tender.

123. If any person holding a licence—

(*a*) takes or receives in payment or as a pledge, for any liquor or entertainment supplied in or from the licensed premises, anything except legal tender, or a cheque or order on some known bank or banker, or a money order or orders ;

or

(*b*) takes any such note, cheque, or order at less than the full nominal value thereof,

he shall be guilty of an offence.

Unlawful gaming, etc., and presence of certain persons on licensed premises.

124. (1) If on any licensed premises or the appurtenances thereof, any person—

(*a*) exercises or plays any unlawful game or sport ;

or

(*b*) bets by way of unlawful wagering or gaming ;

or

(*c*) gets up or takes part in any unlawful sweepstake ;

or

(*d*) exercises, exposes, opens, or shows to be played, thrown or drawn at, any unlawful lottery,

the licensee shall be guilty of an offence.

(2) If on any licensed premises, or the appurtenances thereof, any reputed prostitute or thief, or any drunken or disorderly person, or any person in a state of intoxication, is found, the licensee shall be guilty of an offence.

(3) It shall be a defence to any charge of an offence under this section to show—

(*a*) that the licensee, or, if at the time of the offence the licensee was not on the premises, the person then in charge thereof, did not know, and could not by the exercise of all practicable diligence have known, that (according to the nature of the charge) the act alleged was taking place, or the person referred to was of the description or in the state alleged ;

or

(*b*) that (according to the nature of the charge) the act alleged took place, or the person referred to was on the premises, contrary to the will of the licensee, or, if the licensee was not at the time on the

premises, contrary to the will of the person who was then in charge thereof, and that (according to the nature of the charge) the licensee or the person so in charge (as the case may be) took all reasonable steps to prevent such act from taking place, or to prevent the person referred to from being on the premises and to remove her or him therefrom.

Liability of licensee.

125. (1) If—

(*a*) any person is convicted for an offence against section 62 of the Lottery and Gaming Act, 1936-1967 ;

and

(*b*) the said offence took place on licensed premises,

the licensee of those premises shall be guilty of an offence.

(2) In any proceedings against a licensee under this section any statement in the conviction for the offence under section 62 of the Lottery and Gaming Act, 1936-1967, as to the place where that offence was committed shall be *prima facie* evidence of the place where that offence was committed.

(3) It shall be a defence to a charge under this section against licensee to show—

(*a*) that the licensee or, if the licensee was not on the premises when the offence against section 62 of the Lottery and Gaming Act, 1936-1967, was committed, the person then in charge of the premises, did not know and could not by the exercise of all practicable diligence have known that the said offence was being committed ;

or

(*b*) that the said offence was committed contrary to the will of the licensee, or, if the licensee was not on the premises when the said offence was committed, contrary to the will of the person who was then in charge of the premises, and that the licensee or person so in charge, as the case may be, took all reasonable steps to prevent the offence from being committed :

Provided that none of the defences mentioned in this subsection shall be available if it is proved that within one month previous to the commission of the offence against the said section 62, a member of the police force had warned the licensee that such member suspected that unlawful gaming was taking place on the licensed premises, and informed the licensee of the name of the person whom he suspected and that the person so named was the person convicted of the offence against section 62 of the Lottery and Gaming Act, 1936-1967, in respect of which the licensee is charged.

Power of court to close hotels on Saturday afternoons.

126. (1) If any licensee is found guilty of an offence under paragraph (*b*) of subsection (1) of section 124 or under section 125, and the offence is a first offence, the convicting court may, in addition to or in lieu of imposing a fine as mentioned in that section by the conviction order that the licensed premises of that licensee be closed at twelve o'clock noon on one, two, or three Saturdays next after the conviction; and if the offence is a second or subsequent offence the court shall, in addition to or in lieu of imposing a fine as aforesaid, order that the said licensed premises be closed at twelve o'clock noon on the three Saturdays next after the conviction: Provided that if any proceedings by way of appeal or otherwise are instituted in respect of the conviction and after those proceedings have been finally disposed of the conviction is affirmed or otherwise remains in full force and effect, the order shall be deemed to refer to the Saturday or Saturdays next after the date when the order finally disposing of the said proceedings is made.

(2) No licensed person with respect to whose licensed premises an order has been made under this section shall on any day mentioned in that order after the hour of twelve o'clock noon keep his licensed premises open for the sale of liquor, or sell or supply any liquor or permit any liquor to be consumed on his licensed premises:

Provided that nothing in this section shall relate to the sale or supply to or consumption of liquor by the licensee, any member of his family living or staying on the premises, any servant of the licensee living or staying on the premises, or any *bona fide* lodger (which persons are in this Act called "excepted persons"), if the liquor is not drunk in any bar-room on the licensee's premises.

Every licensee who offends against any provision of this subsection shall be guilty of an offence.

(3) For the purposes of section 159 of this Act the hour of twelve o'clock noon shall be deemed the closing time for the licensed premises mentioned in any order under this section on any day to which the order relates, and the remainder of the day after that hour shall be deemed hours during which the sale of liquor is prohibited by law, in addition to any other time during which the sale of liquor is so prohibited.

Power of police to remove persons betting from licensed premises.

127. (1) If any member of the police force has reasonable grounds for suspecting that any person whom he finds on any licensed premises has at any time on the day on which he finds him been guilty of betting or offering to bet by way of unlawful wagering or gaming on those licensed premises, or that the said person is on the licensed premises for the purpose of so betting, that member of the police force may without warrant arrest that person and remove him from the licensed premises, or cause him to be so arrested and removed.

(2) If any person who has been so removed from any licensed premises re-enters or is again upon those premises during the day on which he was so removed, he shall be guilty of an offence and shall be liable to a penalty not exceeding one hundred dollars.

(3) No member of the police force who has acted *bona fide* in the intended exercise of the powers conferred on him by subsection (1) of this section, and no person acting under the instructions of, or for the purpose of assisting any such member, shall be liable to any proceedings civil or criminal in consequence of his having so acted.

Power to exclude or expel certain persons from licensed premises.

128. (1) Any person holding a licence under this Act may refuse to admit to and may turn out of the premises in respect of which his licence is granted any person—

(*a*) who is a reputed prostitute or thief;

(*b*) who is drunken, violent, quarrelsome, or disorderly;

or

(*c*) whose presence on the premises would or might subject the holder of the licence to a penalty under this Act.

(2) Any such person who, upon being requested in pursuance of this section by the holder of the licence, or his agent or servant, or any member of the police force or an inspector, to quit the premises, refuses or fails so to do, shall be guilty of an offence and liable to a penalty not exceeding ten dollars.

(3) Every member of the police force shall, on demand of the holder of the licence, or his agent or servant, expel or assist in expelling every such person from the premises, and may use such force as is required for that purpose.

Permitting drunkenness or riotous conduct on premises.

129. (1) If any person holding a licence permits drunkenness, or any indecent, violent, quarrelsome, or riotous conduct to take place on his licensed premises or the appurtenances thereof, he shall be guilty of an offence.

(2) Where any person is charged under this section with permitting drunkenness on his licensed premises or the appurtenances thereof, and it is proved that any person was drunk on such premises or appurtenances, it shall lie on the person so charged to prove that he and the persons employed by him took all reasonable steps to prevent that drunkenness.

Penalty on licensees drunk on premises.

130. Any person holding a licence who is found drunk in any part of his licensed premises or the appurtenances thereof to which the public have access shall be guilty of an offence.

Restriction on use of licensed premises for theatrical performances, etc.

131. (1) Notwithstanding the provisions of the Places of Public Entertainment Act, 1913-1965, no portion of any premises in respect of which a licence is current, or of the appurtenances thereof, shall be used as a theatre, concert-room or ball-room or otherwise for public entertainment, without a permit from the court and upon such terms and conditions as are imposed by the court including conditions relating to health, safety and morals having regard to the provisions of the Places of Public Entertainment Act, 1913-1965, and the regulations thereunder.

(2) No permit shall be granted under this section in respect of a Sunday, Good Friday or Christmas Day unless and until the Governor declares by proclamation that such a permit may be granted in respect of any one or more of such days.

(3) Any person who uses or permits to be used any portion of any such premises or appurtenances in contravention of this section, or at any hour not authorized by the permit, shall be guilty of an offence.

(4) Every person obtaining any such permit shall pay a fee of five dollars to the clerk on the issuing thereof.

(5) In this section "public entertainment" does not include the supply of meals or refreshments with accompanying music other than music provided by live artists on the premises.

(6) No such permit shall extend over a longer period than twelve months.

(7) Any such permit may be revoked by the court at any time upon the application of the Superintendent of Licensed Premises and proof that the holder thereof has failed to comply with any term or condition thereof.

(8) This section shall come into operation on the fifteenth day of January, 1968.

Duty to set up parts of this Act in bar-room.

132. (1) Every person holding a full publican's or wine licence shall cause sections 153 and 155 to be printed or fairly written in large, legible, permanent, and conspicuous characters, and affixed in one of the most public parts of every bar-room, in his licensed premises, or in the case of a wine licence, in one of the most public parts of his licensed premises, and keep the same so affixed, and fair and legible.

(2) Any person failing to comply with the requirements of this section shall be guilty of an offence and liable to a penalty of four dollars, and to a further penalty of one dollar for every day during which the said sections or any of them are not kept affixed, and fair and legible as aforesaid.

Restriction on keeping retail stores together with licensed premises.

133. (1) Subject to section 135 of this Act, no person holding a licence, shall have or keep any retail store or shop on account of himself, or of any other person, which, by door, window, or in any other manner internally communicates or admits of a communication with the licensed premises or any part thereof, or which communicates or admits of communication with such licensed premises externally, save by a separate public outer door or entrance thereto.

(2) Any person contravening the provisions of this section shall be guilty of an offence.

(3) This section shall not extend to confectioner's shops, or refreshment rooms, had or kept by the holder of a wine licence, and forming part of his licensed premises.

Prohibition of communication between licensed premises and stores or eating-houses.

134. (1) Subject to section 135 of this Act, no person holding a licence shall use or keep open, or permit to be used or kept open, any communication, by door, window, passage, or in any other manner (save by a separate public outer door or entrance), between his licensed premises or any part thereof and any retail store, shop, eating-house, or refreshment-rooms.

(2) Any person offending against the provisions of this section shall be guilty of an offence.

Power of court to grant exemptions concerning stores and shops.

135. The court may at any time make or revoke any order exempting from the provisions of section 133 or section 134 or both of the said sections any store, shop or room used for such purposes as the court may approve.

Penalty for drinking on unlicensed premises during prohibited hours.

136. (1) Subject to section 66—

(*a*) any person (excepting the occupier of the premises or any member of his family dwelling on the premises or any of his servants dwelling on the premises) who, drinks liquor in any unlicensed premises shall be guilty of an offence ;

(*b*) any person who permits or allows any liquor to be drunk (except by any of the persons excepted as aforesaid) on his unlicensed premises shall be guilty of an offence.

(2) For the purposes of enforcing the provisions of this section any inspector or any such officer or member of the police force as is referred to in section 184 may, at any time during any day or time during which the sale of liquor is prohibited by law, demand entrance into any unlicensed premises or the appurtenances thereof. If admittance is delayed for such time that it may reasonably be inferred that wilful delay was intended—

(*a*) the occupier of the premises shall be guilty of an offence;

and

(*b*) the inspector, officer, or member of the police force may break into and enter such premises and any part thereof in which he suspects that an offence against this section is being or has been committed.

(3) In this section "unlicensed premises" means any premises where meals or refreshments are ordinarily sold or disposed of to the public for consumption on the premises, and, without affecting the generality of this definition, includes any cafe, restaurant, oyster saloon, or other eating-house, not being licensed premises, and any premises which the occupier of such unlicensed premises is permitted to use or uses for the purposes of or in connection with his business.

(4) Nothing in this section shall make lawful anything which would have been a contravention of any of the provisions of this Act if this section had not been contained therein.

Duty to state age.

137. (1) A person who is on licensed premises or on any premises in respect of which a permit granted under this Act is in force, shall, upon request made by any member of the police force, truly state whether he or she is or is not under the age of twenty-one years.

(2) A person who contravenes or fails to comply with any provision of this section shall be guilty of an offence.

Consumption of liquor within 300 yards of dances.

138. (1) A person shall not while a dance is being held in any public premises, consume any liquor or supply any liquor to any person in any public place within three hundred yards of those premises unless the liquor is supplied or consumed upon licensed premises.

(2) A person who contravenes this section shall be guilty of an offence.

(3) It shall be a defence to a prosecution under this section if the defendant proves that he did not know and could not by the exercise of reasonable diligence have known that a dance was being held within three hundred yards of the place where the consumption or supply of liquor took place.

Interpretation of s. 138.

139. (1) In section 138 of this Act—

"dance" includes any gathering at which persons attend for the purpose of dancing, whether or not other amusements, games, or pastimes are carried on at such gathering:

"public place" includes—

(*a*) any road, street, footway, bridge, court, alley, thoroughfare, park, park land, garden, square, reserve, seashore, or other place to which free access is permitted to the public, notwithstanding that it may be on private property ;

(*b*) any building structure or erection which is in any public place as hereinbefore defined, and to which the public have free access ;

(*c*) any doorway, porch, or other like open space which abuts on a road, street, or thoroughfare and to which the public have free access ;

(*d*) any passage between the show windows of a shop, to which passage the public have free access ;

and

(*e*) any vehicle standing in any such place as hereinbefore mentioned in this definition :

"public premises" means premises or place, enclosed or unenclosed, other than—

(*a*) a dwellinghouse ordinarily used for residential purposes ;

(*b*) land adjoining and occupied with a dwellinghouse ordinarily used for residential purposes ;

or

(*c*) premises in respect of which a licence is for the time being in force.

Prohibition of employment of certain persons as managers of licensed premises.

140. (1) If a person holding a licence—

(*a*) knowingly employs or permits to be employed any prohibited person as overseer, manager or superintendent of any licensed premises ;

or

(*b*) knowingly permits any prohibited person to appear or act as overseer, manager, or superintendent of any licensed premises, or in any way which may induce customers or the public to believe that he is overseer, manager, or superintendent of any licensed premises,

he shall be guilty of an offence.

(2) "Prohibited person" means a person who has forfeited or been deprived of a licence as being personally unfit or incompetent to hold a licence under this or any of the Acts hereby repealed, or who, from misconduct or bad character has been refused a certificate to entitle him to receive a licence.

Exclusion of unlicensed persons from interest in profits, etc., of licensed premises.

141. If any person holding a licence—

(1) admits any unlicensed person as or to be his partner ;

or

(2) directly or indirectly permits an unlicensed person to participate in the profits of the business of his licensed premises ;

or

(3) directly or indirectly agrees with any unlicensed person to let him have any interest whatever in the said premises, or the profits thereof ;

or

(4) remunerates or suffers any unlicensed person to be remunerated for, or in any manner agrees that he shall be remunerated for any services, or on any account, in proportion to the profits of the business carried on in the said premises or to the quantity of liquors sold or retailed in or from the said premises ;

or

(5) permits any person not duly authorized under this Act to manage, superintend, or conduct the business of the said premises ;

or

(6) whether residing in the said premises or not, permits any unlicensed or unauthorized person to appear to the public as, or to become virtually or in effect, the keeper of the said premises,

the court shall—

(*a*) declare the licence of the said premises for the then current year to be void, and the same shall thereupon become and be absolutely void ;

or

(*b*) at the discretion of the court impose on the said licensed person a penalty of not less than ten dollars nor more than two hundred dollars :

Provided that this section shall not prohibit a *bona fide* agreement between the holder of a wine licence and the keeper of a confectioner's shop or refreshment room for the carrying on of their respective trades in partnership on one and the same licensed premises.

Penalty on sale of adulterated liquor.

142. (1) Every person who—

(*a*) mixes or causes or permits to be mixed with any liquor sold, or offered or exposed for sale by him, any deleterious ingredient ;

or

(*b*) sells, or offers, or exposes, or has for sale any adulterated liquor, or liquor containing any ingredient deleterious to health ;

or

(*c*) has on any premises where liquor is sold or exposed for sale any substance, matter, or thing of a deleterious character, which it may be reasonably inferred is kept for the purpose of adulterating or mixing with liquor,

shall be guilty of an offence, and liable for a first offence to a penalty of not less than forty dollars nor more than one hundred dollars, or to imprisonment for any term not exceeding three months, with or without hard labour ; and for the second or any subsequent offence, to a penalty of not less than one hundred dollars nor more than two hundred dollars, or to imprisonment for any term not exceeding six months, with or without hard labour, and also to be declared disqualified perpetually from applying for or obtaining a licence, or a renewal or a transfer of a licence under this Act.

(2) Any justice may, on complaint on oath made to him that there is reason to believe that any such liquor is adulterated, or contains any deleterious ingredient as aforesaid, or that any such substance, matter, or thing of a deleterious character is to be found upon any premises—

(*a*) authorize the seizure of that liquor, substance, matter, or thing ;

(*b*) cause the same, or a sample thereof, to be analysed by some competent person ;

and

(*c*) order the forfeiture of the whole of the kind of liquor analysed and found to be adulterated or to contain any deleterious ingredient, and also of any substance, matter, or thing of a deleterious character found in the possession or on the premises of the person offending.

(3) The justice may order that the expense of and attending such seizure, analysis and forfeiture shall be a portion of the costs payable by any person convicted under this section.

(4) In every proceeding under this section proof of the fact that any liquor was adulterated, or contained any deleterious ingredient, or that any substance, matter, or thing of a deleterious character was found upon the premises shall be *prima facie* evidence that the person in whose possession the same was found, or who at the time occupied the premises whereon the same was found, did sell, or offer, or expose, or have for sale such liquor, or that such substance, matter or thing of a deleterious character was kept for adulterating or mixing with liquor.

(5) No person shall be liable to a penalty under this section if he satisfies the justices hearing the complaint that such liquor was when seized in the same condition as it was when it came into his possession by a *bona fide* purchase, and was not adulterated or mixed with any deleterious ingredient by him or any person acting under his authority or in his employ, or that such substance, matter, or thing was not kept for adulterating or mixing with liquor.

Closing of houses against riot.

143. (1) Any justice, if any riot or tumult happens, or is expected to take place, may order or direct that any person licensed under this Act, and keeping any house where the riot or tumult happens, or is expected to take place, shall close his house for any time which the said justice so orders or directs.

(2) Any person who does not obey any such order or direction shall be guilty of an offence.

Penalty for evasion of provisions disallowing consumption of liquor on premises under certain classes of licences.

144. If any person holding a wholesale storekeeper's or retail storekeeper's licence, with intent to evade the provisions of this Act, takes, or carries, or authorizes, employs, permits, or suffers any person to take or carry any liquor out of or from the premises of the said licensed person for the purpose of being sold on his account or for his benefit, or of being drunk or consumed in any other premises whatever belonging to or hired, used, or occupied by him that liquor shall be deemed to have been drunk or consumed upon the licensed premises of such licensed person, and he shall be guilty of an offence.

Penalty for drinking in the house or store of persons holding certain licences, or of vignerons.

145. If any person who has purchased any liquor from any person holding a wholesale storekeeper's licence or retail storekeeper's licence, drinks liquor so purchased, or opens any bottle or other vessel containing liquor so purchased, in or about the house, or on the premises described in the licence granted to the said holder, he shall be guilty of an offence.

Penalty for selling liquor otherwise than as authorized by licence.

146. If any person holding a licence, sells or retails any liquor, except according to the tenor of and as authorized by his licence, he shall be guilty of an offence.

Offences in connection with sale of liquor on steamers.

147. (1) Subject to section 68 of this Act if—

(*a*) any master or commander of an unlicensed vessel, or any of the officers or crew of such a vessel directly or indirectly sells or permits to be sold within the State any liquor ;

or

(*b*) any master or commander of any of the officers or crew of a licensed vessel directly or indirectly sells or permits to be sold within the State any liquor contrary to the terms of and not as authorized by the licence,

the master, commander, officer or member of the crew so acting shall be guilty of an offence and liable for a first offence to a penalty of not less than one hundred dollars and not more than two hundred dollars or imprisonment for a term not exceeding six months, and for any subsequent offence to imprisonment for any term not exceeding one year.

(2) Every sale of liquor on board any such licensed or unlicensed vessel in the circumstances mentioned in this section shall be deemed a sale by the master or commander until the contrary is proved.

(3) "unlicensed vessel" means a steamer or vessel the master of which has not a packet licence in respect thereof.

"licensed vessel" means a steamer or vessel the master of which has a packet licence in respect thereof.

(4) No court shall have power to impose a fine in lieu of imprisonment for any such subsequent offence.

Retailing liquor without a licence.

148. (1) If any unlicensed person, except as allowed by this Act, directly or indirectly sells or supplies for profit, or permits to be sold or supplied for profit, any liquor, in any quantity, he shall be guilty of an offence, and liable for a first offence, to a penalty of not less than one hundred dollars and not more than two hundred dollars, or to be imprisoned for a term not exceeding six months, and for any subsequent offence shall be imprisoned for a term not exceeding one year.

(2) No court shall have power to impose a fine in lieu of imprisonment for any such subsequent offence.

Supply by unlicensed persons.

149. If any unlicensed person gives away or delivers any liquor to any person, under the pretence of such person being a customer for other things, or under any pretence whatever that unlicensed person shall be guilty of an offence under section 148 of this Act.

Penalty on purchasing liquor from unlicensed persons.

150. (1) Any person who, except as allowed by this Act, purchases, or attempts to purchase, any liquor from, or in or from the premises of, any person who does not hold a licence under this Act, shall be guilty of an offence.

(2) Except as allowed by this Act no person shall directly or indirectly purchase or attempt to purchase any liquor, or directly or indirectly receive or attempt to receive any liquor, supplied for profit, unless the same is sold or supplied by a licensed person and according to the tenor of and as authorized by his licence. Any person offending against this subsection shall be guilty of an offence.

Determination of what is retailing

151. The special magistrate or justices sitting at or on the hearing of any complaint under this Act for retailing without a licence or otherwise than according to the tenor of and as authorized by the licence of the person charged may determine the fact of retailing according to the circumstances of or attending each case, without direct evidence of money or value having been given for the liquor alleged to have been sold or retailed, or of any particular person having himself so sold or retailed.

Power to seize liquor unlawfully carried about or exposed for sale.

152. (1) Any justice, member of the police force or inspector may seize and take away, or cause to be seized and taken away—

(*a*) any liquor which he has reasonable cause to suspect to be carried about or exposed for sale in any place whatever by any person not licensed or authorized to sell the same there ;

(*b*) the vessels containing any such liquor ;

(*c*) the vessels and utensils used for drinking or measuring any such liquor ;

(*d*) any motor vehicle, carriage, or other means of conveyance employed or reasonably suspected to be employed in carrying any such liquor.

(2) Any person who carries about or exposes for sale any liquor without a licence shall be guilty of an offence.

(3) The convicting court may adjudge the said liquor and any vessel or utensil containing it and any motor vehicle or carriage, or other means of conveyance employed for carrying it to be forefeited and may order the same to be sold; and the proceeds of the sale, after deducting the expenses of sale, shall be appropriated in the same manner as fines and penalties are by this Act directed to be appropriated.

Persons not to be supplied.

Prohibition of supply of liquor to person under twenty-one.

153. (1) Any person, who, on any licensed premises, sells or supplies, or permits to be sold or supplied or consumed, any liquor to any person under the age of twenty-one years, shall be guilty of an offence.

(2) It shall be a defence in any proceedings for an offence under subsection (1) of this section to prove—

(*a*) that the person charged had reasonable cause to believe that the person to whom the liquor was sold or supplied or by whom it was consumed was of or above the age of twenty-one years;

and

(*b*) that the person to whom the liquor was sold or supplied was actually of or above the age of eighteen years.

(3) Any person under the age of twenty-one years who obtains or attempts to obtain from or to consume any liquor on any licensed premises shall be guilty of an offence.

Persons under twenty-one not to be employed in bar-room.

154. (1) A licensee shall not employ any person under the age of twenty-one years to sell, supply or serve liquor in any bar-room excepting a child of the licensee.

(2) Any licensee who fails to comply with this section shall be guilty of an offence and liable to a penalty of not less than ten dollars nor more than fifty dollars.

Prohibition of supply of liquor to intoxicated persons.

155. Any licensed person or any person in his employ who supplies, or permits to be supplied, any liquor to any person in a state of intoxication shall be guilty of an offence.

Penalty for supplying liquor to be illegally disposed of

156. (1) Any person, whether a licensed person or not, who supplies liquor in any quantity to any person knowing, or having reason to know, that the liquor, or any part thereof, is intended to be sold or supplied contrary to any provision of this Act, shall be guilty of an offence.

(2) In any proceedings for an offence under this section the facts—

(*a*) that liquor in a quantity exceeding five gallons was supplied, in one lot at one time, or in separate lots at different times within a period of one month, to any person;

and

(*b*) that such person has been convicted of an offence under section 148 committed within one month after the supplying of such liquor, or any of it,

shall be *prima facie* evidence that such liquor was, when supplied, intended to be sold or supplied contrary to a provision of this Act; and if those facts are proved to the satisfaction of the special magistrate or justices hearing the complaint, the onus shall be on the defendant to prove that he did not know, and had no reason to know, that the said liquor was intended to be sold or supplied as last mentioned.

Employment of Barmaids.

Restriction of employment of women to serve liquor.

157. (1) No holder of a full publican's licence, limited publican's licence, wine licence or club licence shall allow any female other than his wife, his daughter, his sister, his step-daughter, his mother or his mother-in-law to sell, supply or serve any liquor at or in any bar-room unless there is in force at the time an industrial award, determination or agreement under any Commonwealth or State Act binding on the licensee providing that a female engaged in selling, supplying or serving liquor in or at a bar-room shall receive the same remuneration therefor as a male engaged in the same employment.

(2) For the purposes of this section a female shall not be deemed to sell supply or serve liquor at or in a bar-room by reason only of the fact that she obtains liquor in at or from a bar-room for persons who are not in or at a bar-room.

Times of Selling.

Times when premises may not be open nor liquor sold.

158. (1) Subject as hereinafter mentioned, no licensed person shall keep his licensed premises open for the sale of liquor, or shall sell or supply any liquor or shall permit any liquor to be consumed on his licensed premises upon any day or at any time or in any circumstances other than as authorized by his licence:

Provided that nothing in this section shall relate to the sale or supply to or consumption of liquor by the licensee, any member of his family living or staying on the premises, any servant of the licensee living or staying on the premises, or any *bona fide* lodger or by a *bona fide* traveller (which persons are in this Act called "excepted persons"), if the liquor is not drunk in any bar-room on the licensee's premises.

A *bona fide* traveller is a person who within twelve hours before the time of his arrival at the licensed premises has travelled from a place at least sixty miles from those premises calculated by the nearest practicable route, and has made and signed a declaration on the prescribed form that he has so travelled.

(2) Every licensee who offends against any provision of this section shall be guilty of an offence.

Duty to close means of entrance or aperture to bar-room.

159. (1) During any day or time during which the sale of liquor is prohibited by law—

(*a*) no door or other entrance or means of any kind by which admission can be gained, whether from outside or inside any licensed premises to—

(i) any bar-room on the licensed premises;

or

(ii) any place in the said premises where liquor is kept for sale or stored;

and

(*b*) no aperture or other means of any kind through or by which any liquor can be delivered or obtained from any bar-room on any licensed premises, or from any place on the said premises where liquor is kept for sale or is stored,

shall be open or unlocked for any purpose contrary to the provisions of this Act, and the onus of proving that the bar-room, place, or aperture as the case may be was not open for a purpose contrary to the provisions of this Act, shall be upon the defendant.

(2) Any licensed person on whose premises any contravention of this section occurs shall be guilty of an offence.

(3) Notwithstanding anything in this Act, a licensee is hereby permitted to keep his bar-room open for thirty minutes immediately after the closing time on any day for the purposes of clearing such bar-room of the persons who are therein at the said closing time and of adjusting the goods and furniture therein: Provided that if on any day any liquor is sold or supplied after such closing time, or, after the expiration of fifteen minutes after such closing time is consumed in any such bar-room, the permission granted by this subsection shall not apply on that day; and if any licensee is convicted of any offence against section 158 or this section, the convicting magistrate or justices may, in addition to any penalty imposed for that offence, declare that this subsection shall, for such time

as is declared by such magistrate or justices, not apply in favour of that licensee, and thereafter it shall not apply accordingly.

Closing on Sundays.

160. Subject to section 168, no person holding a full publican's licence or limited publican's or restaurant licence shall be compelled to open his premises during any hour on Sunday.

Register of lodgers.

161. (1) Every holder of a full publican's licence or limited publican's licence or of a licence granted to a club which provides lodging for its members shall keep on his licensed premises a book to be called the "Register of Lodgers". Such book shall be in the form prscribed by the rules of court and contain such particulars as are so prescribed.

(2) The Register of Lodgers kept on any licensed premises shall be open to inspection at any time, upon demand, by an inspector or any member of the police force.

(3) The fact that any person is found on any licensed premises during any day or time during which the sale of liquor is prohibited by law shall, unless his name appears in the Register of Lodgers kept on such premises, together with the distinguishing number or description of the room in such premises occupied by him on the night immediately preceding the day or night when he is so found, or assigned to him on that day or night, be *prima facie* evidence as against the holder of the licence, and *prima facie* evidence as against the said person, in any proceedings under this Act that the said person was not a *bona fide* lodger in the premises when he was so found.

(4) Any holder of any full publican's licence or limited publican's licence or of a licence granted to a club which provides lodging for its members who—

(*a*) neglects or fails to keep a register of lodgers as provided by this section;

or

(*b*) neglects or fails to enter, or cause to be entered, in the register any of the particulars prescribed;

or

(*c*) makes, or causes to be made, in the register any false or misleading entry in respect of any of the particulars required by this section to be entered therein;

or

(*d*) enters or causes to be entered in the register the name of any person who is not at the time when the entry is made a *bona fide* lodger;

or

(*e*) refuses or fails on demand by an inspector or any member of the police force to produce for inspection the Register of Lodgers,

shall be guilty of an offence.

Definition of *bona fide* lodger.

162. No person shall for the purposes of this Act be deemed to be a *bona fide* lodger in licensed premises unless—

(*a*) he is a regular boarder in the premises ;

or

(*b*) he lodged therein on the night immediately preceding the day whereon an offence is alleged to have been committed ;

or

(*c*) if the offence is alleged to have been committed between any hour of any night and five o'clock in the following morning, he lodged therein on the night immediately preceding that night ;

or

(*d*) he has ordered and been assigned a bedroom in the licensed premises for his lodging during the night ensuing upon the day of his arrival, or he arrives in the night for the purpose of lodging during that night and the fact has been entered in the Register of Lodgers for his lodging during that night.

Penalty for obtaining or attempting to obtain liquor by false representation.

163. Any person who by falsely representing himself to be a *bona fide* lodger within the meaning of section 162, buys, or obtains, or attempts to buy or obtain at any licensed premises any liquor during any day or time during which the sale of liquor is prohibited by law shall be guilty of an offence.

Supply of liquor at expense of guests.

164. (1) It shall be lawful for the holder of a full publican's licence or a limited publican's licence or of a licence granted to a club which provides lodging for its members, to supply liquor on his licensed premises to a non-excepted person : Provided that—

(*a*) the liquor is supplied at the expense of a *bona fide* lodger ;

(*b*) the liquor is consumed on the premises in the presence of such lodger ;

(*c*) a written order for the liquor is given by such lodger and it is not paid for in cash but the cost thereof is entered on the account of the lodger with the holder of the licence ;

(*d*) not more than six non-excepted persons are so supplied at any one time ;

and

(*e*) the liquor is not supplied to any person in contravention of any provision of sections 153, 155 and 156 of this Act.

(2) Any person who for the purpose of procuring the supply of liquor under subsection (1) of this section makes any false statement shall be guilty of an offence.

(3) It shall be a defence to a charge under paragraph (*a*) or (*b*) of section 165 of this Act if it is proved that the liquor to which that charge applies was supplied to the defendant in accordance with this section.

Penalty for purchasing liquor or drinking liquor on licensed premises during prohibited time.

165. Any person other than an excepted person who during any day or time during which the sale of liquor is prohibited by law—

(*a*) purchases or obtains or attempts to purchase or obtain liquor from any licensed premises ;

(*b*) is found drinking liquor in any licensed premises ;

or

(*c*) is present in any bar-room on any licensed premises or in any place on licensed premises where liquor is kept for sale or stored,

shall be guilty of an offence.

Evasion of law as to sale, etc., of liquor on premises.

166. In any proceedings under this Act against the holder of a licence for selling or supplying or permitting the sale or supply of liquor, or the drinking or consumption of liquor on his premises, it shall be no defence to prove that the said holder himself took, or carried, or employed, or authorized or suffered any other person to take or carry such liquor out of or from such premises for the purpose of being sold or supplied for the holder's benefit or profit, or on his account, and of being drunk or consumed in any other house, or in any tent, shed, or other building of any kind whatsoever, belonging to or hired or used or in the occupation of the holder, or in any public place or public thoroughfare ; but in all such cases the liquor shall be deemed to have been sold or supplied by the holder on his licensed premises, and to have been drunk or consumed by the purchasers thereof or the persons to whom supplied on the premises of the holder, and with his privity and consent.

Permits for liquor tasting.

167. Notwithstanding anything contained in this Act the court may grant a permit authorizing the consumption of liquor in respect of any premises or portion thereof in manner hereinafter provided and subject to the conditions hereinafter set forth, namely :—

(*a*) Prior application in the prescribed form shall be made in writing to the clerk seven clear days before the day on which the application is to be made :

(*b*) Such application shall be accompanied by the written consent of the owner and of the occupier of the premises and the written consent (or objection) of the Commissioner of Police or of the officer of the police force in charge of the station nearest to the premises in respect of which the permit is sought :

(*c*) The permit shall be granted on the occasion of a gathering which is, in the opinion of the court, to be held on suitable premises and for the purpose of instructing the public in the moderate use of liquor :

(*d*) The permit shall be granted in respect of such specified days as the court fixes and shall be in force during such times during those days as are specified in the permit :

(*e*) The permit may be granted subject to such terms and conditions as are fixed by the court :

(*f*) A permit shall not be granted authorizing the consumption of liquor produced and manufactured outside the Commonwealth unless the court is satisfied that liquor produced and manufactured in the Commonwealth is to be supplied on the same occasion or occasions :

(*g*) All liquor consumed at the gathering shall be supplied free of charge :

(*h*) No charge shall be made against any person attending the gathering for admission to, entertainment at, or refreshments of any kind supplied or consumed at, the gathering :

(*i*) A permit shall not be granted in respect of licensed premises if in the opinion of the court the holding of the proposed gathering would unduly interfere with the accommodation required by law to be supplied in respect of those licensed premises :

(*j*) No person shall whilst a permit is in force under this section supply or permit to be supplied any liquor to any person under the age of twenty-one years on the premises in respect of which the permit is in force :

(*k*) A person who contravenes any provision of this section shall be guilty of an offence :

(*l*) Except to the extent expressly provided by this section, nothing in this section shall authorize or excuse the doing or omission of anything contrary in any way to any provision of this Act.

Duty to supply food and lodging.

168. (1) Subject to this section, the holder of a full publican's licence or limited publican's licence or a restaurant licence if requested to supply any person with meals or in the case of a full publican's licence or limited publican's licence, lodging, shall comply with that request:

Provided that the holder of a full publican's licence or limited publican's or restaurant licence shall not be required by this subsection to supply meals or (as the case may be) lodging—

(*a*) to a person of bad reputation or an intoxicated person;

(*b*) if he has reasonable cause to believe that the person to be supplied is unable to pay, or will not pay for any meals or lodging supplied;

(*c*) if at the time when the request is made the holder of the licence has already entered into engagements or arrangements with other persons by reason of which his premises are or will be so fully occupied as to render it impracticable to comply with the request;

(*d*) if for any other cause, not due to want of diligence on the part of the holder of the licence or to his failure to comply with this Act, he is unable to comply with the request:

Provided also that the holder of a full publican's licence shall not be required by this subsection to supply any meal except between the hours of eight o'clock and nine-thirty o'clock in the morning, twelve o'clock and two o'clock in the afternoon, and six o'clock and nine o'clock in the evening and the holder of a limited publican's licence or restaurant licence shall not be required by this subsection to supply any meal except between the hours of twelve o'clock noon and two o'clock in the afternoon and six o'clock and nine o'clock in the evening or in any case such other hours as the court fixes in respect of any licence:

Provided further that the holder of a full publican's licence shall not be required to supply any meals where the terms of his licence do not authorize the sale and supply of liquor with or ancillary to meals, nor shall the holder of a full publican's licence be required to supply any lodging where the terms of his licence do not include the sale and disposal of liquor to a resident lodger at any time.

(2) A request shall be deemed to be made to a holder of a licence if it was made to him personally, or to any person apparently in charge of his licensed premises, or to any person on the licensed premises who appears to have authority to receive requests for the supply of meals or lodging.

(3) A person who contravenes this section shall be guilty of an offence.

Penalty for persons unlawfully present on licensed premises.

169. (1) Any person, other than an excepted person, who during any day or time during which the sale of liquor is prohibited by law is present in any room or other part of any licensed premises, which room or part—

(*a*) adjoins any bar-room on such premises or any place therein where liquor is kept for sale or is stored ;

and

(*b*) has any door or other entrance or means of any kind by which admission can be gained to such bar-room or place ;

or

(*c*) has any aperture or other means of any kind through or by which any liquor can be delivered or obtained from such bar-room or place,

such door, entrance, means, or aperture being at the time open or unlocked, shall be guilty of an offence and liable for a first offence to a penalty of not less than ten dollars and for every subsequent offence to a penalty of not less than twenty dollars, unless he satisfies the special magistrate or justices that his presence in the said room or part was not for the purpose of purchasing or obtaining or attempting to purchase or obtain liquor otherwise than as allowed by this Act.

(2) Any person other than an excepted person who is present on any licensed premises at any time except a time when the sale of liquor is allowed by this Act or within thirty minutes thereafter shall be guilty of an offence unless he satisfies the special magistrate or justices that his presence on those premises on that day or at that time was not for the purpose of purchasing or obtaining or attempting to purchase or obtain liquor otherwise than as allowed by this Act.

Presumption that persons present on premises not excepted persons.

170. In any proceeding for an offence against section 158 or section 165 or section 169 of this Act, any person present in the licensed premises shall, until the contrary is proved, be deemed not to be an excepted person.

Penalty for carrying liquor from licensed premises during prohibited times.

171. (1) If any person, whether an excepted person or not, carries away or causes to be carried away liquor in any vessel from any licensed premises during any day or at any time during which the sale of liquor is prohibited by law, he shall be guilty of an offence.

(2) No child under the age of sixteen years shall be convicted of an offence against this section if it is proved to the satisfaction of the special magistrate or justices that the child was ordered or requested by some other person to obtain or carry liquor as aforesaid.

(3) Any member of the police force or inspector may without any warrant stop and detain any person seen coming out of any licensed premises during any day or any time during which the sale of liquor is prohibited by law, and may search that person and seize and carry away any vessel found in his possession and which the said member or inspector has reasonable cause to believe contains liquor.

(4) Any person who resists or obstructs any member of the police force or inspector in the exercise of his powers under this section shall be guilty of an offence.

(5) Nothing in this subsection shall apply to the carrying away, by the licensee of the premises, or a *bona fide* lodger or traveller, of liquor which is reasonably required for the consumption of such licensee, lodger, or traveller, on the day on which such liquor is so carried away.

Penalty on licensee when liquor delivered to persons outside licensed premises after hours.

172. (1) If any liquor is conveyed by any person from any licensed premises to any person outside those licensed premises during any day or time during which the sale of liquor is prohibited by law, the holder of the licence in respect of those licensed premises shall be guilty of an offence, unless the holder of the licence proves to the satisfaction of the special magistrate or justices hearing the case that the liquor was conveyed as aforesaid—

(*a*) contrary to the will of the holder of the licence, or if he was not at the time on the licensed premises, contrary to the will of the person at that time in charge thereof, and that the holder of the licence or the person in charge, as the case may be, took all reasonable steps to prevent the person conveying the liquor from doing so ;

or

(*b*) without the knowledge of the holder of the licence, or if he was not at the time on the licensed premises, without the knowledge of the person at that time in charge thereof and that the holder of the licence or the person in charge, as the case may be, exercised all practicable diligence to prevent the person conveying the liquor as aforesaid from doing so.

(2) In this section the term "convey" includes to transmit by hand or otherwise, with or without any change of bodily position on the part of the person conveying.

Provisions as to proof of liquor, and separate offences.

173. In any proceedings for an offence against any of the provisions of this Act—

(*a*) any liquid shall, until the contrary is proved, be deemed to be liquor;

and

(*b*) every separate sale or supplying shall be a separate offence.

Powers of police with respect to persons on licensed premises at prohibited times.

174. (1) Any member of the police force or inspector may demand from any person found on or seen coming out of any licensed premises during any day or time during which the sale of liquor is prohibited by law the name and address of that person, and if he has reasonable ground to suppose that the name or address so given is false, may require that person to produce evidence of the correctness of the name or address given by him.

(2) If any such person, on demand being made as aforesaid, refuses or neglects to give his name or address, or fails, without reasonable cause, to produce any such evidence as aforesaid, the member of the police force or inspector may without any warrant apprehend the said person forthwith, and shall bring him before any special magistrate or two justices as soon as practicable to be dealt with according to law.

(3) Every such person who, on demand being made as aforesaid, refuses or neglects to give his name or address, or fails, without reasonable cause, to produce any such evidence as aforesaid, or gives a false name or address, or produces false evidence with respect to his name or address, shall be guilty of an offence.

Liability of licensee when person unlawfully on premises outside hours.

175. (1) Any licensee on whose licensed premises any person is found, or out of whose licensed premises any person is seen coming at any time except during a time when the sale of liquor is allowed by this Act or within thirty minutes thereafter shall be guilty of an offence unless he proves to the satisfaction of the special magistrate or justices hearing the case, that the said person—

(*a*) was not on the premises for any purpose (whether the sole purpose or not) contrary to the provisions of this Act;

or

(*b*) was on the premises contrary to the will of the licensee, or, if the licensee was not at the time on the premises, contrary to the will of the person at such time in charge thereof, and that the licensee or the person

in charge (as the case may be) took all reasonable steps to prevent the said person from entering the premises and to remove him therefrom ;

or

(*c*) was on the premises without the knowledge of the licensee, or, if the licensee was not at the time on such premises, without the knowledge of the person at such time in charge thereof, and that the licensee or the person in charge (as the case may be) exercised all practicable diligence to prevent the said person from entering or being on the premises.

(2) If a licensee charged with an offence against this section, which offence is alleged to have been committed between the hours of ten o'clock in the evening and eleven o'clock at night, proves to the satisfaction of the special magistrate or justices hearing the case that he has at all times—

(*a*) kept the front door of his licensed premises unlocked and capable of being readily opened ;

and

(*b*) afforded to members of the police force desiring to enter and inspect his licensed premises all reasonable facilities for so doing,

he shall be deemed to be charged with an offence against section 176.

Liability of licensee when person unlawfully on premises outside hours.

176. Any licensee upon whose licensed premises any person is found, or out of whose licensed premises any person is seen coming at any time except a time when the sale of liquor is allowed by this Act or within thirty minutes thereafter, shall be guilty of an offence, if it is proved to the satisfaction of the special magistrate or justices hearing the case, that the said person was in such premises for any purpose (whether the sole purpose or not) contrary to the provisions of this Act, and with the knowledge of the licensee or the person in charge of the premises, unless it is proved to the satisfaction of the magistrate or justices that he was on the premises against the will of the licensee or person in charge.

Purposes contrary to provisions of Act.

177. If any person is on licensed premises for the purpose of drinking, or obtaining possession or custody of, or carrying away liquor previously bought or supplied or given to him or any other person, this shall be deemed a purpose contrary to the provisions of this Act within the meaning of sections 175 and 176.

Appointment of Superintendent of Licensed Premises and inspectors.

178. (1) The Governor may appoint a Superintendent of Licensed Premises and such inspectors of licensed premises as he thinks fit.

(2) The Superintendent of Licensed Premises shall be entitled to object to, or to be heard on the hearing of any application to the court or to furnish a report and make submissions or recommendations upon any application or any matter relating to or arising in connection with any application, including the fixing of fees for licences or permits.

(3) The Superintendent of Licensed Premises shall himself have all the powers of an inspector under this Act, and where necessary to give effect to this subsection the term "inspector" in this Act shall be construed as including the Superintendent of Licensed Premises.

Duties of inspectors.

179. It shall be the duty of the Superintendent of Licensed Premises assisted by such inspectors—

(*a*) to ascertain by personal inspection the mode in which the licensed premises are conducted and managed;

(*b*) to ascertain by personal inspection the state, condition, nature, and extent of accommodation of such premises;

(*c*) to keep a record of all convictions against all licensees of such premises;

(*d*) to see that the provisions of this Act are duly observed and followed by every person holding a licence thereunder;

(*e*) to report upon all or any licensed premises, with regard to the conduct and management of the same, and of the business carried on therein, and to the accommodation thereof;

(*f*) whenever directed by the court so to do either generally or in a specific case to inspect and examine any books records documents or accounts relating to quantities of liquor purchased or sold for or in respect of any licensed premises or for sale pursuant to any certificates of approval granted under sections 65 and 71 and the amounts paid or payable therefor.

Powers of inspectors to search for and seize suspected liquor.

180. (1) Subject to this section every inspector may at any time—

(*a*) enter the premises of, or any premises occupied or used by, any person (in this section referred to as

the vendor) selling, or keeping, or offering, or exposing for sale any liquor ;

(*b*) search such premises for the purpose of ascertaining whether the vendor has in or upon them any substance, matter, or thing of a deleterious character which it may reasonably be inferred is kept for the purpose of adulterating or mixing with the liquor sold, or kept, or offered, or exposed for sale, or has for sale any adulterated liquor, or liquor containing any deleterious ingredient, or any liquor whatever not authorized to be sold by the licence or permit (if any) held by him ;

(*c*) seize and take away any liquor whatsoever which he has reasonable grounds for believing to be adulterated, or to contain any deleterious ingredient, or to be not authorized to be sold as aforesaid, or to be unfit for human beings to drink, and also any substance, matter, or thing which he has reasonable grounds for believing to be of a deleterious character, and which he discovers on the premises of the vendor ;

(*d*) either on such premises or elsewhere, submit any liquor, substance, matter, or thing seized, or any sample thereof, to any test or analysis which he considers necessary for determining whether that liquor, substance, matter, or thing seized, or any ingredient, or is authorized to be sold by such licence or permit as aforesaid, or is fit for human beings to drunk, or whether that substance, matter, or thing is of a deleterious character.

(2) Every person upon whose premises, or upon the premises occupied or used by whom, any adulterated liquor, or liquor containing any injurious ingredient, or unfit for human beings to drink, or not authorized by such licence or permit as aforesaid to be sold, or any substance, matter, or thing of a deleterious character which it may reasonably be inferred is kept for the purpose of adulterating or mixing with the liquor sold, or kept, or offered, or exposed for sale, is found (of all which several matters the fact of such liquor, substance, matter, or thing being found on such premises shall be *prima facie* evidence) shall be guilty of an offence and liable to the like penalties, imprisonment, and disqualification as are provided in section 142.

(3) All liquor of the like kind to that seized, and all substances, matters, and things of a deleterious character found upon the premises shall be confiscated upon the order of the convicting magistrate or justices.

(4) No inspector shall enter any private room in the actual use or occupation of any *bona fide* lodger, or of any person holding a licence unless—

(*a*) he has first given reasonable notice of his intention to that lodger or licensed person, or, in the case of the absence of either of them, to the person appearing to have charge of the licensed premises;

or

(*b*) he has the assent of such lodger or licensed person, or of the person appearing to be in charge of such premises as aforesaid.

(5) An inspector making any seizure under this section, if requested by the vendor at the time of seizure, shall in his presence—

(*a*) set aside in a separate vessel or vessels, for analysis, a sample of the liquor, substance, matter, or thing seized;

(*b*) annex to every such vessel the name and address of the vendor;

(*c*) with such seal or seals (if any) as the vendor furnishes, secure such vessel, name, and address, in such manner that the vessel cannot be opened, or the name and address taken off, without breaking such seal or seals;

(*d*) leave with the vendor a vessel containing a corresponding sample, and the name and address of the vendor secured thereto by such inspector, with his own seal in manner aforesaid.

(6) No evidence on the analysis of the sample so sealed shall be receivable on the hearing of any complaint under this section, unless, previous to the opening of the vessel containing such sample, reasonable notice has been given by the inspector to the vendor or by the vendor to the inspector (as the case may require) of the time and place at which it is intended to open such samples for analysis, in order that the vendor or inspector may, if he thinks fit, attend and inspect the condition of the seals attached to such vessel.

Duty to keep licensed premises repair and clean.

181. (1) Every licensee of any licensed premises shall at all times keep the licensed premises in good repair and sufficiently well furnished for the accommodation of travellers and other persons using the same, and every part thereof thoroughly cleansed and disinfected.

(2) The court may, upon the recommendation of the Superintendent of Licensed Premises, cause notice to be served upon

a licensee requiring the licensee to put his licensed premises into such repair or have the premises so furnished or cleansed or disinfected as specified in the notice and within such time as is specified in the notice.

(3) If the licensee fails to comply with any such notice within the time so specified, he shall be guilty of an offence.

(4) The special magistrate or justices before whom any such holder is convicted under this section, or the court, after such a conviction, may direct the licensed premises to be closed until the notice is complied with; and thereafter and until the Superintendent of Licensed Premises has signified by notice in writing delivered to the holder that he is satisfied with the state of the premises, or until the special magistrate or justices who made the direction, or the court, directs that the said premises may be re-opened, the said premises shall for all purposes under this Act be regarded as unlicensed and the said holder as not licensed in respect thereof.

Penalty on obstructing inspectors.

182. Any person who—

(*a*) refuses to permit any inspector to make any search;

or

(*b*) hinders or delays any such search;

or

(*c*) obstructs or hinders any inspector in the performance of any of his duties under this Act, or the execution of any of the powers by this Act vested in or conferred upon him,

shall be guilty of an offence.

Authority of inspectors and proof of appointment.

183. Any inspector without further or other authority than this Act may execute the duties of his office in every part of the State, and it shall not be necessary for any inspector in any proceedings to prove his appointment as such inspector.

Power of authorized persons to enter licensed premises.

184. (1) Any inspector, or officer of the police force of rank not lower than inspector, or any member of the police force authorized in writing by any such officer of the police force, may demand entrance at any time into any licensed premises, or any bar-room, or other part thereof, or any appurtenances thereof, or any premises adjoining and occupied with such licensed premises or appurtenances, at any time, by day or night, and if admittance is refused or delayed for such time as makes it appear that wilful delay was intended, the licensee and any person to whom such demand was made shall be guilty of an offence.

(2) If on demand made as aforesaid admittance is refused or delayed for such time as last aforesaid, the inspector, officer, or member may break into and employ force to enter the licensed premises, bar-room or other part, or appurtenances or other premises as aforesaid.

(3) Such breaking and entry shall not affect the liability of the licensee and the person to whom such demand was made.

(4) The authority of a member of the police force, referred to in subsection (1) of this section, may be limited to one or more specified occasions, or one or more specified localities, or one or more specified premises, or may authorize the member to act generally as in the subsection mentioned without limitation as to occasion, locality, or premises, or may be limited in any manner deemed proper by the officer giving the authority.

Power to search premises when sale of liquor suspected.

185. (1) Any inspector or any member of the police force who is of opinion that any liquor is being or has been sold, contrary to the provisions of this Act, in any house or place not being licensed premises, or in any licensed premises otherwise than is authorized by the licence granted in respect thereof, may at any time by day or night, with such (if any) assistants as he considers necessary—

(*a*) enter and search the said house, place, or premises, and every part thereof in which he suspects that liquor is sold or may be found ;

(*b*) if necessary break open the doors or other means of access to the said house, place, or premises, and every such part thereof, and any vessels suspected to contain liquor ;

and

(*c*) seize all such liquor as he finds in the said house, place, or premises, and the vessels containing liquor.

(2) If the owner of any liquor and vessels so seized—

(*a*) within seven days of the seizure applies to the court of summary jurisdiction nearest to the house, place or premises wherein they were seized, for the return of that liquor and those vessels ;

and

(*b*) satisfies such court—

(i) that he became possessed of the liquor and vessels lawfully ;

and

(ii) that the liquor was not in such house place or premises for the purpose of being unlawfully disposed of,

then the court shall order the liquor and vessels to be returned to the owner.

(3) If the owner does not apply under subsection (2) of this section, the liquor and vessels shall, without any order in that behalf, be forfeited to the Crown.

(4) If the owner applies under subsection (2) of this section, but fails to satisfy the court as to the matters specified in that subsection, the court shall order the liquor and vessels to be forfeited to the Crown.

(5) Every application under subsection (2) of this section shall be made in writing to the clerk of the court of summary jurisdiction, who shall fix a date for the hearing of such application and shall give notice thereof to the applicant and to the officer in charge of the police station nearest to the house, place or premises wherein the liquor and vessels are seized.

(6) All liquor and vessels forfeited to the Crown pursuant to this section shall be disposed of in such manner as the Commissioner of Police directs.

Removal of Devices.

Power of court to order removal of device calculated to facilitate breach of Licensing Acts.

186. (1) The court may, upon the recommendation of any inspector of licensed premises or of any member of the police force of rank not lower than sergeant, cause notice to be served upon the licensee of any licensed premises to attend before the said court to show cause why he should not remove from his licensed premises any contrivance, device, or thing whatsoever, which, in the opinion of the person making the recommendation, might be used by the licensee or by any other person to facilitate a breach by any person of any of the provisions of this Act.

(2) If the licensee fails to show cause to the satisfaction of the said court, then the said court may order the removal of the contrivance, device, or thing within such time as specified by the said court.

(3) Any licensee of any licensed premises who—

(*a*) refuses or neglects or fails to remove from his licensed premises within the time specified by the court any such contrivance, device, or thing pursuant to subsection (1) of this section ;

or

(*b*) restores or replaces, whether in the same place or elsewhere on the said premises any such contrivance, device, or thing, or any contrivance, device, or thing substantially the same, after having removed the same when so ordered as aforesaid,

shall be guilty of an offence.

Telephones on licensed premises.

187. (1) If—

(*a*) there is upon any licensed premises any telephone not directly and solely connected with a public telephone exchange ;

and

(*b*) there is not in force an order of the court permitting that telephone to be on those licensed premises,

the licensee shall be guilty of an offence and liable to a penalty not exceeding one hundred dollars, and an additional penalty of two dollars for every day on which the offence continues.

(2) The court may at any time make or revoke any order permitting any such telephone to be on any licensed premises.

Licensing of Hotel Brokers.

Licensing of hotel brokers.

188. (1) After the expiration of twelve months after the commencement of this Act, a person (whether an individual or a corporation) shall not carry on business, or by any means whatsoever hold himself out, as an hotel broker or act as an hotel broker unless he is the holder of an hotel broker's licence granted by the court.

(2) The conditions upon which a licence pursuant to this section may be granted by the court shall be as prescribed by the regulations.

(3) In this section "hotel broker" means a person whose business is to act as agent in respect of the sale or other disposal or the purchase or other acquisition of premises the subject of any licence.

(4) The Governor may make regulations prescribing the form and duration of licences to be issued to hotel brokers, the mode of application for such licences, the terms and conditions upon which and the circumstances in which such licences may be granted, held, suspended, cancelled, altered, extended or replaced, and the fees payable in respect thereof and prescribing the qualifications, standards and other requirements required of applicants for such licences.

Prices Act, 1948-1967.

189. The Prices Act, 1948-1967, is amended—

Amendment of s. 43.

(*a*) by inserting after the word "maximum" in subsection (2) of section 43 thereof the passage "or minimum" ;

and

Enactment of new s. 22f.

(*b*) by enacting and inserting therein after section 22e the following section :—

Minimum prices for liquor.

22f. (1) Without limiting any other power conferred on the Minister by this Act, the Minister may, subject to this section, by order fix and declare the minimum retail price of any type or kind of liquor within the meaning of the Licensing Act, 1967.

(2) The power conferred on the Minister by subsection (1) of this section shall include power to fix different minimum retail prices of the same type or kind of liquor according to the quantity, manner, conditions and locality in or under which the liquor is sold.

(3) Notwithstanding subsections (4) and (5) of this section and the fact that the minimum retail price of any type or kind of liquor has been fixed by the Minister under this section, it shall not be unlawful for the holder of a full publican's licence or the holder of a retail storekeeper's licence to sell liquor of that type or kind to any club whose licence is subject to the condition referred to in paragraph (*b*) of subsection (3) of section 27 of the Licensing Act, 1967, or to any club that is the holder of a permit granted under section 67 of that Act, nor for any such club to buy such liquor from the holder of a full publican's licence or a retail storekeeper's licence, at a discount the rate of which does not exceed the appropriate rate fixed under subsection (8) of this section by the association referred to in that subsection.

(4) A person shall not sell or supply or offer for sale or to supply by retail any type or kind of liquor at a lower price than the minimum retail price of that type or kind fixed by the Minister under this section.

(5) A person shall not buy or obtain by retail or offer to buy or obtain by retail from any person authorized under the Licensing Act, 1967, to sell liquor by retail any type or kind of liquor at a

lower price than the minimum retail price of that type or kind fixed by the Minister under this section.

(6) The Minister may on the application of any association that, in the opinion of the Minister, is fairly representative of the liquor industry, approve of that association for the purposes of this section.

(7) Notice of such approval shall be published in the *Gazette*.

(8) Any association so approved may, with the consent of the Minister, by notice published in the *Gazette*—

(*a*) fix the proposed minimum retail price of any type or kind of liquor according to the quantity, manner, conditions and locality in or under which the liquor is sold ;

and

(*b*) fix the rate or rates at which discounts referred to in subsection (3) of this section may be granted for the purpose of that subsection.

(9) The Minister shall not fix the minimum retail price of any liquor under subsection (1) of this section unless he is satisfied that any proposed minimum retail price fixed by an association under subsection (8) of this section is not being observed.

(10) Subsections (4) and (5) of this section do not apply to or in relation to—

(*a*) any sale or supply or any offer for sale or supply by the holder of a distiller's storekeeper's licence referred to in section 25 or a vigneron's licence referred to in section 26 of the Licensing Act, 1967, of any liquor authorized to be sold or disposed of by that licence ;

or

(*b*) any purchase or obtaining of liquor, or any offer to buy or obtain any liquor from the holder of such a licence where the sale or disposal of such liquor is authorized by that licence.

PART VI.

PART VI.

TIED HOUSES AND ONEROUS LEASES.

Tied houses.

190. (1) It shall not be lawful without the consent of the court for any licensed person to give, or for any person to take, any security or charge for the payment of money over the lease, licence, goodwill, interest or other property of the licensee, in or in connection with the licensed premises, in which security or charge there is any agreement express or implied on the part of the borrower to have, take, or purchase liquor.

(2) As a condition precedent to the giving of any such consent, the court may require to be satisfied that the terms and conditions of the security or charge, or any collateral agreement between the same parties relating to the licensed premises, are fair and reasonable.

No such term or condition shall be deemed to be fair and reasonable unless it is stipulated—

I. that the prices to be charged to the borrower for any such liquor shall be fair and reasonable ;

II. that the borrower shall not be restricted in the purchase of any liquor to any particular brand, kind, class, or quality ;

and

III. that the borrower shall, at any time, be at liberty to discharge the whole of his liability to the person to whom he is bound.

(3) This section shall be construed to extend to every document, agreement, condition, proviso, or stipulation, operating as a security or charge for the payment of money contained in any instrument or agreement for lease of the licensed premises executed after the twenty-sixth day of March, one thousand nine hundred and sixteen, but not to any document, agreement, condition, proviso, or stipulation which merely extends a security or charge for the payment of money lent before that day, and not for any further advance, or which does not contain any agreement express or implied on the part of the borrower to have, take, or purchase liquor.

(4) In any proceedings for obtaining the consent of the court under this section, any inspector shall have the right to lodge any objection and to appear before the court and be heard.

Time for application as to tied houses.

191. An application for the consent of the court under section 190 of this Act may be made, in manner prescribed by the rules of court at such time and place as are fixed and notified by the court in manner so prescribed.

PART VII.

HISTORIC INNS.

192.—

(*a*) Upon the application of any owner of any premises which are or have been licensed premises under this Act or the Acts repealed by this Act the Governor may by proclamation declare such premises to be an historic inn if he is satisfied that the premises or any substantial part thereof are or is of national, special historic or architectural interest and should be preserved for the benefit of the public generally. Upon any such proclamation being made and notwithstanding anything contained in this Act, the Governor may, subject to such conditions as he thinks fit—

(i) sanction and authorize the issue by the court of a licence for the sale of liquor at an historic inn which is not already licensed under this Act ;

and

(ii) exempt any historic inn, the owner and licensee thereof from any of the provisions of this Act ;

(*b*) Subject to any conditions imposed by the Governor and exemptions as aforesaid the provisions of this Act relating to full publican's licences, the holders thereof, licensed premises and persons resorting thereto, shall, in respect of any licence issued in respect of an historic inn, apply to and in respect of any such licence, the holder thereof, the premises in respect of which such licence is issued and persons resorting thereto :

(*c*) The Governor may, before declaring any premises to be an historic inn under this section, refer the matter to the court for inquiry and report. Any preservation society shall be entitled to be heard and represented before the court on any such reference :

(*d*) In this section, "preservation society" includes The National Trust of South Australia, the Royal Australian Historical Society, the Royal Australian Institute of Architects, South Australian Chapter, and any other body specified by the Minister in a notice published in the *Gazette*.

PART VIII.

LEGAL PROCEEDINGS AND EVIDENCE.

Enforcement of orders for payment.

193. The payment of any money ordered by the court to be paid under the authority of this Act may be enforced upon the order of the court, in like manner as an order of a justice made under the provisions of the Justices Act, 1921-1965 ; or, at the discretion of the court, by the committal of the offender to prison for a period not exceeding three calendar months, unless payment thereof be sooner made.

Penalty on witness duly summoned not appearing.

194. (1) Any person duly summoned to attend and give evidence in the matter of any application for the grant, renewal, transfer, or removal of any licence or permit, and to whom payment or a tender of payment of his expenses at the rate mentioned in this section has been made, and who refuses or neglects, without sufficient cause, to attend, and also every person present at the hearing, whether so summoned or not, who is required to give evidence in such matter, and who refuses to be sworn and give evidence, shall be liable to pay such fine not exceeding one hundred dollars as the court imposes.

(2) The whole or any part of any such fine shall, at the discretion of the court, be applicable towards indemnifying the party injured by such refusal or neglect.

(3) The rate of payment for expenses shall be in accordance with the scale of fees and expenses payable to witnesses in the Supreme Court.

Production of licences on hearing of charges.

195. (1) Whenever any licensed person is charged with any offence under this Act he shall produce his licence, certificate, permit, or order to the special magistrate or justices hearing the charge, and if the licensed person is convicted of any offence on the hearing the special magistrate or justices shall indorse a memorandum of that conviction on the licence, certificate, permit, or order.

(2) Any licensed person who upon the hearing of such a charge refuses or neglects to produce his licence, certificate, permit, or order shall be guilty of an offence.

Summary procedure.

196. Every proceeding under this Act for omissions, defaults, neglects, acts, or offences, to which forfeitures, fines, imprisonments, or other penalties attach shall, except where otherwise provided, be heard and determined in a summary way by any special magistrate or two justices, under the provisions of the Justices Act, 1921-1965.

General penalty.

197. Every person guilty of an offence under any provision of this Act for which offence no penalty is therein expressly provided shall be liable to penalties as follows :—

(*a*) for a first offence, not less than fifty dollars and not more than two hundred dollars ;

and

(*b*) for a subsequent offence not less than one hundred dollars and not more than four hundred dollars.

Service of process, notices, and documents.

198. (1) Except where otherwise expressly provided, and subject to the provisions of this section, any summons, complaint, or other proceeding whatsoever, and any notice of application, or other document whatsoever, required by this Act to be served upon or delivered or given to any person, shall be deemed to have been duly served upon or delivered or given to such person if and when served upon or delivered or given to or left with him personally, or left with some person for him at his last known or most usual place of abode. Service, delivery, or giving in all cases provided for in this section may be proved either orally or by affidavit sworn before any Commissioner for taking Affidavits in the Supreme Court or any justice.

(2) Any notice of objection to the grant, renewal, transfer, or removal of a licence, or any other notice whatsoever shall, for the purposes of this Act, be deemed to have been duly delivered or given to and received by the person to whom addressed if posted in a prepaid registered letter or packet, addressed to the person to whom it is required by this Act to be delivered or given at his usual or last known place of abode ; and such notice shall be deemed to have been delivered or given to and received by such person at the time when the letter or packet containing it would be delivered to such person in the ordinary course of post, or if postal matter is not usually delivered at the said place of abode, then at the time when the said letter or packet would in the ordinary course of post be received by such person.

Power to amend.

199. Any complaint under this Act shall be held sufficient if it gives the accused a reasonably clear and intelligible statement of the offence with which he is charged, and no conviction or warrant of commitment shall be held void, invalid, or be quashed for any defect in substance or in form ; and the special magistrate or justices shall, at or before the hearing, amend any complaint which in their opinion is defective or ought to be amended, upon such terms (if any) as to costs, adjournment, or otherwise as they think fit ; and any special

magistrate may amend any conviction or warrant of commitment at any time after the same has been signed, and before it has been executed.

Prosecution and punishment of aiders and abettors in the commission of offences.

200. Every person who aids, abets, counsels, or procures the commission of any offence under this Act, which is punishable on summary conviction, shall be liable to be proceeded against and convicted for the same offence, either together with the principal offender or before or after his conviction, and shall be liable on conviction to the same penalty, forfeiture, and punishment as the principal offender is by law liable.

Notices appearing in *Gazette* to be *prima facie* evidence.

201. For the purposes of this Act every order, proclamation, notice, or other notification appearing in the *Gazette* relating to the court, any member or clerk or other officer of the court, any inspector, member of the police force, or other officer or person, or any licence, certificate, permit, order, or other matter shall be *prima facie* evidence in all judicial and other proceedings of the matters mentioned in such order, proclamation, notice, or notification.

Presumption that defendant unlicensed in certain cases.

202. In all proceedings against any person for selling, or permitting to be sold, any liquor without a licence, that person shall, for all purposes connected with those proceedings, be deemed unlicensed, unless he at the hearing of the case produces his licence, certificate, permit, or order to the special magistrate or justices, or furnishes other satisfactory proof of his being licensed.

Proof that person or premises licensed.

203. (1) Any person alleged in any complaint under this Act to be a licensed person shall, for all purposes connected with and in all proceedings under or upon the complaint, be deemed to be a licensed person, and to be licensed in respect of the premises (if any) in respect of which he is, in the complaint, alleged to be licensed, unless he at the hearing of the complaint satisfies the special magistrate or justices to the contrary.

(2) Any premises alleged in any complaint under this Act to be licensed premises shall, for all purposes connected with and in all proceedings under or upon such complaint, be deemed to be licensed premises, unless at the hearing of such complaint the special magistrate or justices are satisfied to the contrary.

Proof of sale of liquor.

204. (1) The fact that any person who does not hold a licence—

(*a*) keeps up any sign, writing, or other mark on or near to his house or premises, or has his house or premises

fitted up with a bar or other place containing bottles, casks, or other utensils openly displayed so as to imply or give reasonable cause to believe that the house or premises is or are licensed for the sale of any liquor, or that any liquor is sold or served therein ;

or

(*b*) has in his house or premises a quantity of liquor more than is reasonably required for the use of the persons residing therein,

shall be *prima facie* evidence of the unlawful sale of liquor by that person.

(2) In all cases where liquor is carried about from one place to another the burden of proving that the liquor was not so carried or exposed for sale or that the person charged is within the exceptions in this Act set out shall be cast on the persons carrying or exposing the liquor.

Evidence of sale or consumption of liquor.

205. (1) In proving the sale or consumption of liquor for the purpose of any proceeding relative to any offence under this Act, it shall not be necessary to show that any money or other consideration actually passed, or that any liquor was actually consumed, if the special magistrate or justices sitting at or on the hearing of the complaint are satisfied that a transaction in the nature of a sale of liquor actually took place, or that any consumption of liquor was about to take place.

Delivery of liquor to be *prima facie* evidence of supply.

(2) The delivery to any person of liquor by a licensed or unlicensed person, or by the owner or occupier of any licensed or unlicensed house, place, or premises, or by his servant or any other person in the licensed or unlicensed house, place, or premises shall be *prima facie* evidence of the supply of liquor by the holder of the licence, or by the person delivering the liquor.

(3) The delivery to any person of liquor by a licensed or unlicensed person, or by the owner or occupier of any licensed or unlicensed house, place, or premises, or by his servant or any other person in the licensed or unlicensed house, place, or premises, shall be deemed to be sufficient evidence of the sale of liquor by the holder of the licence, or by the person delivering the liquor, or of the consumption of liquor by the person to whom delivered, so as to support a conviction, unless evidence to the contrary to the satisfaction of the special magistrate or justices is given.

(4) Where in any complaint it is alleged that liquor has been sold, or supplied, or consumed, on the premises specified in the complaint, the presence thereon of two or more persons shall be *prima facie* evidence of such sale, supply, or consumption (according to the nature of the charge): Provided that if the said premises are licensed premises this subsection shall not apply unless one or more of the said persons is not an excepted person.

Members of police force, etc., not accomplices.

206. No member of the police force or inspector who purchases liquor, and no person who purchases liquor at the request of a member of the police force or an inspector, shall be deemed an accomplice or guilty of an offence against this Act where any complaint has been laid for such an offence, nor shall the evidence of any such member of the police force, inspector, or person be deemed, on the hearing of a complaint, to be the evidence of an accomplice.

Power of court to act on evidence of accomplices without corroboration.

207. (1) The special magistrate or justices sitting at or on the hearing of any complaint under this Act may, if in the circumstances of the case they deem it proper, convict the person accused upon the uncorroborated evidence of an accomplice; nor shall he or they acquit the person accused merely on the ground that the only evidence against him is the uncorroborated evidence of an accomplice, unless, in the circumstances of the case, he or they suspect the truth of that evidence.

(2) There shall be no appeal from any conviction merely on the ground that the only evidence against the accused was the uncorroborated evidence of an accomplice.

Duty to answer incriminating questions.

208. (1) No witness in any proceedings for an offence under this Act shall be excused from answering any relevant question notwithstanding that the answer thereto would or might tend to show him to be an accomplice or accessory with, or an aider or abettor of, the person being tried, in the offence for which he is being tried, or otherwise to incriminate him.

(2) If any person who gives evidence as required by this section satisfies the special magistrate or justices that he has made true, faithful, and complete discovery to the best of his knowledge as to all things on which he is examined, he shall at his request be furnished by the special magistrate or justices with a certificate to that effect, and shall thereafter be free from all criminal prosecutions and proceedings and all penal actions in respect of all matters of which he has so given evidence.

Application of licence moneys, penalties, fines, forfeitures, and fees.

209. All moneys received for licences, certificates, or permits, or for penalties, or as fees under or by virtue of this Act, shall be paid into the General Revenue of the State: Provided that any fines or penalties may, notwithstanding any provisions of this Act, be remitted by the Governor either wholly or in part.

Protection to officers.

210. (1) All actions, prosecutions, and other proceedings against any person for anything done in pursuance of this Act shall be commenced within three months after the act complained of was committed, and not otherwise.

(2) Notice in writing of such action, prosecution, or other proceeding, and the cause thereof, shall be given to the defendant or person prosecuted or proceeded against, one month at least before the commencement of the action, prosecution, or proceeding; and the defendant or person prosecuted or proceeded against in any such action, prosecution, or proceeding may plead the general issue and give this Act and the special matter in evidence at any trial.

(3) The plaintiff shall not recover in such action if tender of sufficient amends is made before action brought, or if after action brought the defendant pays into court sufficient amends, but in such last named case the plaintiff shall recover his costs of suit up to the time of payment into court; and if a verdict passes for the defendant, or the plaintiff becomes nonsuit or discontinues, the defendant shall recover full costs as between solicitor and client, and have his remedy for the same in the usual way.

PART IX.

REGULATIONS AND FORMS.

Regulations.

211. (1) The Governor may from time to time make regulations not inconsistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for giving effect to this Act, and may by regulation prescribe penalties not exceeding one hundred dollars for breach of the same or any other regulation.

(2) The power to make regulations under subsection (1) of this section shall, without limiting the generality of the provisions of that subsection, include power to make regulations prescribing the measurements and capacities of glasses or other containers in which liquor shall be sold or supplied for consumption on the premises in which such liquor is sold or supplied and the names and descriptions of such glasses or containers and for the marking and identification of such glasses and containers and for prohibiting the sale or supply of liquor for consumption as aforesaid otherwise than in such glasses or containers as may be prescribed.

(3) In any proceedings in any court, or before any special magistrate or justices, or any tribunal or person, the production of the *Gazette* containing any regulations purporting to be made under the provisions of this Act shall be *prima facie* evidence that the same, as therein printed, have been duly made and published under this Act and are in force.

(4) Any penalty provided as aforesaid by such regulations may be recovered before any special magistrate or two justices.

Forms.

212. (1) It shall be sufficient in all cases to use such of the forms provided by regulation or rules of court as in this section mentioned, as are applicable.

(2) Any form may be varied to suit the circumstances of the case, and no variation in any form used shall invalidate the form, provided that the substance and effect thereof is not altered except so far as an alteration is rendered necessary by any amendment of this Act or any other law.

(3) By regulations or rules of court made under this Act any form provided may be altered and new forms may be provided in substitution for, or in addition to, or for other purposes than those for which any of the forms are provided.

213. All salaries, fees, and allowances required or permitted by this Act, or by regulation under this Act, to be paid in respect of anything done under this Act or any such regulation, shall be paid out of moneys to be provided by Parliament.

Salaries, etc., to be paid out of moneys provided by Parliament.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.

THE SCHEDULE.

ACTS REPEALED.

Innkeepers Act, 1888-1935.
Licensing Act, 1932-1936.
Lottery and Gaming and Licensing Acts Amendment Act, 1933, Part II.
Licensing Act, 1933.
Licensing Act, 1935.
So much of the Statute Law Revision Act, 1936, as relates to the Licensing Act, 1932.
So much of the South Australian Railways Commissioner's Act, 1936, as amends the Licensing Act, 1932.
Licensing Act Amendment Act, 1945.
Licensing Act Amendment Act, 1949.
Licensing Act Amendment Act, 1953.
Licensing Act Amendment Act, 1954.
So much of the Statute Law Revision Act, 1957, as relates to the Licensing Act, 1932-1936.
Licensing Act Amendment Act, 1960.
Licensing Act Amendment Act, 1963.
Licensing Act Amendment Act, 1964.
So much of the Statute Law Revision Act, 1965, as relates to the Licensing Act, 1932-1964.
Licensing Act Amendment Act, 1966.

ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

****

No. 42 of 1967

An Act to provide for assistance to primary producers in necessitous circumstances as a result of drought, fire, flood, frost, animal or plant disease, insect pest, or other natural calamity, and for other purposes.

[*Assented to 12th October,* 1967]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short title.

1. This Act may be cited as the "Primary Producers Emergency Assistance Act, 1967".

Interpretation.

2. In this Act, "Farmers Assistance Fund" means the Farmers Assistance Fund kept in the Treasury pursuant to section 12 of the Primary Producers Assistance Act, 1943.

Payments to Farmers Assistance Fund.

3. There shall be paid into the Farmers Assistance Fund the following amounts—

(*a*) all moneys received from the Commonwealth and authorized by the Commonwealth to be used for the purposes of giving financial assistance to primary producers affected by drought, fire, flood, frost, animal or plant disease, insect pest, or other natural calamity ;

(*b*) so much of the moneys held in the Marginal Lands Improvements Account kept at the Treasury not exceeding One hundred and fifty thousand dollars as the Treasurer may approve ;

(*c*) such other moneys as may be provided by Parliament for the purpose of giving financial assistance to primary producers affected by drought, fire, flood, frost, animal or plant disease, insect pest, or other natural calamity in accordance with section 5 of this Act;

and

(*d*) all amounts received in repayment of advances made under section 5 of this Act and in payment of interest on such advances.

Payments out of Fund.

4. There may be paid out of the Farmers Assistance Fund—

(*a*) expenditure for the purpose of assisting primary producers in necessitous circumstances caused by drought, fire, flood, frost, animal or plant disease, insect pest, or other natural calamity in accordance with section 5 of this Act;

and

(*b*) such part of the costs of administering any scheme of financial assistance to primary producers under section 5 of this Act as may be approved by the Minister of Lands.

Power to make advances.

5. (1) Subject to this section, the Minister of Lands, after consideration of such reports and recommendations as may be tendered by any person or persons appointed for the purpose, may make from the Farmers Assistance Fund—

(*a*) advances to primary producers in necessitous circumstances as a result of drought, fire, flood, frost, animal or plant disease, insect pest, or other natural calamity, to enable such persons to continue in the business of primary production;

(*b*) payments towards the cost of fodder or water for starving stock including the cost of transport of such fodder or water, or for any other purpose deemed necessary by the Minister for the purposes of this Act;

and

(*c*) direct grants of money to primary producers in necessitous circumstances as a result of drought, fire, flood, frost, animal or plant disease, insect pest, or other natural calamity, to enable such persons to continue in the business of primary production.

(2) Subject to subsection (3) of this section, any advance made under subsection (1) of this section shall be made subject to the following conditions:—

(*a*) The advance shall bear interest at the rate charged by the State Bank of South Australia in respect of overdraft loans made to primary producers at the time of the making of the advance and shall be subject to such other terms and conditions as may be determined by the Minister of Lands:

(*b*) No advance shall be made unless the Minister of Lands is satisfied that the primary producer is in necessitous circumstances mainly because of the effect of drought, fire, flood, frost, animal or plant disease, insect pest, or other natural calamity, that the advance is necessary for the primary producer to continue in the business of primary production, that the primary producer has no other source of funds available to him for that purpose and that, given the advance, the primary producer has a reasonable prospect of being able to continue in the business of primary production:

(*c*) The Minister of Lands may take security for any advance by mortgage, bill of sale, lien, assignment or such other charge as he thinks fit:

(*d*) With the concurrence of the Treasurer and after due inquiry the Minister of Lands may remit part or the whole of any interest on or part or the whole of any advance made under this Act:

(*e*) Without in any way affecting the rights of the Minister under any security given for an advance under this Act, where the Minister of Lands is satisfied that any person to whom any advance has been made is not making reasonable efforts in carrying on his business of primary production or has no prospect of ultimate recovery he may demand repayment of the advance and realize on any security taken in respect thereof.

(3) If any arrangements are made between the Government of the State and the Government of the Commonwealth or between Ministers acting on behalf of those Governments with respect to such advances or other payments, or the conditions under which such advances or payments are to be made, or the class of persons to whom such advances or payments may be made, every such advance or payment shall be made in accordance with those arrangements.

(4) A person who has received any payment, or the benefit of any payment, referred to in paragraph (*b*) of subsection (1) of this section shall, at the request in writing of the Minister of Lands, pay to the Minister the whole amount or such part of such payment as the Minister may specify in his request and, if such person fails to pay the same to the Minister within the

time allowed by the Minister, the Minister may recover the same from that person as a debt in any court of competent jurisdiction.

Advances and payments not liable for existing debts.

6. A payment or advance made under section 5 of this Act to any person—

(*a*) shall not pass to any other person by virtue of any assignment made before such payment;

(*b*) shall not be subject to any lien, right of set off or appropriation, or charge, which lien, right or charge exists or is claimed in respect of any debt incurred before such payment is made;

and

(*c*) shall not be taken or applied by virtue of any legal process in or towards satisfaction of any debt incurred before such payment.

Exemption from stamp duty and registration fees.

7. Stamp duty shall not be payable upon any declaration or any other document made or executed by any applicant for assistance under section 5 of this Act in connection with his application or by way of giving security for any advance or the price of any goods; and no fees shall be payable under any Act for the registration of any such document.

Penalty for false statement.

8. If any person knowingly makes a false statement in connection with any application for assistance under this Act he shall be guilty of an offence and liable on summary conviction to a penalty of one hundred dollars and in addition any amount advanced pursuant to this Act to such person or paid to him or on his behalf shall forthwith become repayable to and may be recovered by the Minister of Lands.

Appropriation.

9. This Act without any further or other appropriation shall be sufficient authority for the expenditure of any money for any of the purposes of this Act.

Regulations.

10. (1) The Governor may make regulations prescribing and providing for such matters as are necessary to be prescribed or provided for to give effect to or to facilitate the operation of this Act, including penalties not exceeding, in each case, fifty dollars for the breach of any regulation.

(2) Any such regulation may be of general or special application or may be made to meet a particular case or particular cases.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.

ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

****

No. 43 of 1967

An Act to amend the Road Traffic Act, 1961-1967.

[*Assented to 12th October,* 1967]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament, thereof, as follows :

Short titles.

1. (1) This Act may be cited as the "Road Traffic Act Amendment Act (No. 2), 1967".

(2) The Road Traffic Act, 1961-1967, as amended by this Act, may be cited as the "Road Traffic Act, 1961-1967".

(3) The Road Traffic Act, 1961-1967, is hereinafter referred to as "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Commencement.

3. This Act shall come into operation on a day to be fixed by proclamation.

Amendment of principal Act, s. 5—Interpretation.

4. Section 5 of the principal Act is amended by inserting after the definition of "bicycle" therein the following definition :—

"breath analysing instrument" means an apparatus for the time being approved by a notice under section 47h of this Act as a breath analysing instrument for the purposes of this Act :.

Amendment of principal Act, s. 47—Driving under influence.

5. Section 47 of the principal Act is amended by striking out therefrom subsections (5) and (6).

Enactment of ss. 47a-47h of principal Act—

6. The following sections are enacted and inserted in the principal Act after section 47 thereof :—

Definition of "prescribed concentration of alcohol".

47a. For the purposes of this Act, the expression "prescribed concentration of alcohol" means a concentration of .08 grams or more of alcohol in a hundred millilitres of blood.

Driving, etc., whilst having prescribed concentration of alcohol in blood.

47b. (1) A person shall not—

(*a*) drive a motor vehicle ;

or

(*b*) attempt to put a motor vehicle in motion,

while there is present in his blood the prescribed concentration of alcohol as defined in section 47a of this Act.

Penalty—

(i) for a first offence, not more than one hundred dollars and, in addition to that penalty, the court may by order disqualify the person convicted of the offence from holding and obtaining a driver's licence for a period not exceeding twelve months ;

(ii) for a second offence, not less than one hundred dollars and not more than three hundred dollars or imprisonment for not more than three months and, in addition to either penalty, the court may by order disqualify the person convicted of the offence from holding and obtaining a driver's licence for a period of not less than six months and not more than three years ;

or

(iii) for a third or subsequent offence, imprisonment for not less than one month and not more than six months and, in addition, the court may by order disqualify the person convicted of the offence from holding and obtaining a driver's licence for such period not less than two years as the court thinks fit.

(2) For the purposes of this section if it is established that there was present in the blood of a person charged with an offence under subsection (1) of this section the prescribed concentration of alcohol as defined in section 47a of this Act at any time within two hours after that offence is alleged to have been committed, it shall be presumed, unless the court, before which the person is charged, from the evidence before it draws a reasonable inference to the contrary, that there was present in the blood of the person

that prescribed concentration of alcohol at the time the offence is alleged to have been committed.

(3) In determining whether an offence is a first, second, third or subsequent offence for the purposes of subsection (1) of this section regard shall be paid only to such convictions of offences under that subsection as occurred within the period of five years immediately preceding the conviction of that offence.

Relation of conviction under s. 47b to contracts of insurance, etc.

47c. (1) Where a person is convicted of an offence under subsection (1) of section 47b of this Act, he shall not by reason only of his conviction and any consequent penalty be deemed, for the purposes of any law, or of any contract or agreement, or of any policy of insurance or other document to have been under the influence of or in any way affected by intoxicating liquor or incapable of driving or of exercising effective control of a motor vehicle, at the time of the commission of that offence.

(2) The provisions of subsection (1) of this section have effect notwithstanding anything contained in any law or any covenant, term, condition, or provision of or contained in any contract or agreement or policy of insurance or other document, and any such covenant, term, condition or provision whereby the operation of that subsection is excluded, limited, modified, or restricted is void.

(3) Any covenant, term, condition, or provision contained in a contract or policy of insurance or other document purporting to exclude or limit the liability of an insurer in the event of the owner or driver of a motor vehicle being convicted of an offence under section 47b of this Act is void.

Payment by convicted person of costs incidental to his apprehension, etc.

47d. (1) The court by which a person is convicted of an offence under subsection (1) of section 47 or subsection (1) of section 47b of this Act on the complaint of a member of the police force may, in addition to imposing any other penalty, order on the application of the complainant that the defendant pay to the complainant a reasonable sum to cover the expenses of all or any of the following matters—

(*a*) apprehending the defendant;

(*b*) conveying the defendant to a police station;

(*c*) keeping the defendant in custody until trial;

and

(*d*) medically examining the defendant.

(2) Any sum of money received by the complainant in consequence of an order under subsection (1) of this section shall be paid by him into the general revenue of the State.

Compulsory testing of breath.

47e. (1) Where a member of the police force believes on reasonable grounds that a person—

(*a*) has been, at any time during the last two preceding hours—

(i) driving a motor vehicle ;

or

(ii) attempting to put a motor vehicle in motion ;

and

(*b*) has behaved while—

(i) driving that motor vehicle ;

or

(ii) attempting to put that motor vehicle in motion,

in a manner which indicates that his ability to drive the motor vehicle is impaired,

that member may, subject to subsection (2) of this section, require that person to submit to an analysis of his breath by a breath analysing instrument.

(2) A requirement under subsection (1) of this section shall not be made unless the analysis can take place—

(*a*) within two hours after the time at which it is alleged the—

(i) driving of the motor vehicle ;

or

(ii) attempting to put the motor vehicle in motion,

in respect of which the member of the police force has the belief referred to in subsection (1) of this section, occurred ;

and

(*b*) at or in the vicinity of the place where it is alleged that the—

(i) driving of the motor vehicle ;

or

(ii) attempting to put the motor vehicle in motion,

occurred or at the nearest police station where facilities exist to enable the sample of breath to be analysed.

(3) A person required in accordance with subsection (1) of this section to submit to an analysis of his breath shall not refuse or fail to—

(*a*) comply with all reasonable directions of a member of the police force in relation to that requirement;

or

(*b*) exhale into a breath analysing instrument in accordance with the directions of a member of the police force.

Penalty—

(i) for a first offence, not more than one hundred dollars and, in addition to that penalty, the court may by order disqualify the person convicted of the offence from holding and obtaining a driver's licence for a period not exceeding twelve months;

or

(ii) for a second or subsequent offence, not more than two hundred and fifty dollars or not more than six months' imprisonment and, in addition to either penalty, the court may by order disqualify the person convicted of the offence from holding and obtaining a driver's licence for a period not exceeding two years.

(4) It shall be a defence to a prosecution for an offence under subsection (3) of this section if the defendant shows—

(*a*) that there were no reasonable grounds for the making of a requirement under subsection (1) of this section;

or

(*b*) that there was a reason of a substantial character other than a desire to avoid providing information which might be used in evidence against the defendant.

(5) In determining whether an offence is a first, second or subsequent offence for the purposes of subsection (3) of this section regard shall be paid only to such convictions of offences under that subsection as occurred within the period of five years immediately preceding the conviction of that offence.

Right of person to request blood test.

47f. (1) A person required in accordance with subsection (1) of section 47e of this Act to submit to an analysis of his breath may request that a sample of his blood be taken at his expense by a medical practitioner nominated by him.

(2) A member of the police force to whom a request is made under subsection (1) of this section shall do all things necessary to facilitate the taking of the sample and if that sample is taken by the medical practitioner he shall so take it in the presence of a member of the police force.

(3) A sample of blood taken by a medical practitioner in accordance with a request under subsection (1) of this section shall be divided by that practitioner into approximately three equal parts and placed in sealed containers of which—

(*a*) two shall be handed to the member of the police force present at the taking of the sample ;

and

(*b*) one shall be retained by the medical practitioner and dealt with in accordance with the directions of the person from whom it was taken.

(4) Nothing in this section contained shall absolve a person from the obligation imposed on him by subsection (3) of section 47e of this Act.

Evidence, etc.

47g. (1) In proceedings for an offence under subsection (1) of section 47 or subsection (1) of section 47b of this Act, without affecting the admissibility of evidence which might be given apart from the provisions of this section, evidence may be given of the concentration of alcohol indicated to be present in the blood of that person by a breath analysing instrument operated by a person authorized in that behalf by the Commissioner of Police and the concentration of alcohol so indicated shall, where the person so authorized has complied with the provisions of subsection (2) of this section, be evidence of the concentration of alcohol present in the blood of that person at the time the breath of that person is analysed by the instrument and during the period of two hours before the analysis.

(2) As soon as practicable after a person has submitted to an analysis of his breath by means of a breath analysing instrument, the person operating the instrument shall deliver to the person whose breath has been analysed a statement in writing specifying—

(*a*) the concentration of alcohol indicated by the analysis to be present in the blood expressed in grams in a hundred millilitres of blood ;

and

(*b*) the day on and time of the day at which the analysis was made.

(3) In proceedings for an offence under subsection (1) of section 47 or subsection (1) of section 47b of this Act a certificate—

(*a*) purporting to be signed by the Commissioner of Police that a person named therein is authorized by the Commissioner of Police to operate breath analysing instruments ;

or

(*b*) purporting to be signed by a person authorized under subsection (1) of this section that—

(i) the apparatus used by him was a breath analysing instrument within the meaning of this Act ;

(ii) the breath analysing instrument was in proper order and was properly operated by him ;

and

(iii) in relation to the breath analysing instrument the provisions of this Act with respect to breath analysing instruments were complied with,

shall be *prima facie* evidence of the facts contained therein.

(4) Subject to subsection (6) of this section, in proceedings for an offence under subsection (1) of section 47 or subsection (1) of section 47b of this Act, a certificate purporting to be signed by the Government Analyst or an analyst authorized by the Government Analyst to sign such a certificate, certifying as to the concentration of alcohol or any drug found in a specimen of blood identified in the certificate expressed in grams in a hundred millilitres of blood shall be *prima facie* evidence of the matters so certified.

(5) Subject to subsection (6) of this section, in proceedings for an offence under subsection (1) of section 47 or subsection (1) of section 47b of this Act, a certificate purporting to be signed by a person authorized under subsection (1) of this section certifying that—

(*a*) a sample of the breath of a person named therein was furnished for analysis in a breath analysing instrument ;

(*b*) a concentration of alcohol expressed in grams in a hundred millilitres was indicated by that breath analysing instrument as being present in the blood of that person on the day and at the time stated in the certificate ;

and

(*c*) a statement in writing required by subsection (2) of this section was delivered in accordance with that subsection,

shall be *prima facie* evidence of the matters so certified.

(6) A certificate referred to in subsection (4) or subsection (5) of this section shall not be received as evidence in proceedings for an offence under subsection (1) of section 47 or subsection (1) of section 47b of this Act unless—

(*a*) a copy of the certificate proposed to be put in evidence at the trial of a person for the offence has, not less than seven days before the commencement of that trial, been served on that person ;

and

(*b*) the person on whom a copy was so served has not at any time before the commencement of the trial served notice on the complainant requiring the attendance at the trial of the person by whom the certificate was signed.

Approval of an apparatus as a "breath analysing instrument".

47h. The Governor may by notice published in the *Gazette* approve of an apparatus described in the notice as a breath analysing instrument for the purposes of this Act and may from time to time by like notice amend, vary or revoke such a notice.

Amendment of principal Act, s. 111— Duty to carry lamps and reflectors.

7. Section 111 of the principal Act is amended by striking out from subsection (1) thereof the passage "half an hour after sunset and half an hour before sunrise" and inserting in lieu thereof the passage "sunset and sunrise".

Amendment of principal Act, s. 119— Lamps to be alight at night.

8. Section 119 of the principal Act is amended by striking out therefrom the passage "half an hour after sunset, and half an hour before sunrise" and inserting in lieu thereof the passage "sunset and sunrise".

Amendment of principal Act, s. 122—Duty to dip headlamps.

9. Section 122 of the principal Act is amended by striking out therefrom the passage "half an hour after sunset and half an hour before sunrise" and inserting in lieu thereof the passage "sunset and sunrise".

Amendment of principal Act, s. 176—Regulations.

10. Section 176 of the principal Act is amended by inserting immediately after paragraph (*j*) in subsection (1) thereof the following paragraph :—

(*ja*) for or in respect of the maintenance and use of breath analysing instruments, for the procedures to be employed for ensuring that those breath analysing instruments function effectively and for the manner in which readings must be obtained from those instruments ;.

General amendment relating to decimal currency.

11. The principal Act is amended by striking out each passage therein representing an amount of money in terms of the currency provided for by the *Coinage Act* 1909-1947 of the Commonwealth and inserting in lieu thereof in each case a passage representing the equivalent amount of money in terms of the currency provided for by the *Currency Act* 1965 of the Commonwealth calculated on the basis of the equivalents specified in subsection (4) of section 8 of that Act.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.

ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

****

No. 44 of 1967

An Act for the general appropriation of the revenue of the State for the year ending on the thirtieth day of June, 1968, and for other purposes.

[*Assented to 19th October,* 1967]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short title.

1. This Act may be cited as the "Appropriation Act (No. 2) 1967".

Further issue.

2. Out of the moneys paid to the State by the Commonwealth of Australia, and any other General Revenue of the said State, not otherwise by law specially appropriated, there may be further issued the sum of one hundred and forty million, nine hundred and twenty-eight thousand, eight hundred and fifty-three dollars.

Appropriation of General Revenue.

3. (1) Out of the sum of sixty-six million dollars issued under the authority of the Supply Act (No. 1), 1967, and the Supply Act (No. 2), 1967, and the said sum of one hundred and forty million, nine hundred and twenty-eight thousand, eight hundred and fifty-three dollars by this Act authorized to be issued, there may be applied and paid for defraying the charges of the State Government for the year ending on the thirtieth day of June, 1968 the sum of two hundred and six million, nine hundred and twenty-eight thousand, eight hundred and fifty-three dollars, the said amount being appropriated as follows, viz. :—

	$	Estimates 1967-68.
Legislative Council	41,011	
House of Assembly	64,740	
Parliamentary Library	23,198	
Joint House Committee	36,181	
Electoral	245,090	
Government Reporting	186,815	
Parliamentary Standing Committee on Public Works	9,061	
Parliamentary Committee on Land Settlement	4,190	
Legislature, Miscellaneous	162,688	
State Governor's Establishment	22,905	
Chief Secretary	53,140	
Public Actuary	94,351	
Audit	285,623	
Government Printing	954,865	
Police	9,246,188	
Prisons	1,663,324	
Hospitals	22,150,233	
Public Health	1,006,654	
Public Service Commissioner	441,392	
Chief Secretary and Minister of Health, Miscellaneous	7,255,083	
Attorney-General	222,644	
Crown Solicitor	245,636	
Parliamentary Draftsman	39,012	
Public Trustee	341,483	
Supreme Court	301,345	
Adelaide Local Court	195,848	
Adelaide Magistrates' Court	159,987	
Country and Suburban Courts	375,039	
Registrar-General of Deeds	444,937	
Attorney-General, Miscellaneous	93,217	
Premier	352,311	
Treasury	108,746	
Prices Branch	161,325	
Superannuation	172,836	
Agent-General in England	129,738	
Land Tax	373,951	
Stamp and Succession Duties	143,757	
Premier, Treasurer and Minister of Housing, Miscellaneous	17,757,470	
Lands	3,251,755	
Publicity and Tourist Bureau and Immigration	763,891	
Minister of Lands, Minister of Repatriation, Minister of Irrigation and Minister of Immigration and Tourism, Miscellaneous	507,532	
Minister of Works	22,492	
Engineering and Water Supply	12,977,910	
Public Buildings	6,972,142	
Public Stores	327,300	
Minister of Works, Miscellaneous	159,313	
Minister of Education	17,606	
Education	49,492,130	
The Libraries	908,680	
The Museum	182,350	
The Art Gallery	91,807	
Aboriginal Affairs	1,626,952	
Minister of Education and Minister of Aboriginal Affairs, Miscellaneous	12,196,584	

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Labour and Industry	481,560
Minister of Labour and Industry, Miscellaneous	15,490
Minister of Agriculture	20,959
Agriculture	2,396,805
Agricultural College	352,750
Produce	662,487
Fisheries and Fauna Conservation	171,493
Chemistry	207,368
Minister of Agriculture and Minister of Forests, Miscellaneous	1,418,063
Mines	1,980,966
Marine and Harbors	3,634,370
Minister of Marine, Miscellaneous	7,400
Minister of Transport	19,249
Railways	32,489,341
Transport Control Board	45,965
Motor Vehicles	782,995
Minister of Local Government and Roads	172,662
Highways and Local Government	3,525,965
Minister of Local Government and Minister of Roads, Miscellaneous	292,100
Social Welfare	3,048,637
Minister of Social Welfare, Miscellaneous	137,770
Total	$206,928,853

(2) If—

(*a*) during the financial year ending on the thirtieth day of June, 1968 any increases of salaries or wages become payable by the State Government pursuant to any return made under the Acts relating to the public service, or pursuant to any regulation or any award, order or determination of a court or other body empowered to fix salaries or wages;

and

(*b*) such increases were not provided for in the estimates of expenditure for the said financial year,

the Governor may, by warrant under section 32a of the Public Finance Act, 1936-1964, appropriate out of the General Revenue of the State any money required to pay the said increases.

The aggregate amount of money which may be appropriated under the said section 32a for the said financial year shall be increased by the amount of money appropriated pursuant to this subsection.

(3) Sections 48 and 187 of the Industrial Code, 1920-1966, except so far as they require awards, orders and determinations to be laid before Parliament, shall not apply to any award, order or determination made between the passing of this Act and the passing of the Act for the general appropriation of revenue for the year ending on the thirtieth day of June, 1969.

(4) The Governor may, by warrant under section 32a of the Public Finance Act, 1936-1964, appropriate out of the General Revenue of the State any money required to meet further expenditure beyond the amounts provided in the estimates of expenditure for the year ending on the thirtieth day of June, 1968 for costs of electricity supplied to the Engineering and Water Supply Department for pumping water through the Mannum-Adelaide pipeline and from bores in the Adelaide Water District, and through the Morgan-Whyalla pipeline.

The aggregate amount of money which may be appropriated under the said section 32a for the said financial year shall be increased by the amount of money appropriated pursuant to this subsection.

Treasurer to pay the orders of Governor, and discharge by receipt of party.

4. The issue and payment by the Treasurer, from time to time, of any sums of money for the purposes hereinbefore mentioned, not exceeding in the whole the amount hereinbefore specified, in such portions as the Governor directs by any orders in writing signed by him and countersigned by the Chief Secretary, is hereby authorized; and the Treasurer shall, in his accounts, be allowed credit for all sums paid by him in pursuance of such orders accordingly; and the receipts of the persons to whom such sums are so paid shall be to him a full discharge for the sums for which the receipts are given, and the amounts thereof shall be passed to his credit in account accordingly.

Power to issue money other than revenue or money received from the Commonwealth.

5. If the moneys paid to the State by the Commonwealth of Australia and the General Revenue of the State are insufficient to make the payments authorized by section 3 of this Act, moneys may be issued to make good the deficiency out of loan funds or other public funds or out of moneys raised by way of bank overdraft.

Power to make payments.

6. The Treasurer may—

(*a*) out of the moneys appropriated by this Act and included in the estimates of expenditure of the Government of South Australia, passed by the House of Assembly for the financial year ending on the thirtieth day of June, 1968:

or

(*b*) out of any money which may be appropriated pursuant to subsection (2) of section 3 of this Act,

make any payment notwithstanding that the payment is in respect of a period prior to the first day of July, 1967.

Expenditure from Hospitals Fund.

7. The Treasurer may out of the account in the Treasury known as the "Hospitals Fund" expend such sums as may, in accordance with any Act, be available therein for the purposes of the provision, maintenance, development and improvement of public hospitals and equipment for public hospitals: Provided that such expenditure shall not exceed in the aggregate—

(*a*) during the year ending on the thirtieth day of June, 1968, the sum of three million one hundred and fifty thousand dollars;

(*b*) during the period between the thirtieth day of June, 1968, and the commencement of the Act for the general appropriation of the revenue of the State for the year ending on the thirtieth day of June, 1969, the sum of one million dollars.

Payment to be in addition to other payments.

8. Any amount appropriated by this Act may be paid for the purpose for which it is so appropriated, in addition to any other amount appropriated by law for that purpose.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.

ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

****

No. 45 of 1967

An Act to amend the Barley Marketing Act, 1947-1962

[*Assented to 19th October,* 1967]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short titles.

1. (1) This Act may be cited as the "Barley Marketing Act Amendment Act, 1967".

(2) The Barley Marketing Act, 1947-1962, as amended by this Act, may be cited as the "Barley Marketing Act, 1947-1967".

(3) The Barley Marketing Act, 1947-1962, is hereinafter referred to as "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment of principal Act, s. 22—Application of Act.

3. Section 22 of the principal Act is amended by striking out therefrom the passage "1967-1968" and inserting in lieu thereof the passage "1972-1973".

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.

ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

****

No. 46 of 1967

An Act to amend the Oil Refinery (Hundred of Noarlunga) Indenture Act, 1958-1965.

[*Assented to 19th October,* 1967]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short titles.

1. (1) This Act may be cited as the "Oil Refinery (Hundred of Noarlunga) Indenture Act Amendment Act, 1967".

(2) The Oil Refinery (Hundred of Noarlunga) Act, 1958-1965, as amended by this Act, may be cited as the "Oil Refinery (Hundred of Noarlunga) Act, 1958-1967".

(3) The Oil Refinery (Hundred of Noarlunga) Act, 1958-1965, is hereinafter referred to as "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment of principal Act, s. 9—
Outward wharfage on refinery products transported intrastate.

3. Section 9 of the principal Act is amended—

(*a*) by inserting after the passage "by pipe-line" therein the passage "or by any other means of land transport" ;

and

(*b*) by striking out the word "Board" therein and inserting in lieu thereof the passage "Minister of Marine".

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.

ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

****

No. 47 of 1967

An Act to amend the Sewerage Act, 1929-1966.

[*Assented to 19th October,* 1967]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short titles.

1. (1) This Act may be cited as the "Sewerage Act Amendment Act, 1967".

(2) The Sewerage Act, 1929-1966, as amended by this Act, may be cited as the "Sewerage Act, 1929-1967".

(3) The Sewerage Act, 1929-1966, is hereinafter referred to as "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment of principal Act, s. 78—
Sewerage rates to be payable so soon as sewer laid down.

3. Section 78 of the principal Act is amended—

(*a*) by inserting after the word "area" in subsection (2) thereof the passage "which, in the opinion of the Minister, could, by means of drains, be drained by the sewer,".

(*b*) by inserting after subsection (2) thereof the following subsection :

(3) Subsection (2) of this section, as amended by the Sewerage Act Amendment Act, 1967, shall be deemed to have come into operation in its amended form upon the commencement of the Statutes Amendment (Water-Works and Sewerage) Act, 1966.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.

ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

****

No. 48 of 1967

An Act to amend the Stamp Duties Act, 1923-1967.

[*Assented to 19th October,* 1967]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short titles.

1. (1) This Act may be cited as the "Stamp Duties Act Amendment Act, 1967".

(2) The Stamp Duties Act, 1923-1967, as amended by this Act, may be cited as the "Stamp Duties Act, 1923-1967".

(3) The Stamp Duties Act, 1923-1967, is hereinafter referred to as "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment of principal Act, s. 90c—
Sales and purchases to be recorded.

3. Subsection (1) of section 90c of the principal Act is amended—

(*a*) by striking out from subparagraph (vi) the passage "particulars thereof being included in any" ;

and

(*b*) by inserting after the word "Act" lastly occurring in that subparagraph the passage "which relates to that sale or purchase".

Amendment of principal Act, s. 90d—
Returns to be lodged and duty paid.

4. Section 90d of the principal Act is amended—

(*a*) by striking out from paragraph (*a*) of subsection (1) the passage "in duplicate" :

(*b*) by striking out from paragraph (*b*) of subsection (1) the passage "shown in the return" and inserting in lieu thereof the passage "to which the return relates";

(*c*) by striking out from subsection (2) the passage "set out particulars" and inserting in lieu thereof the passage "contain a certificate in the prescribed form";

and

(*d*) by inserting in subsection (2) after the passage "the return is lodged" the passage "and the total stamp duty payable on the return in respect of those sales and purchases".

Amendment of principal Act, s. 90f—Power of dealer to recover duty paid by him.

5. Section 90f of the principal Act is amended by striking out therefrom the passage "shown in such return" and inserting in lieu thereof the passage "to which the return relates".

Amendment of principal Act, Second Schedule.

6. The second schedule to the principal Act is amended—

(*a*) by striking out from paragraph (*aa*) of the item entitled "CONVEYANCE OR TRANSFER" the passage "such sale is not shown in";

(*b*) by inserting after the word "Act" lastly occurring in paragraph (*aa*) of that item the passage "does not relate to such sale";

(*c*) by inserting after paragraph (*aa*) of that item the following paragraph:—

(*ab*) In the case of a conveyance or transfer of any mortgage of land used or to be used solely as a dwelling house constructed or in course of construction on the land..... 3.00

(*d*) by striking out therefrom the whole of the item entitled "MORTGAGE, BOND, DEBENTURE, COVENANT, WARRANT OF ATTORNEY to confess and enter up judgment" including the *Exemption* thereto, and inserting in lieu thereof the following item and exemption:—

MORTGAGE, BOND, DEBENTURE, COVENANT, WARRANT OF ATTORNEY to confess and enter up judgment—

(*a*) Being a security for the payment or repayment of money not being a security of a kind referred to in paragraph (*c*) of this item—

For every $200 or fractional part of $200 (not reckoning any money to be advanced for the insurance of any property comprised in the security against damage by fire)	0.50
(*b*) Where any further money is added to the money already secured.	The same duty as a principal security for such further money.
(*c*) Being a mortgage of an existing mortgage of land used or to be used solely as a dwelling-house constructed or in the course of construction on the land	3.00

Exemption—

Every collateral or auxiliary or additional or substituted security or security by way of further assurance for the above-mentioned purpose, where the principal or primary security is chargeable with duty as a mortgage, bond, debenture, covenant or warrant of attorney to confess and enter up judgment and is duly stamped as such.

(*e*) by striking out from the item entitled "RETURN" the passage "showing sales and purchases made by him after the commencement of the Marketable Securities Transfer Act, 1967";

and

(*f*) by striking out from the item entitled "RETURN" and from paragraphs 1 and 2 of the *Exemptions* thereto the passage "shown in the return" and inserting in lieu thereof in each case the passage "to which the return relates".

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.

ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

****

No. 49 of 1967

An Act to amend the Oriental Fruit Moth Control Act, 1962-1964, the Red Scale Control Act, 1962-1964 and the San José Scale Control Act, 1962-1964.

[*Assented to 19th October,* 1967]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

PART I.

PART I.

PRELIMINARY.

Short title and arrangement.

1. (1) This Act may be cited as the "Statutes Amendment (Oriental Fruit Moth Control, Red Scale Control and San José Scale Control) Act, 1967".

(2) This Act is arranged as follows :—

PART I.—PRELIMINARY, s. 1.

PART II.—AMENDMENT OF ORIENTAL FRUIT MOTH CONTROL ACT, 1962-1964, ss. 2-9.

PART III.—AMENDMENT OF RED SCALE CONTROL ACT, 1962-1964, ss. 10-17.

PART IV.—AMENDMENT OF SAN JOSÉ SCALE CONTROL ACT, 1962-1964, ss. 18-25.

PART II.

AMENDMENT OF ORIENTAL FRUIT MOTH CONTROL ACT, 1962-1964.

2. (1) The Oriental Fruit Moth Control Act, 1962-1964, as amended by this Act, may be cited as the "Oriental Fruit Moth Control Act, 1962-1967". Citation.

(2) The Oriental Fruit Moth Control Act, 1962-1964, is in this Part referred to as "the principal Act".

3. Section 5 of the principal Act is amended— Amendment of principal Act, s. 5— Owner or keeper to be registered.

(*a*) by striking out the passage "every owner or keeper of an orchard within a district shall cause such orchard to be registered at the Department of Agriculture" therein and inserting in lieu thereof the passage "the owner or keeper of every orchard within a district shall apply to the Department of Agriculture to be registered, and, upon due application being made, shall be registered, as the owner or keeper, as the case may be, of the orchard but not more than one person may be registered in respect of each orchard";

and

(*b*) by inserting after the present contents thereof (which are hereby designated subsection (1) thereof) the following subsection:—

(2) An application under subsection (1) of this section shall be made in the manner and form prescribed and shall be accompanied by particulars of where the orchard or orchards of which the applicant is the owner or keeper is or are situated, the number of host trees therein and such further or other particulars as may be prescribed.

4. Section 6 of the principal Act is amended— Amendment of principal Act, s. 6— Poll for constitution of Oriental Fruit Moth Committee.

(*a*) by striking out subsection (3) thereof and inserting in lieu thereof the following subsections:—

(3) Every person who, not less than twenty-one days before the day fixed by the Minister under this section, is duly registered as the owner or keeper of an orchard within the district shall be entitled to vote at the poll and a person not then so registered shall not be entitled to vote at the poll.

(3a) The Minister shall prepare and supply to the Returning Officer of the State a list of all persons entitled to vote at the poll.

and

(*b*) by inserting in subsection (4) thereof after the passage "each voter shall have one vote" the passage "only whether registered as the owner or keeper of one or a number of orchards".

Enactment of s. 7a of principal Act—

5. The following section is enacted and inserted in the principal Act after section 7 thereof :—

Incorporation of Committees.

7a. (1) Every Committee appointed and named by the Minister pursuant to section 7 of this Act shall, subject to section 8 of this Act, be a body corporate with perpetual succession and a common seal and shall in its corporate name be capable of suing and being sued and of acquiring, holding and disposing of property of all kinds.

(2) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Committee affixed to a document and shall presume that it was duly affixed.

Amendment of principal Act, s. 9—Powers of Committees.

6. Section 9 of the principal Act is amended—

by striking out the passage "of the Chairman" in paragraph (*j*) thereof.

Amendment of principal Act, s. 9a—Committee may require control and eradication of Oriental Fruit Moth.

7. Section 9a of the principal Act is amended by striking out the passage "by and in the name of the Chairman of the Committee" in subsection (7) thereof.

Amendment of principal Act, s. 10—Contributions to Committees.

8. Subsection (4) of section 10 of the principal Act is amended by striking out the passage "by and in the name of the Chairman of the Committee" therein.

Amendment of principal Act, s. 15—Proceedings for offences.

9. Section 15 of the principal Act is amended by striking out the passage "of the Chairman" in subsection (2) thereof.

PART III.

PART III.

AMENDMENT OF RED SCALE CONTROL ACT, 1962-1964.

Citation.

10. (1) The Red Scale Control Act, 1962-1964, as amended by this Act, may be cited as the "Red Scale Control Act, 1962-1967".

(2) The Red Scale Control Act, 1962-1964, is in this Part referred to as "the principal Act".

Amendment of principal Act, s. 5—Owner or keeper to be registered.

11. Section 5 of the principal Act is amended—

(*a*) by striking out the passage "every owner or keeper of an orchard within a district shall cause such orchard to be registered at the Department of Agriculture" therein and inserting in lieu thereof the passage "the owner or keeper of every orchard within a district shall apply to the Department of Agriculture to be registered, and, upon due application being made, shall be registered, as the owner or keeper, as the case may be, of the orchard but not more than one person may be registered in respect of each orchard";

and

(*b*) by inserting after the present contents thereof (which are hereby designated subsection (1) thereof) the following subsection:—

(2) An application under subsection (1) of this section shall be made in the manner and form prescribed and shall be accompanied by particulars of where the orchard or orchards of which the applicant is the owner or keeper is or are situated, the number of host trees therein and such further or other particulars as may be prescribed.

Amendment of principal Act, s. 6—Poll for constitution of Red Scale Committee.

12. Section 6 of the principal Act is amended—

(*a*) by striking out subsection (3) thereof and inserting in lieu thereof the following subsections:—

(3) Every person who, not less than twenty-one days before the day fixed by the Minister under this section, is duly registered as the owner or keeper of an orchard within the district shall be entitled to vote at the poll and a person not then so registered shall not be entitled to vote at the poll.

(3a) The Minister shall prepare and supply to the Returning Officer of the State a list of all persons entitled to vote at the poll.

and

(*b*) by inserting in subsection (4) thereof after the passage "each voter shall have one vote" the passage "only whether registered as the owner or keeper of one or a number of orchards".

Enactment of s. 7a of principal Act—

13. The following section is enacted and inserted in the principal Act after section 7 thereof:—

Incorporation of Committees.

7a. (1) Every Committee appointed and named by the Minister pursuant to section 7 of this Act shall, subject to section 8 of this Act, be a body corporate with perpetual succession and a common seal and shall in its corporate name be capable of suing and being sued and of acquiring, holding and disposing of property of all kinds.

(2) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Committee affixed to a document and shall presume that it was duly affixed.

Amendment of principal Act, s. 9—Powers of Committees.

14. Section 9 of the principal Act is amended—

by striking out the passage "of the Chairman" in paragraph (*j*) thereof.

Amendment of principal Act, s. 9a—Committee may require control and eradication of Red Scale.

15. Section 9a of the principal Act is amended by striking out the passage "by and in the name of the Chairman of the Committee" in subsection (7) thereof.

Amendment of principal Act, s. 10—Contributions to Committees.

16. Subsection (4) of section 10 of the principal Act is amended by striking out the passage "by and in the name of the Chairman of the Committee" therein.

Amendment of principal Act, s. 15—Proceedings for offences.

17. Section 15 of the principal Act is amended by striking out the passage "of the Chairman" in subsection (2) thereof.

PART IV.

AMENDMENT OF SAN JOSÉ SCALE CONTROL ACT, 1962-1964.

Citation.

18. (1) The San José Scale Control Act, 1962-1964, as amended by this Act, may be cited as the "San José Scale Control Act, 1962-1967".

(2) The San José Scale Control Act, 1962-1964, is in this Part referred to as "the principal Act".

Amendment of principal Act, s. 5—Owner or keeper to be registered.

19. Section 5 of the principal Act is amended—

(*a*) by striking out the passage "every owner or keeper of an orchard within a district shall cause such orchard to be registered at the Department of Agriculture" therein and inserting in lieu thereof the passage "the owner or keeper of every orchard within a district shall apply to the Department of Agriculture to be registered, and, upon due application being made, shall be registered, as the owner or keeper, as the case may be, of the orchard but not more than one person may be registered in respect of each orchard";

and

(*b*) by inserting after the present contents thereof (which are hereby designated subsection (1) thereof) the following subsection:—

(2) An application under subsection (1) of this section shall be made in the manner and form prescribed and shall be accompanied by particulars of where the orchard or orchards of which the applicant is the owner or keeper is or are situated, the number of host trees therein and such further or other particulars as may be prescribed.

Amendment of principal Act, s. 6—Poll for constitution of San José Committee.

20. Section 6 of the principal Act is amended—

(*a*) by striking out subsection (3) thereof and inserting in lieu thereof the following subsections:—

(3) Every person who, not less than twenty-one days before the day fixed by the Minister under this section, is duly registered as the owner or keeper of an orchard within the district shall be entitled to vote at the poll and a person not then so registered shall not be entitled to vote at the poll.

(3a) The Minister shall prepare and supply to the Returning Officer of the State a list of all persons entitled to vote at the poll.

and

(*b*) by inserting in subsection (4) thereof after the passage "each voter shall have one vote" the passage "only whether registered as the owner or keeper of one or a number of orchards".

Enactment of s. 7a of principal Act—

21. The following section is enacted and inserted in the principal Act after section 7 thereof:—

Incorporation of Committees.

7a. (1) Every Committee appointed and named by the Minister pursuant to section 7 of this Act shall, subject to section 8 of this Act, be a body corporate with perpetual succession and a common seal and shall in its corporate name be capable of suing and being sued and of acquiring, holding and disposing of property of all kinds.

(2) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Committee affixed to a document and shall presume that it was duly affixed.

Amendment of principal Act, s. 9—Powers of Committees.

22. Section 9 of the principal Act is amended—

by striking out the passage "of the Chairman" in paragraph (*j*) thereof.

Amendment of principal Act, s. 9a—Committee may require control and eradication of San José Scale.

23. Section 9a of the principal Act is amended by striking out the passage "by and in the name of the Chairman of the Committee" in subsection (7) thereof.

Amendment of principal Act, s. 10—Contributions to Committees.

24. Subsection (4) of section 10 of the principal Act is amended by striking out the passage "by and in the name of the Chairman of the Committee" therein.

Amendment of principal Act, s. 15—Proceedings for offences.

25. Section 15 of the principal Act is amended by striking out the passage "of the Chairman" in subsection (2) thereof.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.

ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

****

No. 50 of 1967

An Act to amend the Crown Lands Act, 1929-1967, and for other purposes.

[*Assented to 26th October,* 1967]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short titles.

1. (1) This Act may be cited as the "Crown Lands Act Amendment Act (No. 2), 1967".

(2) The Crown Lands Act, 1929-1967, as amended by this Act, may be cited as the "Crown Lands Act, 1929-1967".

(3) The Crown Lands Act, 1929-1967, is hereinafter referred to as "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment of principal Act, s. 2—Arrangement of Act.

3. Section 2 of the principal Act is amended—

(*a*) by striking out therefrom the passage "PART I.—Preliminary (Sections 1-4)" and inserting in lieu thereof the passage "PART I.—Preliminary (Sections 1-4a)" ;

and

(*b*) by striking out therefrom the passage "PART VI.—Provisions applicable to Perpetual Leases and

Agreements (Sections 47-66)" and inserting in lieu thereof the passage—

PART VI.—Provisions applicable to Perpetual Leases and Agreements (Sections 47-66b).

PART VIA.—Special Development Lands (Sections 66c-66h).

Amendment of principal Act, s. 4—Interpretation.

4. Section 4 of the principal Act is amended—

(*a*) by inserting immediately after the definition of "dedicated lands" therein the following definition:—

"excluded area" means an area delineated on a map published in accordance with section 66f of this Act as varied from time to time in accordance with a map forwarded in accordance with subsection (2) of that section : ;

and

(*b*) by inserting immediately after the definition of "sheep" therein the following definition :—

"special development lands" means lands for the time being declared by proclamation under section 66d of this Act to be special development lands : .

Enactment of s. 4a of principal Act—Adjacent lands.

5. The following section is enacted and inserted in Part I of the principal Act after section 4 thereof :—

4a. For the purposes of this Act, land shall be deemed to be adjacent to other land if it—

(*a*) abuts on that other land ;

or

(*b*) is separated from that other land only by a road or a travelling stock route.

Amendment of principal Act, s. 14—Appointment of chairman and deputy chairman by Minister.

6. Section 14 of the principal Act is amended by striking out therefrom the word "Committee" and inserting in lieu thereof the word "board".

Amendment of principal Act, s. 44—Form of agreement.

7. Section 44 of the principal Act is amended by striking out from subsection (1) thereof the passage "this Act :" and inserting in lieu thereof the passage "this Act or as the Governor thinks fit and shall also contain such other provisions as the Governor thinks fit, together with a right of re-entry :".

8. Section 47 of the principal Act is repealed and re-enacted as follows :— Repeal and re-enactment of s. 47 of principal Act—

47. Notwithstanding anything in this or any other Act, the annual rent under a perpetual lease or a half yearly instalment under an agreement granted or entered into, as the case may be, on or after the twenty-fifth day of November, 1965, shall in no case be less than— After 25/11/65 rent or instalment not to be less than two dollars.

(*a*) where the rent or instalment was payable before the fourteenth day of February, 1966, one pound ;

and

(*b*) in any other case, two dollars.

9. Section 66a of the principal Act is amended by striking out therefrom subsection (6). Amendment of principal Act, s. 66a— Power to add small areas to leases and agreements.

10. Section 66b of the principal Act is amended by striking out therefrom subsection (5). Amendment of principal Act, s. 66b— Power to sell for cash parcel of land valued at less than $400 to adjacent registered proprietor and to consolidate certificates of title in respect thereof.

11. The following Part, heading and sections are enacted and inserted in the principal Act after section 66b thereof :— Enactment of Part VIA of principal Act—

PART VIA.

SPECIAL DEVELOPMENT LANDS.

66c. In this Part, "lease" means a perpetual (special development) lease granted under this Act. Definition of lease.

66d. (1) Where the board is of the opinion that the unrestricted use of any Crown lands, by reason of— Special Development Lands.

(*a*) the nature of the soil or topography of those lands ;

or

(*b*) the situation of those lands in an area of doubtful rainfall,

would be likely to result in a hazard to the stability or productivity of those lands or of any lands, whether Crown lands or not, adjacent to those lands, then the board may recommend to the Minister that those lands be declared special development lands.

(2) Where a recommendation made in accordance with subsection (1) of this section has been approved by the Minister, the Governor may by proclamation declare the lands specified in the proclamation to be special development lands and may, after a like recommendation and approval, by proclamation amend, vary or revoke that proclamation.

Leases of Special Development Lands.

66e. (1) Notwithstanding anything in this Act special development lands shall not be offered except on lease and in accordance with this Part.

(2) A lease under this Part shall be designated a perpetual (special development) lease and shall, subject to this Act, vest the land comprised in it in the lessee in perpetuity.

(3) A lease shall contain the provisions for rent and the reservations, covenants and conditions set forth in the twelfth schedule, subject to such modifications thereof or additions thereto as are required for giving effect to the provisions of this Act, or as the Governor thinks fit and shall also contain such other provisions as the Governor thinks fit, together with a right of re-entry, and shall be read and construed as if any reservations, covenants and conditions in the form of the twelfth schedule had been expressed in the extended form set forth in the thirteenth schedule and the lessee and all persons entitled to any benefit of the lease shall be bound thereby.

Excluded areas.

66f. (1) In a notice under section 23 of this Act relating to special development lands the Minister shall cause to be delineated on a map as excluded areas any areas of land comprised in the proposed lease which, on the advice of the board, he considers should not be cleared, cultivated or used for grazing.

(2) The Minister may at any time after the grant of a lease, on the advice of the board, vary the boundaries of the areas delineated in accordance with subsection (1) of this section by causing a map showing those variations to be forwarded to any lessee affected thereby.

(3) In advising the Minister for the purposes of this section the board shall consult with and act on the advice of the person for the time being holding or acting in the office of Soil Conservator under the Soil Conservation Act, 1939-1960.

Powers of board in connection with leases.

66g. (1) Subject to subsection (2) of this section, the board shall not accept an application for the grant of a lease or recommend the granting of an application under

subsection (1) of section 225 of this Act, unless it is satisfied that the intended lessee, transferee or sublessee, as the case may be—

(*a*) is not the holder of or otherwise interested in a lease ;

(*b*) has the capacity to develop and manage the land in connection with which the application is made ;

and

(*c*) possesses the financial or other resources necessary to develop and manage that land.

(2) Where the board is satisfied as to the matters referred to in paragraphs (*b*) and (*c*) of that subsection it may recommend the transfer of all or portion of a lease to a person who is the holder of a lease if the board is satisfied that the lease or portion of a lease intended to be transferred will be amalgamated with the lease held by that person.

Application of the Act.

66h. (1) Sections 31, 35, 57, 61, 210, 212, 220 and subsections (2), (2a), (2aa), (3), (4) and (4a) of section 225 of this Act shall not apply to or in relation to special development lands or leases as the case may be.

(2) This Act other than the sections and subsections referred to in subsection (1) of this section shall, subject to this Part, apply to and in relation to—

(*a*) Crown lands being special development lands ;

and

(*b*) leases as if those leases were perpetual leases offered otherwise than as perpetual (special development) leases,

as the case may be.

Amendment of principal Act, s. 206—Surrender for new lease.

12. Section 206 of the principal Act is amended—

(*a*) by striking out from subsection (2) thereof the passage "Every such" and inserting in lieu thereof the passage "Subject to this section, every such" ;

and

(*b*) by inserting after subsection (2) thereof the following subsections :—

(3) Where it is intended the new lease shall be for a purpose other than the purpose, if any, expressed or implied by the lease or part or parts

thereof surrendered the Governor may vary the term of and the purposes, terms and conditions of that new lease.

(4) Notwithstanding anything in this section the rent for a new lease granted under this section shall be not less than rent prescribed by section 47 of this Act.

Amendment of principal Act, s. 225—In what circumstances transfers may be allowed.

13. Section 225 of the principal Act is amended—

(*a*) by striking out from subsection (1) thereof the passage "subsection (7)" and inserting in lieu thereof the passage "subsections (7) and (8)";

and

(*b*) by inserting after subsection (7) thereof the following subsection:—

(8) When an intended subletting under this section is for the purpose of creating an easement in favour of the Crown, a Government Department or an instrumentality of the Crown, it shall be good and sufficient compliance with the provisions of subsection (1) of this section if the Minister consents to that intended subletting and the requirements of paragraphs I and IV of that subsection are complied with unless the board upholds an objection under paragraph IV in which case the Minister shall not consent to that intended subletting.

Amendment of principal Act, s. 232h—Conditions.

14. Section 232h of the principal Act is amended by striking out from subsection (6a) thereof the passage "the right of the Minister" and inserting in lieu thereof the passage "the right of the Governor".

Amendment of principal Act, eleventh schedule.

15. The principal Act is amended by striking out from the eleventh schedule thereto the word "Peela" and inserting in lieu thereof the word "Peella".

Enactment of the twelfth and thirteenth schedules.

16. The following schedules are enacted and inserted in the principal Act after the eleventh schedule thereto:—

Section 66e.

THE TWELFTH SCHEDULE.

SOUTH [Royal Arms] AUSTRALIA

CROWN LEASE.

(PERPETUAL (SPECIAL DEVELOPMENT) No.)

Her Majesty the Queen doth hereby lease to A.B. of [address and occupation] all that [here describe land leased] to be held in perpetuity at the yearly rent of [here state the amount of the rent] to be paid in advance on the day of commencing on the day of with such penalties as are provided for by the Crown Lands Act, 1929-1967, added thereto in case any of such rents is in arrear and subject to the reservations covenants and conditions shortly stated below and some of which are more fully set out in the Crown Lands Act, 1929-1967.

Reservations.

1. There are reserved to the Crown all gold silver copper tin and other metals all ores and other substances containing metals all minerals and all gems and precious stones coal and mineral oils with incidental powers of search and mining AND ALSO the right to enter upon the land hereby leased to construct drains and/or pipe tracks and/or to lay pipes and/or to conserve water for public use where required without any payment to the lessee by way of compensation.

Covenants.

2. The Lessee must—

I. Enclose the land with a sheep and cattle-proof fence before the end of the fifth year of the lease.

II. Enclose and keep enclosed with a fence or wall ordinarily capable of resisting the trespass of sheep or cattle any excluded area included in the lease.

III. Keep in good repair all Crown Improvements (if any) on the land.

IV. Pay and discharge all rates taxes assessments impositions and outgoings which shall become payable in respect of the said land.

V. Clear, sow and maintain pasture on acres of the land not being land comprised in an excluded area.

VI. During the first two years clear, sow and maintain pasture on not less than one-eighth of the area specified herein and during the second two years clear, sow and maintain pasture on not less than one-eighth of the area so specified and during each succeeding year clear, sow and maintain pasture on not less than one-eighth of the area so specified until the whole of the area so specified has been cleared and sown as aforesaid and will at all times maintain pasture on the land so cleared and sown.

VII. Insure and keep insured all Crown improvements (if any) on the land.

VIII. Personally reside on the land for nine months in each year.

IX. Permit the Minister and his authorized agents at all times to enter upon the land to search and mine for minerals on the land and remove therefrom any minerals or other things reserved and belonging to the Crown and also to permit the owner of any mining claim situated on the land and the holder of any mining lease of the whole or any portion of the land under any law in force for the time being relating to mining with or without workmen full and free liberty of access ingress egress and regress into upon and from the land comprised in such claim or lease.

X. Set apart and reserve for the growth of timber at least five acres of every two hundred and fifty acres of the said land and will not destroy or permit or suffer to be destroyed any timber trees growing thereon.

XI. Set apart and keep reserved for the purpose of preventing soil erosion such areas of the land comprised in this lease being areas covered with natural scrub growth as the Minister or his servants shall notify to the lessee and will not destroy or permit to be destroyed any natural scrub growth growing on the said areas; the said areas will be of the respective sizes and in the respective positions notified to the lessee by the Minister or his servants provided that the total area of the said areas shall not exceed one-tenth of the area of the land comprised in this lease or such greater area as the Minister on the recommendation of the Land Board may determine. The land to be set apart and kept reserved pursuant to this covenant shall be in addition to the land required to be set apart and reserved pursuant to covenant X hereof.

XII. Comply with any notice in writing from the Minister to reduce the number of stock within the time specified in such notice and comply with any other restrictions specified in the notice.

THE TWELFTH SCHEDULE—*continued.*

XIII. Forthwith commence to destroy and to keep the land and the adjoining half width of all public roads adjacent thereto free from vermin to the satisfaction of the Minister during the lease and fill up all burrows on the land and the said half width of road.

XIV. Destroy and keep the land free from all weeds which are declared by the Governor by regulation under the Weeds Act, 1956-1963 to be dangerous or noxious weeds.

XV. Pay for the improvements on the said land the sum of in the following manner :—
The sum of to be paid on the day of and the balance thereof together with interest at the rate of per centum per annum to be paid in equal annual instalments of being instalments of principal and interest on the day of in each year :
Provided that in the event of any such instalment being in arrear the Lessee must pay interest thereon at the rate of Five Dollars per centum per annum from the date such instalment became due until the date of payment thereof : Provided also that the lessee shall have the right to pay off the whole or any portion of the money payable under this covenant together with interest then due at any time.

And the Lessee must not—

XVI. Transfer sublet encumber or mortgage without the written consent of the Minister first had in each case.

XVII. Effect any ground or structural improvements on the land without first obtaining the written approval of the Minister : Provided that where the Lessee effects any improvements with the consent of the Minister he will within three months of their completion lodge with the Minister a statement giving full particulars of such improvements and their location and cost.

XVIII. Clear, cultivate or use for grazing any excluded area or part thereof.

XIX. Erect brush fence or suffer or permit the same to be erected or to remain on the land.

Conditions.

3. The lease shall be liable to forfeiture in the following cases :—

I. If default be made in payment of any rent in arrear for six months after the same falls due the Lessee having had at least three months previous notice in writing demanding its payment ; or if

II. Default be made in the performance or observance of any covenant ; or if

III. The land shall be transferred sublet or mortgaged without the written consent of the Minister first had in each case ; or if

IV. The Lessee shall effect any ground or structural improvements on the land without first obtaining the written approval of the Minister ; or if

V. The Lessee shall clear, cultivate or use for grazing any excluded area or part thereof.

VI. The Lessee shall refuse to permit the Crown by its officers or servants to enter upon the land hereby leased to construct drains and/or pipe tracks and/or to lay pipes and/or to conserve water for public use ; or if

VII. The Lessee shall refuse to permit the Minister and his authorized agents and the owner of any mining claim and the holder of any mining lease to exercise the liberty hereinbefore mentioned ; or if

VIII. The Lessee shall not set apart and reserve for the growth of timber at least five acres of every two hundred and fifty acres of the said land or if the Lessee shall destroy or permit or suffer to be destroyed any timber trees growing thereon ; or if

IX. The Lessee shall not set apart and thereafter keep reserved for the purpose of preventing soil erosion such areas of the land comprised in this lease being areas covered with natural scrub growth of the respective sizes and in the respective positions notified to the Lessee by the Minister or his servants or if the Lessee shall destroy or permit to be destroyed any natural scrub growth growing on the said areas ; or if

X. The Lessee shall erect brush fence or suffer or permit the same to be erected or to remain on the land.

THE TWELFTH SCHEDULE—*continued.*

4. If at any time the Minister is satisfied on such evidence as he deems sufficient that the stability or productivity of the land comprised in this lease is deteriorating to such an extent that further occupation would be likely to be detrimental to such land or to any adjacent land the Minister may give notice in writing to the Lessee of his intention to determine this lease and upon the expiration of three calendar months from the giving of such notice the Minister may determine this lease and re-enter and take possession of the said land and no compensation shall be payable to the Lessee in the event of such determination.

5. The land may be resumed by the Crown for mining or for any public work or purposes full compensation being made to the Lessee for his loss.

Section 66e.

THE THIRTEENTH SCHEDULE.

Reference to the Form in the Twelfth Schedule.	Extended Meaning
1. Reservations	Except and reserved out of this lease all gold, silver, copper, tin, and other metals, all ores and other substances containing metals, all minerals, and all gems and precious stones, coal, and mineral oils upon, in, or under the said land to Her Majesty the Queen, Her heirs and successors, and all persons lawfully claiming under or authorized by Her or them. And The Minister of Lands and all persons lawfully claiming under or authorized by them, or either of them, shall have full and free liberty of access, ingress, egress, and regress with or without horses, cattle, carts, drays, carriages, engines, and all other necessary implements and things, into, upon and from the said premises for all reasonable purposes, and to cut, dig, sink, try, search, work, remove and dispose of all or any of the said excepted and preserved things, full compensation being made to the lessee for any loss or damage sustained by him.
2. (I) Covenant to fence ..	The lessee will during the first five years substantially fence the boundaries of the said land with a fence or wall ordinarily capable of resisting the trespass of sheep or cattle and during the currency of the lease maintain such fence or wall in good and substantial repair.
2. (III) Covenant to keep Crown improvements in Repair	The lessee will at his own cost during the said term, keep and maintain in good and tenantable repair and condition all improvements (if any) the property of the Crown on the land hereby leased.
2. (V) Covenant to clear and sow with pasture	The lessee will during the first two years clear, sow and maintain pasture on not less than one-eighth of the area specified in that behalf in the lease and will during the second two years clear, sow and maintain pasture on not less than one-eighth of the area so specified and will during each succeeding year clear, sow and maintain pasture on not less than one-eighth of the area so specified until the whole of the area so specified has been cleared and sown as aforesaid and will at all times maintain pasture on the land so cleared and sown.
2. (VII) Covenant to insure Crown improvements	Insure and keep insured in the full insurable value thereof against loss and damage by fire storm and tempest all buildings erections and other improvements the property of the Crown upon the leased land in the joint names of the Minister and the Lessee in some insurance office in Adelaide to be approved of by the Minister and forthwith lodge the policy of every such insurance in the office of the Minister and forward to the Minister the receipts for the premiums payable in respect of such policy within seven days after the same shall become due. The Minister may insure on default by the Lessee and recover all amounts paid for such insurance in like manner as the rent is recoverable.
3. Conditions of forfeiture .	Provided always, and this lease is upon this express condition, that if default shall be made in payment of any rent in arrear for six months after the same falls due, the lessee having had at least three months' previous notice in writing demanding its payment, or if default shall be made in the performance or observance of any covenant on the part of the lessee ; or if the lessee shall, without the written consent of the Minister first had and obtained, transfer, mortgage, encumber, or sublet the premises or any part thereof; or if the lessee shall effect any ground or structural improvements on the

THE THIRTEENTH SCHEDULE—*continued.*

Reference to the Form in the Twelfth Schedule.	Extended Meaning
	land without first obtaining the written approval of the Minister or if the lessee shall clear cultivate or use for grazing any excluded area or part thereof, Her Majesty or the Minister, after three months' written notice, may re-enter and take possession of the said lands; and it shall be lawful for the Minister, before or after re-entry, to cancel and determine this lease, and the Minister may thereupon insert a notice in the *Government Gazette* declaring this lease to be forfeited, and such notice appearing in the *Government Gazette* as having been published by the authority of the Minister shall, in all courts and elsewhere, and under all circumstances, be taken to be conclusive evidence that such lease has been legally cancelled and forfeited: Provided, however, that the Minister shall not (except in the case of rent being in arrear as aforesaid, or of the transfer, mortgage, encumbrance or subletting of the premises without such consent as aforesaid) exercise the powers expressed in this clause in the case of default in the performance of a covenant before the expiration of the period of three months after notice has been given to the lessee of such default and requiring the performance of the covenant: Provided nevertheless that if notice has been given to the lessee of any default in the performance of a covenant, no notice of any future default in the performance of the same covenant, or of the continuance of the same default, shall be necessary before the exercise of such powers.
5. Condition of resumption	Provided also, and it is expressly agreed, that the Queen shall, and may, at any time, or from time to time hereafter resume possession of all or any part of the said land hereby demised for roads, railways, tramways, or for sites for towns or for parklands, or for mining purposes, or for any public work or purpose upon the Minister giving three calendar months' notice to the lessee by publication in the *Government Gazette* of such intended resumption; and that immediately from and after the expiration of three calendar months after such notice shall have been given as aforesaid this lease and the demise hereby made shall cease, determine, and be void as to all or such parts of the said lands as shall be mentioned and described in such notice, anything in this lease to the contrary notwithstanding: Provided that, on any resumption, the lessee shall be paid compensation for the loss the lessee shall sustain thereby; and, in case of dispute, the amount of such compensation shall be determined by the Land Board, or, at the option of the Minister or the lessee, in the manner provided by section 289 of the Crown Lands Act, 1929-1967.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. M. NAPIER, Governor's Deputy.

ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

****

No. 51 of 1967

An Act to amend the Local Government Act, 1934-1966.

[*Assented to 26th October,* 1967]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short titles and commencement.

1. (1) This Act may be cited as the "Local Government Act Amendment Act (No. 2), 1967" and shall come into operation on the day on which the Real Property Act Amendment (Strata Titles) Act, 1967, comes into operation.

(2) The Local Government Act, 1934-1966, as amended by this Act, may be cited as the "Local Government Act, 1934-1967".

(3) The Local Government Act, 1934-1966, is hereinafter referred to as "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment of principal Act, s. 5—Interpretation.

3. Subsection (1) of section 5 of the principal Act is amended—

(*a*) by inserting after subparagraph (*h*) of paragraph (1) of the definition of "ratable property" therein the following paragraph :—

(*h*1) the common property comprised in a deposited strata plan within the meaning of Part XIXB of the Real Property Act,

1886-1967 ; but, where in accordance with that Part of that Act a person is the owner of a unit defined on a deposited strata plan and, by virtue of such ownership, also owns a share of the equitable estate in the common property comprised in that strata plan, such unit and share of such equitable estate together shall be ratable property : ;

and

(*b*) by inserting after subparagraph (*f*) of paragraph (2) of the definition of "ratable property" therein the following paragraph :—

(*f*1) the common property comprised in a deposited strata plan within the meaning of Part XIXB of the Real Property Act, 1886-1967 ; but, where in accordance with that Part of that Act a person is the owner of a unit defined on a deposited strata plan and, by virtue of such ownership, also owns a share of the equitable estate in the common property comprised in that strata plan, such unit and share of such equitable estate together shall be ratable property :.

Amendment of principal Act, s. 301— What streets shall be public streets.

4. Subsection (1) of section 301 of the principal Act is amended by striking out from paragraph IV thereof the passage "section 14 of the Town Planning Act, 1929, or section 35 of the Town Planning and Development Act, 1920" and inserting in lieu thereof the passage "section 223nn of the Real Property Act, 1886-1967, or section 48 of the Planning and Development Act, 1966-1967 or any corresponding previous enactment".

Amendment of principal Act, s. 319— Cost of constructing public street.

5. Subsection (2) of section 319 of the principal Act is amended by inserting after the word "road" lastly occurring therein the passage "; but, where land that abuts on a public street or road is common property comprised within a deposited strata plan within the meaning of Part XIXB of the Real Property Act, 1886-1967—

(*a*) the units defined on that plan shall, for the purposes of this section, be deemed to be ratable property abutting on that street or road ;

and

(*b*) the council may recover from the owners of the units at the time of the completion of the work the cost

of the work or of such part thereof as the council thinks fit ratably according to the frontage of the common property so abutting on the street or road and in accordance with the unit entitlements for the time being of the units as set out in the schedule to the plan.

Amendment of principal Act, s. 328—Power to pave footways.

6. Subsection (2) of section 328 of the principal Act is amended by inserting after the passage "frontage thereof" in the proviso therein the passage "; but, where land that abuts on the footway or the portion of the footway so formed or paved is common property comprised within a deposited strata plan within the meaning of Part XIXB of the Real Property Act, 1886-1967—

(*a*) the units defined on that plan shall, for the purposes of this section, be deemed to be ratable property abutting on the footway or portion of the footway, as the case may be ;

and

(*b*) the council may recover from the owners of the units at the time of the completion of the work the whole or such part of the expenses incurred by the council thereby as the council thinks fit ratably according to the lineal frontage of the common property abutting on the footway or portion and in accordance with the unit entitlements for the time being of the units as set out in the schedule to the plan".

Amendment of principal Act, s. 342—Construction and repair of private streets in City of Adelaide.

7. Section 342 of the principal Act is amended by inserting after subsection (12) thereof the following subsection :—

(12a) For the purposes of this section, where the land that abuts on a private street or road is common property comprised within a deposited strata plan within the meaning of Part XIXB of the Real Property Act, 1886-1967—

(*a*) the units defined on that plan shall be deemed to be property abutting on the private street or road ;

(*b*) the owners and occupiers of those units shall be deemed to be owners and occupiers of the property abutting on the private street or road ;

and

(*c*) any apportionment of the estimated cost that would, but for this subsection, be attributable to the common property or the part thereof

that abuts on the private street or road shall be payable by, and recoverable by the council from, the owners of those units in proportion to the respective unit entitlements for the time being of their units as set out in the schedule to the deposited strata plan.

Amendment of principal Act, s. 343—Powers of other councils to make private streets and roads.

8. Section 343 of the principal Act is amended by inserting after subsection (7) thereof the following subsection :—

(7a) For the purposes of this section, where land that abuts on a private street or road, court, alley, lane or thoroughfare or any part thereof, is common property comprised within a deposited strata plan within the meaning of Part XIXB of the Real Property Act, 1886-1967—

(*a*) the units defined on that plan shall be deemed to be ratable property abutting on that private street or road, court, alley, lane or thoroughfare or part thereof;

(*b*) the owners of those units shall be deemed to be the owners of such ratable property;

and

(*c*) any proportion of the expenses incurred by the council that would, but for this subsection, be attributable to the common property or the part thereof that abuts on the private street or road, court, alley, lane or thoroughfare or part thereof shall be payable by, and recoverable by the council from, the owners of those units in proportion to the respective unit entitlements for the time being of their units as set out in the schedule to the deposited strata plan.

Amendment of principal Act s. 344a—Construction and repair of private streets and roads.

9. Section 344a of the principal Act is amended by inserting after subsection (5) thereof the following subsection :—

(5a) For the purposes of this section, where land that abuts on a private street or road, or any part thereof, is common property comprised within a deposited strata plan within the meaning of Part XIXB of the Real Property Act, 1886-1967—

(*a*) the units defined on that plan shall be deemed to be ratable property abutting on that private street or road, or part thereof;

(*b*) the owners of those units shall be deemed to be the owners of such ratable property;

and

(*c*) any proportion of the expenses incurred by the council that would, but for this subsection, be attributable to the common property or any part thereof that abuts on the private street or road or part thereof shall be payable by, and recoverable by the council from, the owners of those units at the time of the completion of the work in proportion to the respective unit entitlements at that time of their units as set out in the schedule to the deposited strata plan.

Amendment of principal Act, s. 345—
Power of council to order land adjoining street to be fenced.

10. Section 345 of the principal Act is amended by inserting after subsection (3) thereof the following subsection :—

(4) For the purposes of this section, where the land that adjoins or abuts upon the street or road is common property comprised within a deposited strata plan within the meaning of Part XIXB of the Real Property Act, 1886-1967—

(*a*) the units defined on that plan shall be deemed to be the land adjoining or abutting upon that street or road ;

(*b*) the owners of those units shall be deemed to be the owners of such land ;

and

(*c*) the amount of the expenses referred to in subsection (3) of this section shall be payable by, and recoverable by the council from, the owners of those units in proportion to the respective unit entitlements for the time being of their units as set out in the schedule to the deposited strata plan and the amount of the expenses so attributable to each unit shall, until fully paid by, or recovered by the council from, the owner of that unit, be a charge upon that unit.

Amendment of principal Act, s. 348—
Duty to construct retaining walls in certain cases.

11. Section 348 of the principal Act is amended by inserting after subsection (3) thereof the following subsection :—

(3a) For the purposes of this section, where the land that abuts on the public street or road is common property comprised within a deposited strata plan within the meaning of Part XIXB of the Real Property Act, 1886-1967—

(*a*) the units defined on that plan shall be deemed to be the land abutting on that public street or road ;

(*b*) the owners of those units shall be deemed to be the owners of that land ;

and

(*c*) the amount of the cost of the construction referred to in subsection (3) of this section shall be payable by, and recoverable by the council from, the owners of those units in proportion to the respective unit entitlements for the time being of their units as set out in the schedule to the deposited strata plan and the amount of such cost of construction so attributable to each unit shall, until fully paid by, or recovered by the council from, the owner of that unit, be a charge upon that unit.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. M. NAPIER, Governor's Deputy.

ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

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No. 52 of 1967

An Act to amend the Fisheries Act, 1917-1962.

[*Assented to 30th October,* 1967]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short titles.

1. (1) This Act may be cited as the "Fisheries Act Amendment Act, 1967".

(2) The Fisheries Act, 1917-1962, as amended by this Act, may be cited as the "Fisheries Act, 1917-1967".

(3) The Fisheries Act, 1917-1962, is hereinafter referred to as "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Commencement.

3. This Act shall come into operation on a day to be fixed by the Governor by proclamation.

Enactment of s. 15c of principal Act—

4. The following section is inserted in the principal Act immediately after section 15b thereof:—

Permits to take crayfish.

15c. (1) Subject to this section permits to take fish of the species known as "crayfish" may be granted to holders of licences by the Chief Inspector of Fisheries or some person authorized by him in writing to grant such permits.

(2) Application for a permit pursuant to subsection (1) of this section may be made by the holder of a licence which was in force on the first day of September, 1967, who was prior to that date following the trade or calling of a fisherman and was engaged in taking crayfish for the purposes of such trade or calling.

(3) The holder of a licence which was not in force on the first day of September, 1967, or who was not, prior to that date, engaged in taking crayfish for the purposes of his trade or calling, shall not be granted a permit pursuant to this section: Provided that a holder of a licence who satisfies the Chief Inspector of Fisheries that he was, on the thirty-first day of August, 1967, constructing or having constructed on his behalf a vessel for the specific purpose of taking crayfish for the purposes of his trade or calling, may be granted a permit pursuant to this section.

(4) Every permit granted under this section shall be endorsed upon the licence of the person to whom such permit is granted.

Amendment of principal Act, s. 53—Offences.

5. Section 53 of the principal Act is amended by inserting therein after paragraph (*a*) thereof the following paragraph :—

(*a*1) not being the holder of a permit duly endorsed on a licence pursuant to section 15c of this Act to take fish of the species known as "crayfish", uses more than three crayfish pots or more than three drop nets from any boat at any one time in taking any such fish :

Amendment of principal Act, s. 59—Governor may make regulations.

6. Section 59 of the principal Act is amended by inserting therein after paragraph (*c*8) thereof the following paragraph :—

(*c*9) prescribing the maximum number of crayfish pots which may be used by any person using any boat in the taking of fish of the species known as "crayfish".

Duration of Act.

7. This Act shall expire on the thirty-first day of May, 1969.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. M. NAPIER, Governor's Deputy.

ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

****

No. 53 of 1967

An Act to amend the Harbors Act, 1936-1966.

[*Assented to 9th November,* 1967]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short titles.

1. (1) This Act may be cited as the "Harbors Act Amendment Act, 1967".

(2) The Harbors Act, 1936-1966, as amended by this Act, may be cited as the "Harbors Act, 1936-1967".

(3) The Harbors Act, 1936-1966, is hereinafter referred to as "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment of principal Act, s. 78— Power to authorize erection of wharves, etc.

3. Section 78 of the principal Act is amended—

(*a*) by striking out the words "the foreshore at any place within the State" therein and inserting in lieu thereof the words "any place within the limits of the jurisdiction of the Minister" ;

(*b*) by striking out the words "upon the foreshore and the land overflowed by the waters of the sea" therein and inserting in lieu thereof the words "in any portion of any such place" ;

and

(*c*) by inserting at the end thereof the following subsection (the preceding portion of the section as amended by paragraphs (*a*) and (*b*) of this section being designated as subsection (1) thereof) :—

(2) Every licence granted pursuant to this section as amended and in force immediately prior to the commencement of the Harbors Act Amendment Act, 1967, to an owner or occupier of any land fronting and immediately adjoining any portion of the River Murray shall be and be deemed to be and at all times to have been valid and effectual for all purposes.

Amendment of principal Act, s. 144—Regulations.

4. Section 144 of the principal Act is amended by striking out therefrom paragraphs (49) to (52) inclusive.

Repeal of s. 168 of principal Act—Unlicensed person acting as ships' surveyor.

5. Section 168 of the principal Act is repealed.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. M. NAPIER, Governor's Deputy.

ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

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(*b*) by striking out the passage "one hundred and twenty-five pounds, the sum of one hundred and twenty-five pounds" in subsection (5) thereof and inserting in lieu thereof the passage "the total amount payable by the insurer in respect of the fatal or bodily injury, any payment required to be made by subsection (1) of this section".

Amendment of principal Act, s. 54—Notice of claim to and payment by other than insurer.

4. Section 54 of the principal Act is amended—

(*a*) by striking out all of the words after the word "exceed" first occurring in subsection (4) thereof and inserting in lieu thereof the following passage :—

(*a*) the total amount of the claim of the hospital ;

or

(*b*) the total amount payable by such person as damages or compensation in respect of such bodily injury,

whichever is the lesser. ;

(*b*) by striking out the passage "one hundred and twenty-five pounds, the sum of one hundred and twenty-five pounds" in subsection (5) thereof and inserting in lieu thereof the passage "the total amount payable as damages or as compensation in respect of the fatal or bodily injury, any payment required to be made by subsection (3) of this section".

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. M. NAPIER, Governor's Deputy.

ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

****

No. 55 of 1967

An Act to amend the Irrigation Act, 1930-1946.

[*Assented to 9th November,* 1967]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short titles.

1. (1) This Act may be cited as the "Irrigation Act Amendment Act, 1967".

(2) The Irrigation Act, 1930-1946, as amended by this Act, may be cited as the "Irrigation Act, 1930-1967".

(3) The Irrigation Act, 1930-1946, is hereinafter referred to as "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment of principal Act, s. 6— Interpretation.

3. The definition of "ratable land" in section 6 of the principal Act is struck out and the following definition is inserted in the principal Act in lieu thereof :—

"ratable land" means any land situated within an irrigation area for which the Minister has approved and made available a water supply in return for a rate fixed and payable annually :.

Amendment of principal Act, s. 25—
Area of holdings.

4. Section 25 of the principal Act is amended—

(*a*) by striking out the word "irrigable" (twice occurring) in subsection (1) thereof and inserting in lieu thereof in each case the word "ratable";

(*b*) by striking out the words "which is reclaimed land" in the said subsection (1) thereof;

and

(*c*) by striking out subsection (2) thereof.

Amendment of principal Act, s. 26—
Area of holdings by partners.

5. Subsection (1) of section 26 of the principal Act is amended by striking out the words "irrigable or reclaimed" therein and inserting in lieu the word "ratable".

Amendment of principal Act, s. 43—
Grant of licences of land other than town allotments.

6. Subsection (1) of section 43 of the principal Act is amended by inserting after the passage "town allotment," therein the passage "or to enter upon and occupy any land comprised in a miscellaneous lease, not being a town allotment,".

Amendment of principal Act, s. 50—
Disqualification as leaseholder.

7. Section 50 of the principal Act is amended by striking out the passage ", and persons of any Asiatic race who are not subjects of His Majesty the King," therein.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. M. NAPIER, Governor's Deputy.

ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

****

No. 56 of 1967

An Act to amend the Lottery and Gaming Act, 1936-1967.

[*Assented to 9th November,* 1967]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short titles.

1. (1) This Act may be cited as the "Lottery and Gaming Act Amendment Act (No. 3), 1967".

(2) The Lottery and Gaming Act, 1936-1967, as amended by this Act, may be cited as the "Lottery and Gaming Act, 1936-1967".

(3) The Lottery and Gaming Act, 1936-1967, is hereinafter referred to as "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment of principal Act, s. 31j— Off-course totalizator betting.

3. Section 31j of the principal Act is amended by inserting therein after subsection (1) the following subsections :—

(1a) The Board may, upon and subject to such terms and conditions as may be agreed upon between the Minister and any responsible Minister of the Crown in right of the Commonwealth or in right of any other State, do all or any of the following things :—

(*a*) Conduct or assist in conducting off-course totalizator betting within any Territory of the Commonwealth or within that other State, for or on behalf of the Commonwealth or that other State, as the case may be, or for or on behalf of any person authorized by or under the law of the Commonwealth or that other State to conduct or provide off-course totalizator betting or off-course totalizator betting facilities in such Territory or other State :

(*b*) Employ any person as the agent and establish agencies of the Board in any Territory of the Commonwealth or within that other State :

(*c*) Act as the agent in this State of any person authorized by or under the law of the Commonwealth or that other State to conduct or provide off-course totalizator betting or off-course totalizator betting facilities in any Territory of the Commonwealth or in that other State.

(1b) Any agreement entered into under subsection (1a) of this section may be carried into effect notwithstanding anything to the contrary or otherwise contained in this Act.

(1c) For the purposes of this Part of this Act, any power conferred on the Board to conduct off-course totalizator betting shall be deemed to include power to provide off-course totalizator betting facilities.

(1d) All amounts that may be received by the Treasurer pursuant to or in consequence of any agreement entered into under subsection (1a) of this section shall be paid into the Fund by the Treasurer.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. M. NAPIER, Governor's Deputy.

ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

****

No. 57 of 1967

An Act to amend the Mental Health Act, 1935-1966.

[*Assented to 9th November,* 1967]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short titles.

1. (1) This Act may be cited as the "Mental Health Act Amendment Act, 1967".

(2) The Mental Health Act, 1935-1966, as amended by this Act, may be cited as the "Mental Health Act, 1935-1967".

(3) The Mental Health Act, 1935-1966, is hereinafter referred to as "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Commencement.

3. This Act shall come into operation on a day to be fixed by proclamation.

Amendment of principal Act, s. 3—Arrangement of Act.

4. Section 3 of the principal Act is amended by striking out the passage "DIVISION V.—Boarding out of Patients :" in Part IV thereof and inserting in lieu thereof the passage "DIVISION V.—Psychiatric Rehabilitation Hostels :".

Amendment of principal Act, s. 4—Interpretation.

5. Section 4 of the principal Act is amended—

(*a*) by striking out from the definition of "patient" in subsection (1) thereof the passage ", or been boarded out, under this or any other Act" ;

and

(*b*) by inserting after the definition of "proclaimed part of the Empire" in the said subsection (1) thereof the following definition :—

"psychiatric rehabilitation hostel" means premises for the time being the subject of a licence under subsection (1) of section 87 of this Act : .

6. Division V of Part IV of the principal Act and the heading thereto are repealed and the following Division and heading are enacted and inserted therein in their place :— Repeal and re-enactment of Division V of Part IV of principal Act—

DIVISION V.—PSYCHIATRIC REHABILITATION HOSTELS.

86. A patient granted trial leave under section 76 of this Act may be permitted, during the period of that trial leave, to reside in a psychiatric rehabilitation hostel. Patient on trial leave may be required to reside in psychiatric rehabilitation hostel.

87. (1) Subject to this section, the Minister may, on the application of a person and on payment by that person of the prescribed fee, grant a licence to that person to operate a psychiatric rehabilitation hostel. Licensing of persons to conduct a psychiatric rehabilitation hostel.

(2) A licence granted under subsection (1) of this section—

(*a*) shall describe the premises proposed to be operated as a psychiatric rehabilitation hostel ;

and

(*b*) shall be for a period not exceeding twelve months.

(3) A licence granted under subsection (1) of this section shall be held subject to such conditions as the Minister specifies in the licence and without limiting the generality of the conditions which may be specified may include all or any of the following conditions—

(*a*) that not less than the number of persons specified in the licence shall be employed in the operation of the psychiatric rehabilitation hostel ;

(*b*) that those persons will have at least the qualifications specified in the licence ;

(*c*) that those persons will competently discharge the functions assigned to them by and specified in the licence ;

(*d*) that persons of the class or classes specified in the licence will not be permitted to reside in the psychiatric rehabilitation hostel;

(*e*) that the number of the persons receiving care in the psychiatric rehabilitation hostel will not exceed the number specified in the licence;

(*f*) that the accommodation and facilities provided for persons receiving care in the psychiatric rehabilitation hostel will at all times conform to the standards specified in the licence;

(*g*) that the standard of diet provided for persons receiving care will not at any time be less in quantity or quality than the standard of diet specified in the licence;

(*h*) that the psychiatric rehabilitation hostel will at all times be open to inspection by the Director or a person authorized in writing by the Director in that behalf;

and

(*i*) that the person licensed under subsection (1) of this section will comply with a direction of the Director or a person authorized in writing by the Director in relation to the operation of the psychiatric rehabilitation hostel and the care of persons resident therein.

(4) Where, after due inquiry, the Minister is satisfied that any condition of a licence granted under subsection (1) of this section has not been complied with, he may by notice served either personally or by post, on the holder of that licence revoke that licence and upon the service of that notice the holder of that licence shall, for the purposes of this Act, cease to be the holder of a licence granted under subsection (1) of this section.

Unlicensed person undertaking care of patients.

88. (1) A person not being the holder of a licence granted under subsection (1) of section 87 of this Act shall not for or in the expectation of a fee or reward undertake or offer to undertake the accommodation of patients permitted under section 86 of this Act to reside in a psychiatric rehabilitation hostel.

Penalty: Five hundred dollars.

(2) In proceedings for an offence that is a contravention of subsection (1) of this section a certificate purporting to be signed by the Director that at the time or within the period stated therein the person named therein was not the holder of a licence granted under subsection (1) of section 87 of this Act shall be *prima facie* evidence of that fact.

(3) In proceedings for an offence that is a contravention of subsection (1) of this section it is a defence for the person charged to satisfy the court before which he is charged that he did not know and could not by the exercise of reasonable diligence have been expected to ascertain that the person in relation to whom it is alleged that the offence was committed was a patient permitted under section 86 of this Act to reside in a psychiatric rehabilitation hostel.

Amendment of principal Act, s. 153a—Prohibition of treatment.

7. Section 153a of the principal Act is amended by striking out subsection (2) thereof and inserting in lieu thereof the following subsection :—

(2) For the purposes of this section a patient, absent from an institution whose absence is permitted by section 54 or section 76 of this Act, shall not be deemed to be a mentally defective person so long as the conditions (if any) subject to which he was permitted to be absent are complied with.

Repeal of twenty-third schedule to principal Act.

8. The principal Act is amended by striking out the twenty-third schedule thereto.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. M. NAPIER, Governor's Deputy.

ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

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No. 58 of 1967

An Act to amend the Police Offences Act, 1953-1961.

[*Assented to 9th November,* 1967]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short titles.

1. (1) This Act may be cited as the "Police Offences Act Amendment Act, 1967".

(2) The Police Offences Act, 1953-1961, as amended by this Act, may be cited as the "Police Offences Act, 1953-1967".

(3) The Police Offences Act, 1953-1961, is hereinafter referred to as "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment of principal Act, s. 15—Offensive weapons, drugs and articles of disguise.

3. Section 15 of the principal Act is amended—

(*a*) by striking out from subsection (1) the passage "Fifty pounds" and inserting in lieu thereof the passage "One hundred dollars" ;

(*b*) by inserting after subsection (1) the following subsection :—

(1a) A person shall not, without lawful excuse, proof whereof shall lie on him—

(*a*) manufacture, prepare, sell, distribute, supply or otherwise deal in any prescribed drug ;

(*b*) have in his possession any prescribed drug;

or

(*c*) use any prescribed drug.

Penalty: Two thousand dollars or imprisonment for two years, or both, ;

and

(*c*) by inserting in subsection (3) after the definition of "implement of housebreaking" the following definition:—

"prescribed drug" means any drug or substance that is declared by proclamation to be a prescribed drug for the purposes of this section and which has not by a subsequent proclamation been declared to have ceased to be a prescribed drug for the purposes of this section.

Enactment of s. 33a of principal Act—

4. The following section is enacted and inserted in the principal Act immediately after section 33 thereof:—

Protection of members of National Literature Board of Review.

33a. No action shall be brought in any court in South Australia against any person who is or at any time was a member of the National Literature Board of Review established under or for the purposes of the Commonwealth Act known as the *Customs Act* 1901 as amended by subsequent Acts in respect of any opinion expressed by him as a member of that Board upon any book, pamphlet, magazine or periodical submitted for the opinion of the Board.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. M. NAPIER, Governor's Deputy.

ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

****

No. 59 of 1967

An Act to vest certain land situate in Mount Gambier held upon certain trusts in St. Martin's Lutheran Church, Mount Gambier, Incorporated and for purposes incidental thereto.

[*Assented to 9th November,* 1967]

Preamble.

WHEREAS by a Deed (hereinafter called "the Original Trust Deed") made on the first day of October One thousand eight hundred and sixty-three between Heinrich Boldt, Traugott Lindner, Johann Plate, Wilhelm Vorwerk and Friedrich Unger it was declared that a certain piece of land (hereinafter called "the land") should thenceforth be held upon certain trusts set out in the Original Trust Deed on behalf of the congregation of the Evangelical Lutheran Church of Mount Gambier AND WHEREAS the said congregation was at that time a branch of the Evangelical Lutheran Synod of Australia (hereinafter referred to together with its successor the Evangelical Lutheran Church of Australia as "the E.L.C.A.") AND WHEREAS in the course of time the said congregation dissolved and the remaining members of the said congregation joined the congregation of St. Martin's Lutheran Church of Mount Gambier which was a branch of the United Evangelical Lutheran Church in Australia (hereinafter referred to as "the U.E.L.C.A.") AND WHEREAS an Indenture was made on the 25th day of January Nineteen hundred and two between C. T. Lindner, C. Kannenberg and H. H. Schleter being certain of the then trustees of the land having been properly appointed as trustees of the land pursuant to the terms of the Original Trust Deed, of the first part and E. G. Lindner, B. Kannenberg, J. Vorwerk and E. Unger of the other part whereby the parties of the first part exercising the power in that behalf given to them by the Trustee Act 1893

and of every other power them thereunto enabling duly appointed the parties of the other part (the then trustees of the property held on behalf of the congregation of the said St. Martin's Lutheran Church of Mount Gambier) trustees to hold the land upon the trusts set forth in the Original Trust Deed AND WHEREAS the land continued to be held by the trustees for the time being of the property held on behalf of the said St. Martin's Lutheran Church of Mount Gambier AND WHEREAS a dispute arose between the E.L.C.A. and the U.E.L.C.A. as to who was beneficially entitled to the land by the terms of the trusts created by the Original Trust Deed AND WHEREAS application was made to have the land brought under the provisions of the Real Property Act 1886-1945 AND WHEREAS on the sixth day of July Nineteen hundred and forty nine a limited Certificate of Title Register Book Volume A Folio 122 for the land and in which the land is more particularly described was issued pursuant to the Real Property (Registration of Titles) Act 1945 in the names of Erdman Gottlieb Lindner, Edward Hermann Gladigau, Alfred Joseph Lindner, Norman Henry Whitehead, Eric Bernhard Peucker, Reinhold Benno Muller, Colin Engel Gladigau, William Alfred Johnson and Franklin Albert Spehr the then trustees of the land AND WHEREAS the Registrar General registered a caveat Number 158 0139 dated the seventh day of July Nineteen hundred and forty-nine on the said limited Certificate of Title by the terms of which the registration of any instrument affecting the land was prohibited because the power of sale under the Deed was vested in a congregation which was no longer existent AND WHEREAS the original copy of the Original Trust Deed has been lost AND this loss has precluded the Supreme Court of South Australia from making any *cy-près* order as to the disposition of the land AND WHEREAS the E.L.C.A. and the U.E.L.C.A. have now amalgamated to form The Lutheran Church of Australia and have agreed that an unencumbered estate in fee simple in the land should be vested in St. Martin's Lutheran Church, Mount Gambier, Incorporated an association duly incorporated under the Associations Incorporation Act 1956-1965.

BE IT THEREFORE ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. This Act may be cited as the "St. Martin's Lutheran Church, Mount Gambier, Incorporated Act, 1967". Short title.

2. In this Act, unless the context otherwise requires— Interpretation.

"the Association" means St. Martin's Lutheran Church, Mount Gambier, Incorporated :

"the Original Trust Deed" means the Deed dated the first day of October, 1863, more particularly described in the preamble to this Act:

"trust land" means the whole of the land comprised and described in Limited Certificate of Title Register Book Volume A Folio 122:

Vesting of trust land in St. Martin's Lutheran Church, Mount Gambier, Incorporated.

3. The trust land is by virtue of this Act without any further or other assurance vested in the Association for an estate in fee simple. The Registrar-General shall make such entries in the Register Book as are necessary to evidence the title of the Association to the trust land.

Land to be held and dealt with for purposes and objects of Association.

4. The Association shall hold and deal with the trust land for the purposes and objects of the Association as set forth in the rules of incorporation thereof.

Trustees freed from trusts and obligations.

5. From and after the commencement of this Act all persons who at the time of such commencement were or at any time had been trustees of the trust land shall be freed and discharged from all the trusts and conditions in the Original Trust Deed contained and from all their obligations in relation to the trust land.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. M. NAPIER, Governor's Deputy.

ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

****

No. 60 of 1967

An Act to amend The Parkin Trust Incorporated Act 1926 to 1961.

[*Assented to 9th November,* 1967]

Preamble.

WHEREAS it is desirable to amend the Deed of Settlement of The Parkin Trust Incorporated by further extending the powers of The Parkin Trust Incorporated and those of the Governors thereof.

BE IT THEREFORE ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short titles.

1. (1) This Act may be cited as "The Parkin Trust Incorporated Act Amendment Act, 1967".

(2) "The Parkin Trust Incorporated Act 1926 to 1961" and this Act, may be cited together as "The Parkin Trust Incorporated Act, 1926-1967".

(3) "The Parkin Trust Incorporated Act 1926 to 1961" is hereinafter referred to as "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

3. In this Act—

Interpretation.

"Deed of Settlement" means the "Original Deed of Settlement" as defined in The Parkin Trust Incorporated Act, 1926 and as amended by The Amending

Deed of Settlement as so defined and as further amended by The Parkin Trust Incorporated Act Amendment Act, 1961 :

"The Governors" means the Governors for the time being of The Parkin Trust Incorporated.

Amendment of Deed of Settlement—Power to apply funds of Trust.

4. The following clause numbered 21a is inserted in the Deed of Settlement after clause 21 thereof—

21a. Notwithstanding and in addition to the provisions of this Deed, it shall be lawful for the Governors to apply the funds of the Corporation, as well the capital as the income thereof, in furtherance of an arrangement with a University in South Australia whereby the objectives of the Corporation in the training of students—nominated, elected or appointed by the Governors at their discretion—shall be guaranteed in perpetuity.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. M. NAPIER, Governor's Deputy.

ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

****

No. 61 of 1967

An Act to authorize the Reprinting and Republication of Acts of the Parliament of South Australia; to repeal the Amendments Incorporation Act, 1937, and the Acts Republication Act, 1965-1966, and for matters incidental thereto.

[*Assented to 16th November,* 1967]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short title.

1. This Act may be cited as the "Acts Republication Act, 1967".

Repeal.

2. (1) The Amendments Incorporation Act, 1937, and the Acts Republication Act, 1965-1966, are hereby repealed.

(2) Notwithstanding the repeal by subsection (1) of this section of the Amendments Incorporation Act, 1937, every Act reprinted, prior to the commencement of this Act, pursuant to and in accordance with that Act shall in all courts, and by all tribunals, bodies and persons be judicially noticed as such and shall be deemed for all purposes to be an Act of the Parliament of South Australia.

Interpretation.

3. In this Act, unless the contrary intention appears—

"regulation" includes rule and by-law:

"the Commissioner" means the person appointed by the Governor as, and for the time being holding or acting in the office of, Commissioner of Statute Revision:

"the Reprint of 1937" means the edition of the public general Acts of the Parliament of South Australia reprinted pursuant to the Acts Republication Act, 1934:

"words" includes part, division, subdivision, heading, sub-heading, section, subsection, paragraph, subparagraph, schedule, portion, figures, symbols and passage.

General reprinting and republication of Acts.

4. (1) As soon as practicable after the commencement of this Act, the Attorney-General shall cause to be reprinted and published with the amendments, if any, incorporated therein in accordance with section 5 of this Act, all the Acts of the Parliament of South Australia except—

(*a*) private Acts;

(*b*) Acts that, owing to their restricted or local application or nature, are not, in his opinion, of sufficient importance to justify reprinting;

(*c*) Acts the operation of which has expired or which have been or the operation of which has been superseded; and

(*d*) Acts that, by virtue of subsection (2) of this section, need not be reprinted.

(2) Where the whole of an Act, except the provisions relating to short titles, incorporation with other Acts, and other preliminary and formal matter consists of amendments that are incorporated in other Acts reprinted pursuant to this section, the Act first referred to in this subsection need not be reprinted under this section.

(3) The Acts required to be reprinted pursuant to this section shall be reprinted and published in sets of bound volumes arranged in alphabetical order of the short titles of the Acts contained therein and may also be reprinted and published separately or in such other manner as the Attorney-General may approve.

(4) Notwithstanding anything in subsection (1) or subsection (3) of this section, the Attorney-General may, if he thinks fit—

(*a*) cause to be reprinted and published, separately or in such supplementary or additional volumes as may be necessary, and with the amendments, if any, incorporated therein in accordance with section 5 of this Act, reprints of all or any Acts referred to in paragraphs (*a*) and (*b*) of subsection (1) of this section;

(*b*) cause to be reprinted and published separately or included in such of the volumes of reprinted Acts or in such supplementary or additional volumes

published pursuant to this section as he may think appropriate such Imperial Acts or enactments and instruments and such forms and other like documents as he may consider desirable, being Acts or enactments, instruments and forms that relate to the constitution of this State, or the powers of the Parliament or the Governor of this State or are otherwise, in the opinion of the Attorney-General, of sufficient interest or importance to justify being so reprinted and published or so included therein;

(*c*) cause to be included in such supplementary or additional volume or volumes as may be necessary such annotations as he may approve or direct;

and

(*d*) cause to be included in any volume of reprinted Acts or in any supplementary or additional volume or volumes published pursuant to this section such explanatory matter as he may approve or direct.

(5) Where any portion of an Act consists of or wholly relates to an amendment that is, or the substance of which is, wholly incorporated in any other Act reprinted under this section, that portion may be omitted from any reprint made under this section of the Act of which it is a portion if there is included in the reprint an appropriate reference to the other Act or to the provision of the other Act in which the amendment is so incorporated.

Inclusion of amendments in reprinted Acts.

5. (1) Where any Act has been amended by—

(*a*) the repeal, striking out or omission of any words, expressly or otherwise;

(*b*) the substitution of any words in lieu of any words repealed, struck out or omitted, expressly or otherwise;

or

(*c*) the insertion or addition of any words,

the Act shall, if so required by the Attorney-General, or may, with the approval of the Attorney-General, be reprinted so that the reprint incorporates every such amendment.

(2) In the margin of every Act so reprinted reference shall be made to the enactments, regulations, proclamations or other instruments by which the amendments were made, and before the commencement of the text of every Act so reprinted there shall be printed a short reference to every Act by which it has been amended.

Acts to be reprinted under supervision of the Commissioner.

6. No Act shall be reprinted under this Act unless it has been prepared for reprint by or under the supervision of the Commissioner.

Special provisions relating to the reprinting of Acts pursuant to this Act.

7. (1) In the reprinting of Acts pursuant to this Act, all or any of the follow ng things may be done :—

(*a*) If any Act has before being reprinted been amended by any other Act or Acts, the short title to the amended Act may be altered so as to indicate the year in which it was passed and the year in which the latest amending Act was passed :

(*b*) A reference in an Act to another Act or portion of an Act for which some other Act or portion of an Act has been substituted may be altered to a reference to the substituted Act or portion of an Act :

(*c*) A reference in an Act to the name, style, title or citation of a place, person, authority, or enactment (being a name, style, title or citation that has been changed pursuant to any Act or law) may be altered to the name, style, title or citation as so changed :

(*d*) A reference in an Act or enactment to a year of Our Lord, expressed in words, may be altered to a reference to that year expressed in Arabic numerals :

(*e*) Marginal notes to sections or parts of sections contained in an Act may be altered so as to accord with the true effect of those sections :

(*f*) Errors in spelling and punctuation in an Act may be corrected :

(*g*) Any alteration to the form of any Act may be made so as to give effect to any direction of the Attorney-General issued pursuant to subsection (2) of this section :

(*h*) Any errors in the numbering or designation of any Part, Division, Subdivision, section, subsection, paragraph, sub-paragraph or schedule or part of a schedule of an Act may be corrected by re-numbering or re-designating any Part, Division, Subdivision, section, subsection, paragraph, sub-paragraph, schedule or part of a schedule of such Act :

(*i*) Any words at the foot of a reprinted Act indicating the giving of the Royal assent thereto may be omitted ; but the date of the Royal assent to every Act that is reprinted under this Act shall appear thereon.

(2) Subject to subsection (3) of this section, the Attorney-General may prepare and issue to the Commissioner such directions as he considers desirable for the purpose of—

(*a*) achieving uniformity of style in respect of the numbering and designation of, and the use of capital letters and italics in, any of the provisions or the formal parts of Acts and in respect of the setting out of the provisions of Acts generally ;

and

(*b*) generally improving, and bringing into conformity with modern standards of draftsmanship, the form or manner in which the law contained in Acts is expressed.

(3) No directions shall be issued by the Attorney-General under subsection (2) of this section and no alterations to the text of any Act shall be made under paragraph (*g*) of subsection (1) of this section that would have the effect of altering or modifying the substance, effect or operation of any Act or enactment.

(4) A certificate purporting to be under the hand of the Commissioner certifying that any directions contained therein are directions that had been issued by the Attorney-General pursuant to subsection (2) of this section shall in all courts be *prima facie* evidence that such directions were prepared and issued by the Attorney-General pursuant to that subsection.

(5) Where an Act is reprinted in conformity with the provisions of this section, that Act as so reprinted shall, for all purposes, have effect as if the alterations, if any, in the text necessary to give effect to this section or to any directions of the Attorney-General under subsection (2) of this section had been expressly made therein by an amending Act enacted by the Parliament of this State before the date of reprinting.

(6) Where the short title to an amended Act that has been reprinted pursuant to this Act or pursuant to the Acts Republication Act, 1934, or the Amendments Incorporation Act, 1937, has been altered as provided by the Act pursuant to which it has been reprinted, the amended Act may, on being so reprinted, be cited by the short title as so altered.

Alterations to give effect to the Decimal Currency Act, 1965-1966.

8. (1) If, in any provision of any Act reprinted pursuant to this Act, any reference is made to an amount of money in the old currency, and if, pursuant to the provisions of the Decimal Currency Act, 1965-1966, that provision is to be read and construed as a reference to a corresponding amount of money in terms of the new currency, the provision of the Act so reprinted shall be altered by the substitution of the amount of the new currency for the amount of the old currency.

(2) If, in any provision of any Act reprinted pursuant to this Act, any reference is made to a percentage or other proportion expressed in terms of money in the old currency, and if, pursuant to the provisions of the Decimal Currency Act, 1965-1966, that reference is to be construed as an equivalent

percentage or proportion expressed in terms of money in the new currency, the provision of the Act so reprinted shall be altered by the substitution of the equivalent percentage or proportion expressed in terms of money in the new currency for the percentage or proportion expressed in terms of money in the old currency.

(3) In this section—

"new currency" means the currency provided for by the *Currency Act* 1965 of the Commonwealth :

"old currency" means the currency provided for by the *Coinage Act* 1909-1947 of the Commonwealth.

(4) Where an Act is reprinted in conformity with the provisions of this section, that Act as so reprinted shall, for all purposes, have effect as if the alterations, if any, in the text necessary to give effect to this section had been expressly made therein by an amending Act enacted by the Parliament of this State before the date of reprinting.

Text of the Reprint of 1937 deemed to be correct.

9. Notwithstanding any law, rule of law, or custom to the contrary, for the purpose of reprinting Acts pursuant to this Act—

(*a*) the text of the Acts and enactments included in the Reprint of 1937 shall be deemed, for all purposes, to express and set out correctly the laws enacted by those Acts and enactments as at the first day of April, 1937 ;

and

(*b*) if there is any inconsistency between the text of an Act or enactment as set out in the Reprint of 1937 and the text of that Act or enactment as passed by the Parliament of this State, the text of that Act or enactment as set out in that reprint prevails.

Endorsements to be incorporated in volumes and copies of reprinted Acts.

10. (1) At or near the commencement of the first volume of each set of volumes of Acts reprinted pursuant to section 4 of this Act there shall be printed an endorsement to the effect that each set of such volumes contains the text of the Acts of the Parliament of South Australia appearing therein as reprinted pursuant to this Act with all amendments (if any) thereto made prior to a date which shall be specified in the endorsement duly incorporated.

(2) On the first page of every Act separately reprinted under any provision of this Act there shall be printed an endorsement to the effect that that Act has been reprinted pursuant to this

Act and, if it is reprinted with amendments incorporated, the endorsement shall also state that the reprint incorporates all amendments made prior to a date which shall be specified in the endorsement.

References to pages and lines.

11. Where in any Act enacted after the publication of the Acts reprinted pursuant to section 4 of this Act, reference is made to the number of any line or page of any Act or part of any Act so reprinted, that reference shall, unless the context otherwise requires, be construed as a reference to the line or page of the Act or part of the Act as so reprinted.

Judicial notice of reprinted Acts.

12. (1) Any Act included in any volume of Acts reprinted pursuant to section 4 of this Act and any Act reprinted pursuant to this Act shall in all courts and by all tribunals, bodies and persons be judicially noticed and shall be deemed for all purposes to be an Act of the Parliament of South Australia.

(2) Where an Act has been repealed and that Act has been reprinted (with or without amendments incorporated) pursuant to the Acts Republication Act, 1934, the Amendments Incorporation Act, 1937, or this Act, the Act as so reprinted shall be deemed to have also been repealed.

Financial provision.

13. The moneys required for the purposes of this Act shall be paid out of moneys to be provided by Parliament for those purposes.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. M. NAPIER, Governor's Deputy.

ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

****

No. 62 of 1967

An Act to provide for the licensing of certain persons in the building trade and for other purposes.

[*Assented to 16th November,* 1967]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

PART I.

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the "Builders Licensing Act, 1967".

Commencement and application.

2. (1) This Act shall come into operation on a day to be fixed by proclamation.

(2) This Act does not apply to or in relation to the carrying out of any building work, or the construction of any building, outside the portions of the State to which the Building Act, 1923-1965, applies.

Arrangement.

3. This Act is arranged as follows :—

PART I.—PRELIMINARY, ss. 1-4.

PART II.—THE BOARD AND THE ADVISORY COMMITTEE—

DIVISION 1.—THE BOARD, ss. 5-12 :

DIVISION 2.—THE ADVISORY COMMITTEE, s. 13.

PART III.—LICENCES, ss. 14-19.

PART IV.—OFFENCES AND MISCELLANEOUS, ss. 20-29.

Interpretation.

4. (1) In this Act, unless the contrary intention appears—

"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; but does not include any building intended solely for the business of primary production as defined in the Land Tax Act, 1936-1967:

'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

(*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:

"classified trade" means one of the trades into which building work is classified under this Act:

"deputy" means deputy appointed to act for a member:

"general builder's licence" means a current and valid general builder's licence issued under section 15 of this Act:

"licence" means a general builder's licence or a restricted builder's licence:

"member" means member of the Board or, as the case may require, member of the advisory committee, and includes a deputy when lawfully acting for a member:

"restricted builder's licence" means a current and valid restricted builder's licence issued under section 16 of this Act:

"the advisory committee" means the Builders Licensing Advisory Committee constituted pursuant to this Act, and includes any sub-committee of that committee:

"the appointed day" means the day declared by proclamation to be the appointed day for the purposes of section 21 of this Act, being a day not earlier than the thirtieth day of June, 1968:

"the Board" means the Builders Licensing Board of South Australia constituted pursuant to this Act:

"the chairman" means the chairman of the Board or, as the case may require, chairman of the advisory committee, and includes a deputy or acting chairman of

the Board or the advisory committee when lawfully acting as chairman of the Board or the advisory committee :

"the secretary" means the secretary of the Board or the person for the time being acting as such.

(2) The provisions of this Act shall be construed as being in addition to and not being in derogation of any other Act.

PART II.

THE BOARD AND THE ADVISORY COMMITTEE.

DIVISION 1.—THE BOARD.

The Board.

5. (1) There shall be a board which shall be called the "Builders Licensing Board of South Australia".

(2) Subject to this Act the Board—

(*a*) shall be a body corporate with perpetual succession and a common seal;

(*b*) shall be capable of suing and being sued, and, with the written consent of the Minister, of acquiring, taking or letting out on lease, holding, selling and otherwise disposing of property of all kinds;

(*c*) shall hold all its property for and on behalf of the Crown;

and

(*d*) shall have the powers, duties, functions and authorities conferred, imposed or prescribed by or under this Act.

(3) All courts and persons acting judicially shall take judicial notice of the common seal of the Board affixed to any document and shall, unless the contrary is proved, presume that it was duly affixed.

(4) Subject to this Act, the Board shall consist of five members appointed by the Governor who have in their respective professional capacities substantial knowledge of the building industry and of whom—

(*a*) one shall be a legal practitioner as defined in the Legal Practitioners Act, 1936-1964, of not less than five years' standing, who shall be the chairman of the Board;

(*b*) one shall be a resident of this State who is a member of the South Australian Chapter of the Royal Australian Institute of Architects and selected by

the Governor after consultation with the governing body of that chapter;

(*c*) one shall be a resident of this State who is a corporate member of The Australian Institute of Building and selected by the Governor after consultation with the governing body of the South Australian Chapter of that institute;

(*d*) one shall be a resident of this State who is a member of The Institute of Chartered Accountants in Australia or The Australian Society of Accountants and selected by the Governor after consultation with 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

(*e*) one shall be a resident of this State who is a Member of The Institution of Engineers Australia and selected by the Governor after consultation with the governing body of the South Australian Division of that institution.

(5) Where any member is unable to perform his duties as such or is acting or is about to act as the deputy of the chairman for any period, the Governor may at any time appoint a deputy to act for the member during that period or any part thereof and a person so appointed shall, while so acting, be deemed to be a member and any person so appointed to be deputy of the chairman shall, while so acting, be deemed to be the chairman.

(6) The Public Service Act, 1936-1967, shall not apply to or in relation to the appointment of a member of the Board and a member shall not, as such, be subject to that Act.

Tenure of Office.

6. (1) Subject to this section, a member shall be appointed for such term of office, not exceeding three years, as shall be specified in the instrument of his appointment.

(2) On the expiration of his term of office as a member, a person shall, subject to subsection (4) of section 5 of this Act, be eligible for re-appointment as a member.

(3) The Governor may, by notice in writing served on a member, remove him from office if the Governor is satisfied that by reason of any offence committed by the member or any dishonourable or dishonest conduct of the member or by reason of any mental or physical incapacity of the member, he ought not to remain a member of the Board.

(4) The office of a member shall become vacant if—

(*a*) he dies or his term of office expires ;

(*b*) he resigns by written notice given to the Minister ;

(*c*) he is removed from office by the Governor pursuant to subsection (3) of this section ;

(*d*) he absents himself from three meetings of the Board in any period of twelve months without the leave of the Minister ;

or

(*e*) he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent persons or compounds with his creditors.

(5) On the occurrence of any vacancy in the office of a member, a person eligible under this Act for appointment as a member shall, in accordance with this Act, be appointed to fill the vacancy.

Proceedings of the Board.

7. (1) The chairman of the Board shall preside at every meeting of the Board at which he is present.

(2) If the office of chairman is vacant, or the person appointed as the chairman and the deputy (if any) of the chairman are not present at a meeting, a member elected by the members present at the meeting shall act for, and have all the powers of, the chairman for that meeting.

(3) Four members shall constitute a quorum at any meeting of the Board for the transaction of business and no business shall be transacted at a meeting unless a quorum is present.

(4) On any matter before a meeting of the Board—

(*a*) the decision of the majority of the votes cast by the members present at the meeting shall be the decision of the Board ;

and

(*b*) the chairman shall have a deliberative vote and, in the case of an equality of votes, a second or casting vote also.

(5) An act or proceeding of the Board shall not be invalid solely on the ground that there was at the time thereof a vacancy in the office of any member ; and shall, notwithstanding the subsequent discovery that there was a defect in the appointment of a member, or that a member was not entitled to act as such, be as valid and effectual as if the member was duly appointed and was entitled to act as a member.

(6) No liability shall attach to any member for any act or omission by the Board or by him in good faith and in the exercise or purported exercise of its or his powers or functions or in the discharge or purported discharge of its or his duties under this Act.

(7) Subject to this Act, the business of the Board shall be conducted in such manner as the Board may determine.

(8) 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.

(9) The Board shall hold its first meeting on such day and at such time and place as the Minister appoints.

Common seal of the Board.

8. (1) The common seal of the Board shall be kept in the custody of such member or officer of the Board as the Board determines and shall not be affixed to any instrument except in pursuance of a resolution of the Board.

(2) The affixing of the common seal to any instrument executed by the Board shall be attested by the signatures of any two members.

Remuneration of members.

9. The chairman and other members of the Board shall be entitled to receive remuneration and allowances at such rates as are fixed by the Governor.

Reports of the Board, accounts and audit.

10. (1) The Board shall, not later than the thirty-first day of October in each year, furnish to the Minister a report on the operations of the Board during the year ended on the thirtieth day of June in that year.

(2) The Board shall keep full and proper accounts of all its financial transactions and the Auditor-General shall, once at least in each year, inspect and examine the property of the Board and audit the books and accounts of the Board and after each such audit, shall make a report to the Minister on the state of the affairs of the Board.

(3) The provisions of section 41 of the Audit Act, 1921-1959, as amended, shall apply and have effect as if the Board were a public corporation referred to in that section.

(4) The Minister shall cause every report of the Board and of the Auditor-General received by him under this section to be laid on the table in each House of Parliament within fourteen days after it is received by him if Parliament is then in session, or, if Parliament is not then in session, within fourteen days after the commencement of the next session of Parliament.

Secretary and officers of the Board

11. (1) There shall, for the purposes of this Act, be a secretary and such other officers of the Board as shall be appointed under the Public Service Act, 1936-1967.

(2) The secretary and officers so appointed shall act under the directions of the Board.

The register.

12. (1) Subject to subsection (2) of this section, the Board shall keep and maintain a register containing the names, addresses of and other prescribed particulars relating to every person who as at the date to which the register is made up, is the holder of a general builder's licence or the holder of a restricted builder's licence.

(2) The register shall be kept and maintained in accordance with this Act.

(3) In the month of February in each year, the Board shall furnish the Minister with a copy of the register, corrected to the thirty-first day of December in the last preceding year and the Minister shall, as soon as practicable after receiving it, cause the same to be published in the *Gazette*.

(4) A copy of the register so published shall, in any legal proceedings, be *prima facie* evidence of the contents of the register as at the date to which the register purports to have been so corrected.

(5) A certificate signed by the secretary certifying that a person was not on a date or during a period specified in the certificate the holder of a general builder's licence or the holder of a restricted builder's licence which authorizes the holder thereof to undertake and carry out building work within the classified trade specified therein shall, in any legal proceedings, be *prima facie* evidence of the facts therein certified.

DIVISION II.

DIVISION 2.—THE ADVISORY COMMITTEE.

The advisory committee.

13. (1) There shall, for the purposes of this Act, be a committee which shall be called the "Builders Licensing Advisory Committee".

(2) The advisory committee shall consist of—

(*a*) such number of members as shall be prescribed ; and

(*b*) such members appointed by the Governor as shall, in the Governor's opinion, be representative of the various sections of the building industry.

(3) The Governor shall appoint one of the members of the advisory committee to be the chairman and one to be the deputy chairman of the advisory committee and may at any time appoint a deputy to act for a member while he is unable to perform his duties as such or is acting as the chairman or deputy of the chairman.

(4) The Public Service Act, 1936-1967, shall not apply to or in relation to the appointment of a member of the advisory committee and a member of that committee shall not, as such, be subject to that Act.

(5) Subject to this section, a member of the advisory committee shall be appointed for such term of office as shall be specified in the instrument of his appointment, but on the expiration of his term of office as a member, a person shall, subject to paragraph (*b*) of subsection (2) of this section, be eligible for re-appointment as a member.

(6) The Governor may, by notice in writing served on a member, remove him from office on any ground that may be prescribed.

(7) The office of a member shall become vacant if—

(*a*) he dies or his term of office expires ;

(*b*) he resigns by written notice given to the Minister ;

(*c*) he is removed from office pursuant to subsection (6) of this section ;

or

(*d*) he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent persons or compounds with his creditors.

(8) On the occurrence of any vacancy in the office of a member of the advisory committee, a person eligible under this Act for appointment as a member shall, in accordance with this Act, be appointed to fill the vacancy.

(9) The advisory committee shall consider and make recommendations to the Board on such matters as are referred to it by the Board and for that purpose may establish and appoint such sub-committees as may be approved by the Minister.

(10) The chairman and other members of the advisory committee shall be entitled to receive allowances at such rates as are prescribed.

(11) The Governor may make regulations 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.

(12) Subject to this Act, the business of the advisory committee shall be conducted in such manner as the committee may determine.

(13) An act or proceeding of the advisory committee shall not be invalid solely on the ground that there was at the time thereof a vacancy in the office of any member, and shall, notwithstanding the subsequent discovery that there was a defect in the appointment of a member, or that a member was not entitled to act as such, be as valid and effectual as if the member was duly appointed and was entitled to act as a member.

(14) No liability shall attach to any member of the advisory committee for any act or omission by the committee or by him in good faith and in the exercise or purported exercise of its or his powers or functions or in the discharge or purported discharge of its or his duties under this Act.

PART III.

PART III.

LICENCES.

Licences generally.

14. (1) Subject to this Act, a licence shall be valid and effectual for the purposes of this Act for such period not exceeding twelve months as shall be stated therein.

(2) A licence may, upon application being made to the Board and payment of the prescribed fee therefor not more than one month before the date of expiration thereof, be renewed by the Board from time to time and a licence so renewed shall, subject to this Act, in the case of each renewal, be valid and effectual for a further period of twelve months commencing from the time it would have expired had it not been renewed.

(3) A licence shall cease to be valid and effectual for the purposes of this Act—

(*a*) upon the expiration thereof or, if it has been renewed, upon the expiration of the period for which it has been renewed ;

(*b*) upon cancellation thereof under this Act until an order, if any, is made under section 18 of this Act annulling such cancellation ;

and

(*c*) for any period during which it is suspended under this Act.

(4) A person is not entitled to be granted a licence or to have a licence renewed under this Act at any time during which any licence previously issued to him is cancelled or suspended or at any time during which the person is disqualified from holding or obtaining a licence.

General builder's licence.

15. (1) Subject to this Act, a general builder's licence authorizes the holder thereof to undertake and carry out building work of any kind.

(2) Subject to this Act, a person, not being a body corporate, who applies to the Board in the prescribed form for a general builder's licence and pays to the Board the prescribed fee therefor shall be granted such licence upon satisfying the Board—

(*a*) that he is of or over the age of twenty-one years ;

(*b*) that he is a person of good character and repute and a fit and proper person to hold such a licence

and

(*c*) that—

(i) he—

is registered under the Architects Act, 1939-1965 ;

or

is a corporate member of the Institution of Engineers, Australia, or the holder of qualifications which exempt him from the Associate Membership examination of that institution ;

or

is a corporate member of the Australian Institute of Building,

and, in the Board's opinion, has not less than three years' practical experience in building work generally ;

or

(ii) he possesses the necessary qualifications that are prescribed for the holder of a general builder's licence ;

or

(iii) although not satisfying the requirements of sub-paragraph (i) or (ii) of this paragraph, he has nevertheless had such experience of building work generally, whether within or outside the State, as would render him fit to carry out and discharge the duties, responsibilities and obligations of the holder of a general builder's licence.

(3) Subject to this Act, a body corporate or a partnership carrying on business in the State, which applies to the Board in the prescribed form for a general builder's licence and pays to the Board the prescribed fee therefor, shall be granted such licence upon satisfying the Board—

(*a*) that, in the case of the body corporate, all the directors or all the members of the board of management thereof, or, in the case of the partnership, all the partners thereof are persons of good character and repute ;

(*b*) that, but for this Act, it has the power, authority and capacity to undertake and carry out building work of any kind ;

and

(c) that, in the case of the body corporate, at least one of the directors or of the members of the board of management thereof, or, in the case of the partnership, at least one of the partners thereof, is the holder of a general builder's licence 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.

(4) Where, during the currency of a general builder's licence issued pursuant to subsection (3) of this section to a body corporate or a partnership, there is not, for any period exceeding twenty-one days or such longer time as the Board may, on application, allow, at least one of the directors or of the members of the board of management of the body corporate, or at least one of the partners of the partnership who is the holder of a general builder's licence 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, the general builder's licence so issued to the body corporate or the partnership, as the case may be, shall, by force of this subsection, be suspended for that period and that body corporate or partnership shall be deemed not to be the holder of a general builder's licence in respect of that period accordingly.

(5) For the purposes of this Act, the South Australian Housing Trust shall at all times be deemed to be the holder of a current and valid general builder's licence issued under this section.

Restricted builder's licence.

16. (1) Subject to this Act, a restricted builder's licence authorizes the holder thereof to undertake and carry out building work within such classified trade as is specified in the licence.

(2) Subject to this Act, a person, not being a body corporate, who applies to the Board in the prescribed form for a restricted builder's licence which authorizes the holder thereof to undertake and carry out building work within a classified trade and pays to the Board the prescribed fee therefor shall be granted such a licence upon satisfying the Board—

(a) that he is of or over the age of twenty-one years ;

(b) that he is a person of good character and repute and a fit and proper person to hold such a licence ;

and

(*c*) that—

(i) he possesses the necessary qualifications that are prescribed for the holder of a restricted builder's licence which authorizes the holder thereof to undertake and carry out building work within such classified trade;

and

(ii) although not satisfying the requirements of sub-paragraph (i) of this paragraph, he has nevertheless had such experience of building work within such classified trade, whether within or outside the State, as would render him fit to carry out and discharge the duties, responsibilities and obligations of the holder of such a restricted builder's licence.

(3) Subject to this Act, a body corporate or a partnership carrying on business in the State which applies to the Board in the prescribed form for a restricted builder's licence which authorizes the holder thereof to undertake and carry out building work within a classified trade and pays to the Board the prescribed fee therefor shall be granted such a licence upon satisfying the board—

(*a*) that, in the case of the body corporate, all the directors or all the members of the board of management thereof or, in the case of the partnership, all the partners thereof, are persons of good character and repute;

(*b*) that, but for this Act, it has the power, authority and capacity to undertake and carry out building work within such classified trade;

and

(*c*) that, in the case of the body corporate, at least one of the directors or of the members of the board of management thereof, or, in the case of the partnership, at least one of the partners thereof, is the holder of such a restricted builder's licence or of a general builder's licence 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 of a general builder's licence is the manager or agent in this State of the body corporate or partnership.

(4) Where, during the currency of a restricted builder's licence authorizing the holder thereof to undertake and carry out building work within a classified trade issued pursuant to subsection (3) of this section to a body corporate or a partnership there is not, for any period exceeding twenty-one days, or such longer time as the Board may, on application, allow, at least one of the directors or of the members of the board of management of the body corporate, or at least one of the partners of the partnership who is the holder of such a restricted builder's licence or of a general builder's licence, 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, the restricted builder's licence so issued to the body corporate or the partnership, as the case may be, shall, by force of this subsection, be suspended for that period and that body corporate or partnership shall be deemed not to be the holder of such restricted builder's licence in respect of that period accordingly.

Matters to be considered by the Board.

17. (1) Without limiting its power to refuse an application for any other cause, the Board may refuse an application for a licence or renewal of a licence on any ground upon which such a licence may be cancelled or suspended.

(2) The Board may, for the purpose of ascertaining whether the applicant has the appropriate qualifications prescribed for the licence, require any applicant for a licence to undergo any test or examination approved by the Minister and may, on payment by the applicant of such fee for the test or examination as may be prescribed, itself conduct such test or examination or arrange for such test or examination to be conducted.

Cancellation or suspension of licences.

18. (1) The Board may, by order, cancel or suspend for any period any licence granted under this Act—

(*a*) if the licence or any renewal thereof had been obtained by fraud, dishonesty or misrepresentation;

(*b*) if the holder of the licence is convicted of any offence, the commission of which would in the opinion of the Board render him unfit to be the holder of the licence;

(*c*) if the holder of the licence has been found, by any court or other tribunal, or, after due inquiry, by the Board, to have been negligent or incompetent in the performance of any building work or other work in the building trade or in any branch thereof which he had undertaken in pursuance of any contract;

(*d*) if the holder of the licence has been found, by any court or other tribunal, or, after due inquiry, by the Board, to have been guilty of fraudulent conduct or dishonesty in connection with the undertaking, carrying out or completion of any building work or other work in the building trade or in any branch thereof;

or

(*e*) if, in the Board's opinion, the holder of the licence having undertaken the personal supervision and control of any building work or having undertaken to carry out any building work, the personal supervision and control or the design or execution of that work was inadequate or incompetent or that work was not carried out under the supervision and control required by this Act,

and upon the making of the order of cancellation, or during the period of the suspension, as the case may be, the person to whom the licence had been granted shall cease to be the holder thereof.

(2) The Board may, in and by the order cancelling or suspending a licence, disqualify the holder thereof from holding or obtaining a licence for any period.

(3) A person whose licence has been cancelled or a person whose licence has been suspended for a period exceeding three months or a person who is disqualified from holding or obtaining a licence may, after the expiration of three months from the making of the order of cancellation, suspension or disqualification, apply to the Board for an order annulling such cancellation, suspension or disqualification, as the case may be, and the Board may, after holding such inquiry as it thinks fit, for such reason or reasons as the Board thinks proper, by order, annul such cancellation, suspension or disqualification.

(4) Upon the making of the order of annulment the order of cancellation, suspension or disqualification to which it refers shall cease to have effect.

(5) Before making an order cancelling or suspending a licence, or disqualifying the holder thereof from holding or obtaining a licence, the Board shall conduct an inquiry and give the holder of the licence an opportunity of showing cause why the order should not be made.

Appeal.

19. (1) When the Board makes a decision or an order—

(*a*) refusing an application by a person for a licence;

(*b*) cancelling or suspending a person's licence;

(*c*) disqualifying a person from holding or obtaining a licence;

(*d*) refusing to annul the cancellation or suspension of a person's licence;

or

(*e*) refusing to annul the disqualification of a person from holding or obtaining a licence,

the Board shall give that person its reasons for the decision or order, and the person may, if aggrieved by the decision or order, within thirty days after the reasons for the decision or order have been so given, appeal to the Local Court of Adelaide of full jurisdiction.

(2) The local court shall have jurisdiction to hear and determine the appeal and may review the decision or order appealed against and the reasons therefor, and may, having regard to all matters which it considers relevant, including the interests of the public, confirm, vary or reverse the decision or order, but the onus shall be on the appellant to satisfy the court that the decision or order should be varied or reversed.

(3) Unless the court, with the consent of the appellant and the Board, directs otherwise, every appeal shall be by way of re-hearing.

(4) Subject to the rules of court (if any) made for the purposes of this Act under section 28 of the Local Courts Act, 1926-1965, at the hearing of any appeal under this Act, the appellant and the Board shall be entitled to appear personally or by counsel or solicitor.

(5) The court may order the appellant or the Board to pay costs in connection with any appeal.

(6) Where the court by its determination of an appeal varies or reverses a decision or an order of the Board, the Board shall, as soon as practicable after receiving notice of the determination, give effect to that determination as if it were a decision or an order of the Board.

(7) The determination of the local court on any matter arising out of an appeal under this Act shall be final and conclusive.

(8) The local court may, at any time after an appeal against a decision or order of the Board—

(*a*) cancelling or suspending a person's licence;

or

(*b*) disqualifying a person from holding or obtaining a licence,

has been lodged, and on the application of the appellant, make an order postponing the effect of the decision or order appealed against until the appeal is determined by the court or until such other time as may be fixed by the court and the order shall have effect according to the tenor thereof.

PART IV.

OFFENCES AND MISCELLANEOUS.

Powers of Board in dealing with applications, etc.

20. (1) For the purposes of considering or dealing with any application made to the Board or of conducting any inquiry under this Act, 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 relevant to the inquiry before the Board ;

(*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 ;

and

(*d*) examine witnesses on oath or affirmation which may be administered by any member or by the secretary.

(2) A person into whose conduct the Board is conducting any inquiry is entitled to be represented at the inquiry by counsel, solicitor or agent, and the Board shall give such person or his counsel, solicitor or agent an opportunity of making to the Board such representations as, in the opinion of the Board, are relevant to the inquiry.

Offences.

21. (1) If any person—

(*a*) who has been personally served with a summons referred to in paragraph (*a*) of section 20 of this Act to attend before the Board, without lawful excuse (proof whereof shall lie on him), fails to attend in obedience to such summons ;

(*b*) wilfully interrupts the proceedings of the Board ;

or

(*c*) being called or examined as a witness in any proceeding or inquiry before the Board, refuses to be sworn or to affirm or, without lawful excuse (proof whereof shall lie on him), fails to produce any books, papers or documents mentioned in a notice referred to in paragraph (*b*) of section 20 of this Act and personally served upon him, or knowingly or wilfully makes a false statement to the Board,

he shall be guilty of an offence and liable to a penalty not exceeding Two hundred dollars or to imprisonment not exceeding six months, or to both.

(2) On or after the appointed day a person shall not—

(*a*) assume, take or use as a description of his trade, occupation, or business the expression "Master Builder", "Builder", "Licensed Builder", "Registered Builder", "Building Contractor", "Licensed Building Contractor" or "Registered Building Contractor", or any other title or description likely to lead persons to believe that he is entitled, willing or able to undertake or carry out building work generally, unless he is the holder of a general builder's licence ;

or

(*b*) hold himself out, or assume, take or use as a description of his trade or business any title or description likely to lead persons to believe, that he is entitled, willing or able to undertake or carry out any building work within a classified trade unless he is the holder of a general builder's licence or the holder of a restricted builder's licence authorizing him to undertake and carry out building work within that trade.

Penalty : Five hundred dollars.

(3) On or after the appointed day, a person shall not carry out for fee or reward or undertake, or submit a bid or tender, to carry out, whether by himself or through the services of any other person or persons any building work within a classified trade unless he or such other person or any of such other persons is the holder of a general builder's licence, or the holder of a restricted builder's licence authorizing him to undertake and carry out building work within that classified trade.

Penalty : Seven hundred and fifty dollars.

(4) It shall be a defence to a charge under subsection (3) of this section if the defendant proves—

(*a*) that the total amount charged by him for the building work with reference to which he was charged was wholly by way or in the nature of wages paid or payable to him ;

or

(*b*) that the total amount charged by him for the building work with reference to which he was charged, inclusive of labour and materials, did not exceed one hundred dollars if the building work consisted solely of painting work, or two hundred and fifty dollars in any other case.

(5) Where a person has carried out or undertaken, or submitted a bid or tender, to carry out any building work in contravention of this section, he shall not be entitled to claim, or recover in any court, the amount of any fee or charge for any building work so carried out or carried out pursuant to such undertaking, bid or tender.

(6) On or after the appointed day, a person shall not knowingly construct, or cause to be constructed, or employ any other person to construct, any building for immediate sale or for immediate letting under lease or licence if such construction is not carried out under the personal supervision and control of the holder of a general builder's licence.

Penalty : Seven hundred and fifty dollars.

(7) It shall be a defence to a charge under subsection (6) of this section if the defendant proves—

(*a*) that the total cost of the construction of the building, inclusive of labour and materials, did not exceed one thousand dollars ;

or

(*b*) that, at all times during the construction of the building, he was the holder of a general builder's licence and, at all material times, the construction was carried out either under his personal supervision and control or under the personal supervision and control of a person competent to supervise and control the carrying out of such construction and who is employed by him for that purpose ;

or

(*c*) that the building was built for his own use and occupation.

(8) For the purposes of subsection (6) of this section, but without limiting the effect thereof, a person who has constructed, or caused to be constructed, or employed any other person to construct a building which he sells or offers for sale or for letting under lease or licence before the expiration of eighteen months after the completion of the construction shall, in the absence of proof to the contrary, be deemed as the case may be, to have knowingly constructed, or caused to be constructed, or employed that other person to construct the building for immediate sale or for immediate letting under lease or licence.

(9) On or after the appointed day, a person shall not—

(*a*) falsely state or imply in any advertisement of a building offered by him or on his behalf for sale that the building was constructed by or under the directions or supervision of a master builder or the holder of a general builder's licence ;

or

(*b*) state or imply in any advertisement of a building offered by him or on his behalf for sale that the building was constructed by or under the directions or supervision of a person who then was a master builder or the holder of a general builder's licence unless the advertisement also states the name and address of the person by whom or under whose directions or supervision the building was constructed.

Penalty: Four hundred dollars.

(10) A person who, after the appointed day, has constructed or caused to be constructed any building the construction of which has not been carried out by or under the directions or supervision of the holder of a general builder's licence shall not advertise the building for sale by him or sell the building unless he states in the advertisement or, as the case may be, he informs the purchaser of the building in writing that the construction of the building had not been carried out by or under the directions or supervision of the holder of a general builder's licence.

Penalty: Four hundred dollars.

(11) On or after the appointed day, a person shall not for fee or reward construct or cause to be constructed any building or for fee or reward undertake to construct any building, whether by himself or through the services of any other person or persons, unless he is the holder of a general builder's licence and the construction is carried out by or under the personal supervision and control of the holder of a general builder's licence.

Penalty: Seven hundred and fifty dollars.

(12) It shall be a defence to a charge under subsection (11) of this section if the defendant proves—

(*a*) that the total amount charged for the construction of the building was wholly in the nature of wages paid or payable to him;

(*b*) that the total cost of the construction of the building, inclusive of labour and materials, did not exceed one thousand dollars;

or

(*c*) that, at all times during the construction of the building, he was the holder of a general builder's licence and, at all material times, the construction was carried out either under his personal supervision and control or under the personal supervision and

control of a person competent to supervise and control the carrying out of such construction and who is employed by him for that purpose.

(13) The holder of a licence shall, within seven days after becoming or ceasing to be—

(*a*) a partner in a partnership ;

or

(*b*) a director or a member of the board of management of a body corporate,

inform the Board in writing signed by him the name and business address of the partnership or the body corporate and the date when he became or ceased to be, as the case requires, the partner in the partnership, or the director or member of the board of management of the body corporate.

Penalty : One hundred dollars.

(14) Every body corporate that is the holder of a licence shall—

(*a*) within seven days after any person who is the holder of a licence becomes or ceases to be a director or a member of the board of management of the body corporate ;

or

(*b*) within seven days after a director or a member of the board of management of the body corporate becomes or ceases to be the holder of a licence,

inform the Board in writing signed by a member of the board of directors or of the board of management of the body corporate, the name and business address of the body corporate and, as the case requires, the date when, and the fact that, the holder of the licence became or ceased to be a director or a member of the board of management of the body corporate, or the date when, and the fact that, the director or member of the board of management became or ceased to be the holder of the licence.

Penalty : One hundred dollars.

(15) The partners in every partnership that is the holder of a licence shall—

(*a*) within seven days after any person who is the holder of a licence becomes or ceases to be a partner in that partnership ;

or

(*b*) within seven days after a partner in that partnership becomes or ceases to be the holder of a licence,

inform the Board in writing signed by any one of the partners the name and business address of the partnership and, as the case requires, the date when, and the fact that, the holder of the licence became or ceased to be a partner in that partnership, or the date when, and the fact that, that partner became or ceased to be the holder of a licence.

Penalty: One hundred dollars.

(16) Every holder of a licence shall install or erect in a prominent position on the site of any building work (other than building work constituting alterations or repairs to any existing dwellinghouse, flat or home unit) being carried out by him or on his behalf or on the outside of the place where such building work is being carried out a sign showing in easily legible characters his name and licence number and the type of licence held by him, and if the licence is a restricted builder's licence, the classified trade in which he is authorized to undertake and carry out building work.

Penalty: Two hundred dollars.

(17) Where the holder of a restricted builder's licence is carrying out building work in association with the holder of a general builder's licence, it shall be a sufficient compliance with subsection (16) of this section if the provisions of that subsection were complied with only by the holder of the general builder's licence.

(18) Subject to this section, where any building work is undertaken on or after the appointed day by any person who is the holder of a licence, that person shall cause the building work to be carried out under his personal supervision and control or under the personal supervision and control of a person competent to supervise and control the carrying out of such building work and who is employed by him for that purpose.

Penalty: Two hundred dollars.

(19) A person who has carried out or is carrying out any building work or under whose supervision or control any building work has been or is being carried out shall, if required by notice in writing signed by the chairman and served upon him personally or by post, within such time after the service of the notice on him as the chairman specifies in the notice, or the Board allows, supply to the Board such particulars relating to a contract, undertaking or engagement entered into by him in connection with that building work as the chairman specifies in the notice.

Penalty: Two hundred dollars.

(20) A person shall not supply to the Board in response to a notice referred to in subsection (19) of this section any information which, to his knowledge, is false in any material particular or calculated to mislead the Board.

Penalty : Five hundred dollars.

Board may enter building sites.

22. (1) Any member or officer of the Board, authorized in that behalf in writing by the chairman, may enter any premises where building work is being carried out and inspect such building work and take such steps as are necessary to enforce the provisions of this Act or to prevent any contravention thereof.

(2) No person shall hinder or obstruct the member or officer of the Board in the lawful exercise by him of the powers conferred by subsection (1) of this section.

Penalty : Two hundred dollars.

Member of Board not to divulge information.

23. A member or officer of the Board shall not, except in the course of his duty under this Act, directly or indirectly communicate or divulge to any person any information which comes to his knowledge in consequence of his office concerning the business of any person who is or was the holder of a licence.

Penalty : Two hundred dollars.

Effect of submission to arbitration of dispute concerning building work.

24. Notwithstanding any provision of the Arbitration Act, 1891-1934, any provision of a contract relating to the performance or carrying out of any building work 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) entered into after the commencement of this Act which has the effect of submitting, or binding the parties to the contract to submit, to arbitration any matter or dispute concerning the performance or carrying out of such building work or any part thereof has no force or effect unless and until, after such matter or dispute arose, the parties to the contract by writing duly executed by them agree that such provision has effect in relation to such matter or dispute.

Signatures of chairman, etc.

25. In any legal proceedings, a signature that purports to be the signature of any person who is or has been the chairman, a member or the secretary of the Board shall, if such signature appears on any document executed pursuant to this Act or in the exercise or discharge of any power conferred, function vested or duty imposed by or under this Act, and in the absence of proof to the contrary, be deemed to be the signature of that person.

Proceedings under this Act.

26. (1) Proceedings for any offence against this Act or against any provision of this Act shall be disposed of summarily.

(2) Any such proceedings may be instituted by and in the name of the Board or by any person authorized by the Board in writing under the hand of the chairman either generally or in each particular case; and in any such proceedings no proof shall, unless evidence is given to the contrary, be required of any such authorization having been given by the Board.

(3) Proceedings for an offence under this Act may be commenced at any time within two years after the offence was committed.

Power of Board to exempt persons and work from operation of this Act.

27. (1) The Board may, with the approval of the Minister, by order published in the *Gazette*, exempt any person, firm or any class of person or any building work or class of building work from the operation of all or any of the provisions of this Act either generally or subject to such conditions as the Board specifies in the order.

(2) The Board may, with the like approval, by order published in the *Gazette*, revoke or vary any previous order made under subsection (1) of this section or under this subsection.

(3) Upon the publication of the order referred to in subsection (2) of this section, that order shall take and have effect according to its tenor.

Financial.

28. (1) All moneys paid to or recovered by the Board under this Act shall, except to the extent to which the Board is required or liable to disburse the same, be paid to the Treasurer of the State and shall form part of the General Revenue thereof.

(2) The moneys required for the purposes of the administration of this Act or the affairs of the Board shall be paid out of moneys appropriated by Parliament for those purposes.

Regulations.

29. The Governor may make regulations—

(*a*) for or with respect to all matters or things which are necessary or expedient to be prescribed for giving effect to this Act;

(*b*) prescribing all matters or things which by this Act are required or permitted to be prescribed;

(*c*) regulating the conduct of the business of the Board;

(*d*) prescribing particulars to be entered in the register relating to persons, partnerships or classes of persons whose names are required to be entered therein;

(*e*) for or with respect to the issue of certified copies of and certified extracts from the register on payment of the respective fees chargeable therefor;

(*f*) prescribing the several qualifications, courses of training and examinations for purposes of various provisions of this Act;

(*g*) prescribing the several fees chargeable and the forms to be used under this Act;

(*h*) prohibiting a person who is exempted from the operation of all or any of the provisions of this Act subject to any conditions from acting in breach of any such conditions;

(*i*) classifying building work into various trades for the purposes of this Act;

(*j*) requiring the holders of licences or councils to furnish the Board at such time or times as may be prescribed with such returns or information as may be prescribed;

and

(*k*) prescribing penalties, not exceeding in each case two hundred dollars, for any breaches of, or non-compliance with, the regulations or any provisions thereof.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. M. NAPIER, Governor's Deputy.

ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

****

No. 63 of 1967

An Act to amend the Citrus Industry Organization Act, 1965.

[*Assented to 16th November,* 1967]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short titles.

1. (1) This Act may be cited as the "Citrus Industry Organization Act Amendment Act, 1967".

(2) The Citrus Industry Organization Act, 1965, as amended by this Act, may be cited as the "Citrus Industry Organization Act, 1965-1967".

(3) The Citrus Industry Organization Act, 1965, is hereinafter referred to as "the principal Act".

Commencement.

2. This Act shall come into operation on a day to be fixed by proclamation.

Incorporation.

3. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment of principal Act, s. 5—Interpretation.

4. Section 5 of the principal Act is amended—

(*a*) by inserting after the word "fruit" in paragraph (*a*) of the definition of "grower" the passage "or is a party to a partnership or share-farming agreement under which at least fifty trees are grown for the production and sale of citrus fruit";

(*b*) by inserting after the word "sale" in paragraph (*b*) of the definition of "grower" the passage "or is a party to a partnership or share-farming agreement under which the business of producing citrus fruit for sale is carried on";

(*c*) by striking out the definition of "licensee" and inserting in lieu thereof the following definitions :—

"licence" means a licence that has been granted and issued by the Committee and is in force :

"licensee" means the holder of a licence : ;

(*d*) by striking out from the definition of "marketing" the word "means" and inserting in lieu thereof the passage "includes each step taken in relation to";

(*e*) by inserting after the definition of "member" the following definition :—

"partnership" means partnership within the meaning of The Partnership Act, 1891-1935 : ;

(*f*) by inserting after the definition of "product" the following definitions :—

"quality", in relation to any citrus fruit, includes the grade, state, plight and condition of such citrus fruit and any other matter which might reasonably influence the mind of a person who purchases or intends to purchase citrus fruit :

"register of growers" means register of growers kept under section 13 of this Act :

"registered grower" means a person whose name at the relevant time was or is included in the register of growers pursuant to section 13 of this Act : ;

(*g*) by striking out from the definition of "representative member" the passage "referred to in paragraph (*a*) of subsection (2) of section 9 of this Act" and inserting in lieu thereof the passage "who is a registered grower referred to in paragraph (*a*) of subsection (1) or in paragraph (*a*), (*b*), (*c*), (*d*), or (*e*) of subsection (1a) of section 9 of this Act";

(*h*) by striking out the definition of "sale" and inserting in lieu thereof the following definitions :—

"sell" includes barter, offer for sale, receive for

sale, have in possession for sale, expose for sale, send forward or deliver for sale and cause, suffer or allow to be sold, offered or exposed for sale; and "sale" and "sold" have corresponding meanings: ;

and

(*i*) by inserting after the definition of "the Committee" the following definitions:—

"the prescribed day" means the day declared by proclamation to be the prescribed day for the purposes of Division I of Part II of this Act:

"zone" means a portion of the State defined in this section as Zone 1, Zone 2, Zone 3, Zone 4 or Zone 5:

"Zone 1" means that portion of the State which comprises the municipality of Renmark and the district council district of Paringa:

"Zone 2" means that portion of the State which comprises the district council districts of Berri and Barmera and the Hundred of Katarapko, County of Hamley and the Hundred of Parcoola, County of Young:

"Zone 3" means that portion of the State which comprises the district council district of Loxton:

"Zone 4" means that portion of the State which comprises the district council districts of Waikerie, Morgan and Truro:

"Zone 5" means that portion of the State which lies outside Zone 1, Zone 2, Zone 3 and Zone 4.

Amendment of principal Act, s. 6—Application of this Act.

5. Section 6 of the principal Act is amended by inserting after the word "Act" the passage ", except section 22 of this Act, the powers conferred on the Committee by that section and any order made by the Committee pursuant to any of those powers,".

6. Subsection (1) of section 7 of the principal Act is amended by inserting in each case after the passage "citrus fruit" where it twice occurs the passage "or any product thereof".

Amendment of principal Act, s. 7—
Act to apply subject to Commonwealth Constitution.

7. Section 9 of the principal Act is amended by striking out subsections (1), (2) and (3) and inserting in lieu thereof the following subsections :—

Amendment of principal Act, s. 9—
Members of Committee.

(1) Until the prescribed day the Committee shall consist of seven members from time to time appointed under this Act by the Governor, being—

(*a*) four registered growers who are or were either selected by the Minister after being nominated in accordance with section 10 of this Act or elected by registered growers after nomination in accordance with section 11 of this Act ;

(*b*) two persons who, in the opinion of the Governor, have extensive knowledge of and experience in industry and commerce ;

and

(*c*) one other person who has also been appointed by the Governor as Chairman of the Committee.

(1a) On and after the prescribed day, the Committee shall consist of eight members from time to time appointed under this Act by the Governor, being—

(*a*) one registered grower who has been elected in accordance with section 11 of this Act by registered growers whose names appear in that part of the register of growers which relates to Zone 1 ;

(*b*) one registered grower who has been elected in accordance with section 11 of this Act by registered growers whose names appear in that part of the register of growers which relates to Zone 2 ;

(*c*) one registered grower who has been elected in accordance with section 11 of this Act by registered growers whose names appear in that part of the register of growers which relates to Zone 3 ;

(*d*) one registered grower who has been elected in accordance with section 11 of this Act by registered growers whose names appear in that part of the register of growers which relates to Zone 4 ;

(*e*) one registered grower who has been elected in accordance with section 11 of this Act by registered growers whose names appear in that part of the register of growers which relates to Zone 5 ;

(*f*) two persons who, in the opinion of the Governor, have extensive knowledge of and experience in industry and commerce ;

and

(*g*) one other person who, in the opinion of the Governor, is fit and proper to be the Chairman and is appointed by the Governor as the Chairman.

(1b) On the prescribed day the persons who, immediately before that day, were holding office as members shall vacate their respective offices as such and the persons first appointed as members pursuant to subsection (1a) of this section shall thereupon take office as members.

(2) Where a vacancy occurs in the office of a member, other than a representative member, a member shall not be appointed to the vacant office unless the Minister has consulted with the representative members then in office.

(2a) If a casual vacancy occurs in the office of a member, the Governor may, subject to subsections (1), (1a) and (2) of this section and to section 11 of this Act, appoint a suitable person to the vacant office.

(3) Subject to subsections (3a) and (3b) of this section a person shall not be eligible for nomination or election under section 11 of this Act with a view to his appointment as a representative member, who is to take office on or after the prescribed day and shall not be appointed as a representative member to take office on or after that day unless he is a registered grower who grows at least three hundred trees for the production and sale of citrus fruit, or he is a registered grower who is a party to a partnership or share-farming agreement under which at least three hundred trees are grown for the production and sale of citrus fruit, or he is a registered grower whose name is included in the register of growers pursuant to section 12 of this Act as the nominee of a body corporate which grows at least three hundred trees for the production and sale of citrus fruit.

(3a) A person shall not be eligible for nomination or election under section 11 of this Act with a view to his appointment, and shall not be appointed, as a representative member who is a registered grower referred to in paragraph (*a*), (*b*), (*c*), (*d*) or (*e*) of subsection (1a) of this section unless his name appears in that part of the register of growers referred to in that paragraph.

(3b) Except as in this subsection provided, not more than one party to any partnership or share-farming agreement under which trees are grown for the production and sale of citrus fruit shall at the same time be eligible to be nominated for election as, or to be appointed, a representative member who is to take office on or after the prescribed day; but, where the name of a person who grows at least three hundred trees is included in the register of growers both as a grower in his own right or as the nominee of a body corporate which grows at least three hundred trees for the production and sale of citrus fruit and as a party to a partnership or share-farming agreement under which at least three hundred trees are grown for the production and sale of citrus fruit, he shall be eligible to be nominated for election as and to be a representative member during the same or a part of the same period as any other party to that partnership or share-farming agreement is a representative member.

Amendment of principal Act, s. 11—Election of representative members.

8. Section 11 of the principal Act is amended—

(*a*) by striking out the word "Representative" being the first word in subsection (1) and inserting in lieu thereof the passage "Subject to this section, representative";

(*b*) by striking out from subsection (1) the word "growers" firstly occurring and inserting in lieu thereof the passage "registered growers entitled to vote";

(*c*) by striking out subsections (3) and (4) and inserting in lieu thereof the following subsections:—

(3) Subject to this Act, each election shall be held and conducted by the Returning Officer for the State—

(*a*) by post;

and

(*b*) in such manner as the Returning Officer deems proper.

(3a) The Governor may, on the recommendation of the Returning Officer for the State or the Committee, make regulations prescribing or providing for any matters necessary or convenient to be prescribed or provided for in relation to elections of representative members.

(4) As soon as practicable after the commencement of the Citrus Industry Organization Act Amendment Act, 1967, and the register of growers

referred to in section 13 of this Act has been revised to the extent necessary to enable effect to be given to this subsection, the Committee shall by notice published in a daily newspaper circulating generally throughout the State call for nominations in respect of each zone which shall be signed by not less, in each case, than twenty registered growers whose names appear in that part of the register of growers which relates to such zone and the Returning Officer for the State shall, after the receipt of the nominations, hold and conduct the first elections for the purpose of electing the registered growers for the purposes of paragraphs (*a*), (*b*), (*c*), (*d*) and (*e*) of subsection (1a) of section 9 of this Act.

(4a) For the purposes of any election under this section by registered growers whose names appear in that part of the register of growers which relates to any zone, each registered grower whose name appears in that part of the register of growers shall, except as otherwise provided by this Act, be entitled to one vote at the election.

(4b) Not more than one party to any partnership or share-farming agreement under which trees are grown for the production and sale of citrus fruit shall be entitled, as a registered grower in his capacity of a party to that agreement, to vote at any election under this Act; but, where the name of a person is shown in the register of growers in any two or more of the following capacities, namely, in his capacity of the nominee of the parties to a partnership or share-farming agreement under subsection (4c) of this section, of a grower in his own right or of the nominee of a body corporate under section 12 of this Act, that person shall be entitled to one vote under this section in each of those capacities.

(4c) For the purposes of this section, the party to a partnership or share-farming agreement who is the nominee of the parties to the agreement and is entitled to vote at any election under this Act shall be the party to the agreement who is nominated by notice in writing given to the Committee and signed by all the parties to the agreement but, if no such party to the agreement is so nominated, shall be the party to the agreement whose name as such party appears first in the register of growers.

(4d) Any such nomination may, by notice in writing given to the Committee and signed by the parties to the agreement be revoked and thereupon the party previously nominated shall, for the purposes of this Act, cease to be the nominee of the parties to the agreement and to be eligible to vote at any election by virtue of such nomination. ;

and

(*d*) by striking out subsection (6) and inserting in lieu thereof the following subsection :—

(6) Where—

(*a*) the number of growers eligible for nomination and nominated as provided by subsection (1) of this section is less than or equal to the number of growers required to be elected for the purposes of this section ;

or

(*b*) only one grower who is eligible for nomination is duly nominated in respect of any zone,

no election shall be held and the growers or the grower, as the case may be, so nominated may be appointed as if elected under this section.

9. Section 12 of the principal Act is repealed and re-enacted as follows :— Repeal and re-enactment of s. 12 of principal Act—

12. (1) For the purposes of this Division and sections 34 and 36 of this Act a grower that is a body corporate may as occasion requires, by notice in writing given to the Committee, nominate a person whose name shall be included in the register of growers as the nominee of the body corporate. Grower companies.

(2) A person so nominated shall, until his nomination is revoked pursuant to this section, be deemed to be a grower for the purposes of this Division and sections 34 and 36 of this Act and, by virtue thereof, to be eligible, in place of the body corporate, for nomination, election or appointment as a representative member and entitled to exercise and enjoy such rights under this Act as the body corporate would have been entitled to if it were a grower who is a natural person.

(3) Any such nomination may, by notice in writing given to the Committee, be revoked by the body corporate and thereupon the person nominated shall cease to be the nominee of the body corporate for the purposes of this Act and his name as such nominee shall be removed from the register of growers.

Repeal and re-enactment of s. 13 of principal Act—

10. Section 13 of the principal Act is repealed and re-enacted as follows :—

Register of growers.

13. (1) For the purposes of this Act, the Committee shall keep or cause to be kept a register of growers showing in a separate and distinct part of the register, in relation to each zone, the names and addresses of growers each of whom grows at least fifty trees in that zone for the production and sale of citrus fruit or is a party to a partnership or share-farming agreement under which at least fifty trees are grown in that zone for the production and sale of citrus fruit and such other particulars as the Committee thinks fit.

(2) Where a grower grows in two or more zones at least fifty trees for the production and sale of citrus fruit or is a party to a partnership or share-farming agreement under which at least fifty trees are grown in two or more zones for the production and sale of citrus fruit, his name and address shall be shown in such part of the register relating to such one of those zones as the Committee may decide.

(3) There shall be shown in the register of growers in such manner as the Committee thinks fit—

(*a*) in relation to each name of a grower included therein by virtue of his being a party to a partnership or share-farming agreement, the name and prescribed particulars of the person who for the time being is the nominee of the parties to that agreement for the purposes of this Act ;

and

(*b*) in relation to each body corporate whose name is included therein as a grower, the name and prescribed particulars of the person who for the time being is the nominee of the body corporate for the purposes of this Act.

(4) The Committee shall as occasion requires revise the register in accordance with the regulations so that, as far as practicable, the information shown therein is up to date.

11. Section 14 of the principal Act is repealed and re-enacted as follows :— Repeal and re-enactment of s. 14 of principal Act—

14. (1) Subject to this section each representative member who takes office on or after the prescribed day shall, unless his office becomes vacant earlier, hold office for a period of three years. Terms of office of members.

(2) Notwithstanding subsection (1) of this section, two of the five representative members, who take office on the prescribed day and who shall be determined by lot, shall, unless their respective offices become vacant earlier, each hold office for a period of two years.

(3) A member who takes office on or after the prescribed day, other than a representative member, shall, unless his office becomes vacant earlier, hold office for such period as is specified in the instrument of his appointment.

(4) A member who fills a casual vacancy shall be appointed for the balance only of the term of office of the member in whose place he was appointed.

(5) A member whose term of office has expired before his successor is appointed shall, unless his office becomes vacant earlier, remain in office until his successor is appointed.

(6) Subject to this Act, a retiring member is eligible for re-appointment as a member.

12. Section 15 of the principal Act is amended by striking out from paragraph (*e*) the passage "twenty shillings in the pound" and inserting in lieu thereof the passage "one hundred cents in the dollar". Amendment of principal Act, s. 15— Casual vacancies.

13. Section 20 of the principal Act is amended— Amendment of principal Act, s. 20— Power to grant licences.

(*a*) by striking out from paragraph (*b*) of subsection (4) the passage "twenty shillings in the pound" and inserting in lieu thereof the passage "one hundred cents in the dollar" ;

and

(*b*) by striking out from subsection (7) the passage "Two hundred pounds" and inserting in lieu thereof the passage "Four hundred dollars".

14. Subsection (1) of section 21 of the principal Act is amended— Amendment o principal Act, s. 21— General powers of Committee.

(*a*) by striking out paragraphs (*a*) and (*b*) and inserting in lieu thereof the following paragraphs :—

(*a*) undertake, arrange, regulate or control the marketing of citrus fruit or any product thereof;

(*b*) without limiting the generality of any of the other powers conferred by this subsection, undertake, arrange, regulate or control the harvesting, shipping, transporting, storing, handling, packing, buying, delivering and selling of citrus fruit or any product thereof, the processing of citrus fruit into any product derived therefrom and any matters or things connected with or incidental to all or any of the matters undertaken, arranged, regulated or controlled pursuant to this subsection; ;

and

(*b*) by inserting in paragraphs (*c*), (*f*) and (*i*) after the passage "citrus fruit" wherever it occurs in those paragraphs the passage "or any product thereof".

Amendment of principal Act, s. 22—Power to issue marketing orders.

15. Section 22 of the principal Act is amended—

(*a*) by striking out paragraph (*b*) of subsection (1) thereof and inserting in lieu thereof the following paragraphs:—

(*b*) prohibit, either absolutely or except as specified in the order, any person or persons of any class specified in the order from delivering citrus fruit to, or taking delivery of citrus fruit from or from selling citrus fruit to, or buying citrus fruit from, any person or from any class of persons other than the Committee or the class of persons nominated by the Committee in the order;

(*b*1) prohibit, either absolutely or except as specified in the order, the harvesting of citrus fruit grown by growers; ;

(*b*) by striking out from paragraph (*c*) of subsection (1) the passage "or (*b*)" and inserting in lieu thereof the passage ", (*b*) or (*b*1)";

(*c*) by inserting in each case after the word "prices" wherever it occurs in paragraph (*d*) of subsection (1) the passage "or the minimum prices";

and

(*d*) by striking out from subsection (4) the passage "Two hundred pounds" and inserting in lieu thereof the passage "Four hundred dollars".

Amendment of principal Act, s. 23—
Powers to impose charges.

16. Section 23 of the principal Act is amended by striking out from subsection (1) and from subsection (2) where it occurs once in each of those subsections the passage "two shillings" and inserting in lieu thereof in each case the passage "twenty cents".

Amendment of principal Act, s. 24—
Power to require returns.

17. Section 24 of the principal Act is amended—

(*a*) by inserting in subsection (1) after the passage "such information" the passage "or returns";

and

(*b*) by striking out from subsection (3) the passage "One hundred pounds" and inserting in lieu thereof the passage "Two hundred dollars".

Repeal of s. 26 of principal Act—
Duties of licensees.

18. Section 26 of the principal Act is repealed.

Repeal and re-enactment of s. 27 of principal Act—

19. Section 27 of the principal Act is repealed and re-enacted as follows:—

Powers of inspectors to enter upon lands, etc.

27. (1) For the purposes of this Act, an inspector may do all or any of the following things:—

(*a*) at any reasonable time enter any land on which trees are grown for the production and sale of citrus fruit, or enter any premises used for the purpose of storing, handling, packing, buying, delivering or selling citrus fruit or any product thereof or processing citrus fruit into any product derived therefrom, and may—

(i) inspect and take stock of such trees, citrus fruit or products;

(ii) inspect any accounts, books or documents relating to such trees, citrus fruit or products kept on such land or in such premises;

and

(iii) make copies of or take extracts from any such accounts, books or documents and retain those copies and extracts;

(*b*) enter any vehicle by which citrus fruit or products of citrus fruit are being conveyed on any street or road or enter any place in or adjacent to a street or road where citrus fruit or products of citrus fruit are being sold, and may—

(i) inspect and take stock of such citrus fruit or products ;

(ii) inspect any accounts, books or documents relating to such citrus fruit or products ;

and

(iii) make copies of or take extracts from any such accounts, books or documents and retain those copies and extracts ;

(*c*) open any package or other container containing any citrus fruit or products of citrus fruit found in or on any land, premises, vehicle or place referred to in paragraph (*a*) or (*b*) of this subsection but, if the owner or person for the time being in charge of such citrus fruit or products is present, only if such owner or person, when requested to do so by the inspector, fails or refuses to open such package or other container ;

(*d*) take samples of any citrus fruit or products found in or on any land, premises, vehicle, place, package or other container referred to in paragraph (*a*), (*b*) or (*c*) of this subsection ;

(*e*) detain for such time as is necessary to complete his inspection any citrus fruit or products of citrus fruit if he has reasonable grounds for suspecting that, with respect thereto, there is or has been a contravention of or failure to comply with any provision of this Act or any order made under this Act ;

(*f*) if any package or other container containing any citrus fruit or products of citrus fruit or any ticket or label on any accumulation, collection or display of citrus fruit or products of citrus fruit is falsely marked or contravenes or does not comply with any provision of this Act or any order made under this Act, efface the false mark, or by such means as are at his disposal, prominently indicate that such package, container, accumulation, collection or display is falsely marked, or destroy the ticket or label ;

(*g*) where there is or has been any contravention of or failure to comply with any provision of this Act or any order made under this Act with respect to any citrus fruit or products of citrus fruit, direct the owner or the person for the time being in charge thereof to take all such measures and do all such acts, matters and things as are necessary to ensure that such provision is not contravened or is complied with, as the case may be.

(2) Where any citrus fruit or products of citrus fruit are detained by an inspector pursuant to paragraph (*e*) of subsection (1) of this section, the inspector shall give to the owner or to the person at the time of such detention in charge of such citrus fruit or products forthwith or as soon as he ascertains the address of such owner or person notice orally or by telegram or letter that such citrus fruit or products are being detained and of the place where they are being detained.

(3) Where an inspector has exercised any power pursuant to paragraph (*f*) of subsection (1) of this section, he shall give to the owner or person for the time being in charge of the citrus fruit or products concerned forthwith or as soon as he ascertains the address of such owner or person notice orally or by telegram or letter of the action he has taken in the exercise of such power.

(4) The occupier of land or premises referred to in paragraph (*a*) or of any place referred to in paragraph (*b*) of subsection (1) of this section shall at the request of any inspector, provide the inspector with all reasonable facilities and assistance within his power for the effective exercise of the inspector's powers under that subsection.

Penalty : One hundred dollars.

(5) The driver of any vehicle referred to in paragraph (*b*) of subsection (1) of this section shall, whenever requested by any inspector so to do—

(*a*) stop the vehicle ;

and

(*b*) allow the inspector to exercise, and provide the inspector with all reasonable facilities and assistance within his power for the effective exercise of, the inspector's powers under that subsection.

Penalty : Two hundred dollars.

(6) A person who is not an inspector shall not, without lawful excuse—

(*a*) alter, deface or obliterate, either wholly or partially;

or

(*b*) cause to be altered, defaced or obliterated, either wholly or partially,

any mark in relation to any citrus fruit or any product of citrus fruit.

Penalty : One hundred dollars.

(7) A person shall not disobey or fail to comply with any direction lawfully given to him by an inspector pursuant to paragraph (*g*) of subsection (1) of this section.

Penalty : One hundred dollars.

(8) A person shall not obstruct, interfere with or hinder an inspector who is acting in the exercise of his powers under this section.

Penalty : One hundred dollars.

(9) In this section—

"inspector" means a member of the Committee, a member of the police force or any person for the time being authorized by the Committee to carry out the duties of an inspector for the purposes of this section pursuant to an instrument in writing.

Amendment of principal Act, s. 28—Registration of brands and trade marks.

20. Section 28 of the principal Act is amended by striking out from subsection (4) the passage "One hundred pounds" and inserting in lieu thereof the passage "Two hundred dollars".

Amendment of principal Act, s. 30—Offences in connection with the marketing of citrus fruit.

21. Section 30 of the principal Act is amended—

(*a*) by striking out subsection (1) and inserting in lieu thereof the following subsections :—

(1) A person, who is not the holder of a licence authorizing him to do so, shall not, unless authorized in writing by the Committee—

(*a*) pack citrus fruit for sale by wholesale ;

(*b*) sell citrus fruit by wholesale or offer citrus fruit for sale by wholesale ;

or

(*c*) treat citrus fruit by any special process for the purpose of marketing any product thereof that is derived from such treatment.

Penalty : Four hundred dollars.

(1a) The Governor may, on the recommendation of the Committee, make regulations prohibiting any person, who is not the holder of a licence authorizing him to do so from doing any specific act or thing (not being an act or thing referred to in subsection (1) of this section) constituting or included in the marketing of citrus fruit or any product thereof, unless he is authorized in writing by the Committee to do such act or thing, and prescribing a penalty not exceeding four hundred dollars for a contravention of any such regulation. ;

(*b*) by striking out from subsection (2) the passage "One hundred pounds" and inserting in lieu thereof the passage "Two hundred dollars";

and

(*c*) by striking out from subsection (3) the passage "included in the marketing of" and inserting in lieu thereof the passage "in relation to".

Amendment of principal Act, s. 34—Regulations.

22. Section 34 of the principal Act is amended—

(*a*) by inserting after the passage "to be registered," in paragraph (*a*) of subsection (1) the passage "and to furnish the Committee from time to time with such information and such returns as may be prescribed, and prescribing";

(*b*) by inserting therein after paragraph (*j*) of subsection (1) the following paragraph :—

(*j*1) the measures to be taken by any licensee or person who grows or has citrus fruit for sale for preventing deterioration, decay, contamination or infection in citrus fruit in his charge or custody ; ;

(*c*) by striking out from paragraph (*m*) of subsection (1) the word "such" lastly occurring therein and inserting in lieu thereof the word "any";

(*d*) by striking out from paragraph (*m*) of subsection (1) the passage "the transport of";

(*e*) by inserting therein after paragraph (*p*) of subsection (1) the following paragraph :—

(*q*) the terms and conditions under which citrus fruit may be bought by the Committee. ;

(*f*) by inserting therein after subsection (1) the following subsection :—

(1a) The Governor may under this section make different regulations to apply in different localities and different regulations to apply at different periods of each year and any regulations under this section may be otherwise limited or may discriminate in their operation according to time, place or circumstance. ;

and

(*g*) by striking out from subsection (2) the passage "one hundred pounds" and inserting in lieu thereof the passage "two hundred dollars".

Amendment of principal Act, s. 36—

Polls on continuation of this Act.

23. Section 36 of the principal Act is amended—

(*a*) by striking out from subsection (1) and from subsection (3) the word "Assistant" where it occurs once in each of those subsections ;

(*b*) by striking out subsection (4) and inserting in lieu thereof the following subsections :—

(4) Subject to this Act, a poll under this section shall be held and conducted by the Returning Officer for the State—

(*a*) by post :

and

(*b*) in such manner as the Returning Officer deems proper.

(4a) The Governor may, on the recommendation of the Returning Officer for the State or the Committee, make regulations prescribing and providing for any matters necessary or convenient to be prescribed or provided for in relation to polls to be held under this section.

(4b) A person shall have the same rights of voting at any poll under this section as he would have if the poll were an election held and conducted under section 11 of this Act for the election of a representative member. ;

and

(*c*) by inserting after the passage "register of growers," in subsection (5) the passage "and who are entitled to vote at the poll,".

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. M. Napier. Governor's Deputy.

ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

****

No. 64 of 1967

An Act to amend the Impounding Act, 1920-1966.

[*Assented to 16th November,* 1967]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short titles.

1. (1) This Act may be cited as the "Impounding Act Amendment Act, 1967".

(2) The Impounding Act, 1920-1966, as amended by this Act, may be cited as the "Impounding Act, 1920-1967".

(3) The Impounding Act, 1920-1966, is hereinafter referred to as "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment of principal Act, s. 3—Interpretation.

3. Section 3 of the principal Act is amended by striking out the definition of "Angora goat" therein.

Amendment of principal Act, s. 14—Powers of impounding cattle.

4. Subsection (5) of section 14 of the principal Act is amended by striking out the word "Angora" therein and inserting in lieu thereof the passage "full bred Angora, Saanen, Toggenburg, British Alpine, or Anglo Nubian".

Amendment of principal Act, s. 41—
Goats, pigs, fowls, etc. may be destroyed.

5. Subsection (2) of section 41 of the principal Act is amended by striking out the word "Angora" therein and inserting in lieu thereof the passage "full bred Angora, Saanen, Toggenburg, British Alpine, or Anglo Nubian".

Amendment of principal Act, s. 46—
Liability of owner of straying cattle.

6. Section 46 of the principal Act is amended by inserting after subsection (2) thereof the following subsections :—

(2a) In any proceedings for an offence against this section it shall be a defence that the owner has attempted with all reasonable diligence so to confine his cattle as to prevent their intrusion upon any street or public place in a manner contrary to subsection (1) of this section and

(*a*) he did not know and might not reasonably have been expected to know of such intrusion ;

or

(*b*) having discovered such intrusion as soon as might reasonably have been expected of a person exercising proper diligence, he immediately made all proper endeavours to bring his cattle back within confinement and so to confine them as to prevent further such intrusion.

(2b) For the purposes of subsection (2a) of this section anything which a servant or agent of the owner of cattle knows or discovers, or might reasonably be expected to know or discover, shall be deemed to be something which the owner knows or discovers or might reasonably be expected to know or discover.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. M. NAPIER, Governor's Deputy.

ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

****

No. 65 of 1967

An Act to repeal the Long Service Leave Act, 1957, and to make more effective provision for the granting of long service leave to employees and for matters incidental thereto.

[*Assented to 16th November,* 1967]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :—

Short title.

1. This Act may be cited as the "Long Service Leave Act, 1967".

Repeal.

2. The Long Service Leave Act, 1957 is hereby repealed.

Interpretation.

3. (1) In this Act, unless the context otherwise requires—

"agreement" means an industrial agreement filed in the office of the Industrial Registrar under the Industrial Code, 1920-1966, or in the office of the Industrial Registrar under the Conciliation and Arbitration Act, 1904-1966 of the Commonwealth :

"award" includes an award or order of the Industrial Commission of South Australia, an award of a conciliation committee, or an award or order of the Commonwealth Conciliation and Arbitration Commission :

"employer" means a person employing a worker or workers, but does not include the Crown :

"inspector" means a person holding office as Chief Inspector or an inspector under the Industrial Code, 1920-1966.

"ordinary pay" in relation to a worker means remuneration for the worker's normal weekly number of hours of work calculated at his ordinary time rate of pay, and where the worker is provided with free board or lodging by his employer, includes the cash value of that board or lodging as prescribed by the award under which he is paid or, if such value is not prescribed by any award, as provided by the terms of his employment. The term does not include shift premiums, overtime, or other penalty rates:

"the repealed Act" means the Long Service Leave Act, 1957:

"worker" means a person employed under a contract of service and includes a person so employed who is remunerated wholly or partly by commission.

(2) For the purposes of the definition of "ordinary pay" in subsection (1) of this section—

(*a*) where no ordinary time rate of pay is fixed for a worker's work under the terms of his service or in the case of a worker employed on piece or bonus work or any other system of payment by results the ordinary time rate of pay shall be deemed to be the average weekly rate earned by him during the period of twelve months immediately preceding the date on which he commences his long service leave or the right to payment in lieu thereof accrues either to the worker or his personal representative;

and

(*b*) where no normal weekly number of hours of work is fixed for a worker under the terms of his service, the normal weekly number of hours of work shall be deemed to be the average weekly number of hours worked by him during the period referred to in paragraph (*a*) of this subsection.

Right to long service leave.

4. (1) Subject to this Act, every worker shall be entitled to long service leave or payment in lieu thereof in respect of his service with an employer.

(2) For the purposes of this Act, a worker whose service commenced before the commencement of this Act, shall be deemed to have commenced that service on the date—

(*a*) on which he commenced service that has been continuous or is deemed to have been continuous under this Act;

or

(*b*) from which his service was, immediately prior to the commencement of this Act, calculated for the purposes of the repealed Act or any award, agreement or scheme then in operation that entitled the employer under section 13 of the repealed Act to be exempt from the obligations of that Act in relation to the worker,

whichever is the later.

(3) Subject to subsection (8) of section 5 of this Act, where a worker, after the commencement of this Act, completes a period of not less than fifteen years' service with an employer, he shall be entitled as follows :—

(*a*) in respect of fifteen years' service so completed, to thirteen calendar weeks' leave ;

and

(*b*) in respect of each ten years' service completed with the employer after such fifteen years' service to eight-and-two-thirds weeks' leave ;

and

(*c*) on the termination of the worker's employment or his death, in respect of the number of years service with the employer completed after such fifteen years service, to a payment in lieu of leave on the basis of thirteen weeks for fifteen years service.

(4) Where the service of a worker is terminated and any long service leave to which he was entitled under this Act at the date of such termination has not been taken by him, the worker, or his personal representative, if the worker is deceased, shall be entitled to a payment in lieu of that long service leave.

(5) Subject to subsection (8) of section 5 of this Act, where a worker completes a period of not less than seven years' service of which at least five years have been served as an adult, but less than fifteen years' service with an employer, and his service is terminated after the commencement of this Act—

(*a*) by the employer for any cause other than serious and wilful misconduct ;

or

(*b*) by the worker if he has lawfully terminated his contract of service ;

or

(*c*) by the death of the worker,

the worker, or his personal representative, if the worker is deceased, shall be entitled to a payment in lieu of long service leave calculated on the basis that the worker is entitled to that proportion of thirteen weeks' leave that the number of years' service completed by the worker with the employer bears to fifteen years.

What constitutes service.

5. (1) For the purposes of this Act, "service" means continuous service under a contract of service but a worker's service (whether before or after the commencement of this Act) shall be deemed to have been continuous notwithstanding—

(*a*) absence of the worker from work in accordance with the contract of service ;

or

(*b*) absence of the worker from work for any cause by leave of the employer ;

or

(*c*) absence of the worker from work on account of illness or injury ;

or

(*d*) interruption or termination of the worker's service by any act or omission of the employer with the intention of avoiding any obligations imposed on him by this Act, the repealed Act, or any long service leave award, agreement or scheme in operation ;

or

(*e*) interruption or termination of the worker's service arising directly or indirectly from an industrial dispute if the worker returns to the service of the employer in accordance with the terms of settlement of the dispute or was re-employed by the employer upon such settlement ;

or

(*f*) the standing down of the worker by the employer on account of slackness of trade, if the worker is re-employed by the employer within six months thereof ;

or

(*g*) interruption or termination of the worker's service by the employer for any reason other than those referred to in paragraphs (*d*), (*e*) and (*f*) of this subsection

if the worker returns to the service of or is re-employed by the employer within two months of the date on which the service was interrupted or terminated,

but the period during which the worker's service has been interrupted or terminated shall not, in the circumstances referred to in paragraphs (*b*), (*e*), (*f*) and (*g*) of this subsection be taken into account in calculating the period of the worker's service.

(2) Where a worker has entered or enters into a contract of service with an employer within a period of twelve months after the completion of an apprenticeship with the employer the period of apprenticeship shall be taken into account for the purpose of calculating the period of service with that employer under that contract of service.

(3) A period of service by a worker as a member of a Naval, Military or Air Force of the Commonwealth (not being service as a member of the Permanent Forces) shall be deemed to be service with the employer by whom the worker was last employed before he commenced to serve as a member of such Force.

(4) Where a business is, whether before or after the commencement of this Act, transmitted from an employer (in this subsection called "the transmittor") to another employer (in this subsection called "the transmittee") and a worker who at the time of such transmission was an employee of the transmittor in that business becomes an employee of the transmittee—

(*a*) the continuity of the service of the worker shall be deemed not to have been broken by reason of such transmission ;

and

(*b*) the period of service which the worker has had with the transmittor or any prior transmittor shall be deemed to be service of the worker with the transmittee.

(5) For the purposes of subsection (4) of this section, "business" includes any part of a business and "transmission" includes transfer, conveyance, assignment or succession whether by agreement or by operation of law, and "transmitted" has a corresponding meaning.

(6) Associated companies or companies that are related to each other within the meaning of section 6 of the Companies Act, 1962-1966, shall be deemed to be one employer for the purposes of this Act and where a worker has been employed by two or more of such companies, the company by which he was employed when his right to long service leave or to payment in lieu thereof accrued, shall grant such long service leave or make such payment in lieu thereof in all respects as if the worker had been continuously employed by that company during the period in respect of which the right to such long service leave or payment in lieu thereof accrued.

(7) Companies shall, for the purposes of subsection (6) of this section, be deemed to be associated companies if the directors of each are substantially the same or if they are under substantially the same management.

(8) In the case of a worker who commenced service with an employer before the first day of January, 1966, and, after the commencement of this Act, completes a period of not less than fifteen years' service with the employer or whose service having commenced as aforesaid is terminated after the commencement of this Act and after the worker has completed at least seven years' service with the employer of which at least five years have been served as an adult, in a manner that would entitle the worker to payment in lieu of long service leave under subsection (5) of section 4 of this Act, the long service leave or payment in lieu thereof to which the worker is entitled shall be calculated on the basis—

(*a*) that the worker is entitled to a period of leave that bears to thirteen weeks the same proportion as the period of service completed by the worker with the employer prior to the first day of January, 1966, calculated to the nearest complete week of service, bears to twenty years ;

and

(*b*) that the worker is entitled, in addition, to a period of leave that bears to thirteen weeks the same proportion as the period of service completed by the worker with the employer after the first day of January, 1966, calculated to the nearest complete week of service, bears to fifteen years.

(9) An employer shall not be required to grant to a worker leave to which he has become entitled pursuant to this Act until the amount of such leave is thirteen weeks in respect of his

first period of entitlement: Provided that this subsection shall not affect any obligation to make a payment in lieu of leave.

Payment for period of leave.

6. (1) An employer shall pay to a worker on long service leave remuneration at the rate of the worker's ordinary pay applicable immediately prior to the commencement of the worker's long service leave but if any variation in the rate of ordinary pay is made during the period of the long service leave, the employer shall adjust the worker's remuneration to give effect to that variation.

(2) Payment shall be made in one of the following ways:—

(*a*) in advance for the whole period of long service leave;

or

(*b*) at the same times as payment would have been made if the worker had remained on duty, in which case payment shall, if the worker in writing so requires, be made by cheque posted to an address specified by him;

or

(*c*) in any other way agreed between the employer and the worker:

Provided that if during the period of leave any variation in the rate of the ordinary pay of the worker is made, and payment has been made in advance the employer shall, upon the worker's return to duty, make any adjustment necessary to give effect to the variation.

(3) Where a worker or his personal representative is entitled to a payment in lieu of long service leave under this Act such payment shall be calculated at the rate of the ordinary pay of the worker applicable immediately prior to the termination of his service and shall be made either forthwith to the worker or, if the worker is deceased, to the worker's personal representative upon his request therefor.

Time for taking leave.

7. (1) When a worker becomes entitled pursuant to this Act to long service leave such leave shall be granted by the employer as soon as practicable having regard to the needs of his establishment, or subject to subsection (3) of this section at such time or times as may be agreed between the employer and the worker.

(2) Except where a worker otherwise agrees the employer shall give a worker at least sixty days notice of the date from which his leave is to be taken.

(3) Leave shall be granted and taken in one continuous period or, if the employer and the worker so agree, in not more than three separate periods in respect of the first thirteen weeks

entitlement, and in not more than two separate periods in respect of any subsequent period of entitlement.

(4) Every calendar day occurring after the commencement of a worker's leave and before the expiration of the period for which leave was granted, shall be counted as a day of such leave.

Agreement for leave before right accrued due.

8. (1) An employer may by agreement with a worker allow long service leave to be taken by such worker before the right thereto has accrued, but where leave is so taken the worker shall not become entitled to any further leave under this Act or to payment in lieu thereof for the period in respect of which such leave was taken before it accrued.

(2) Where leave has been granted to and taken by a worker pursuant to subsection (1) of this section before the right thereto has accrued and the service of the worker is subsequently terminated before the expiration of the period in respect of which leave has been taken, the employer may deduct from whatever remuneration is payable upon the termination of the worker's service an amount being the difference between the amount actually paid to the worker in respect of long service leave taken by him and the amount of the payment in lieu of long service leave (if any) to which the worker would have been entitled upon termination of his service if he had not taken the long service leave before the right thereto had accrued.

Leave taken before commencement of Act.

9. Where prior to the commencement of this Act any long service leave was granted or payment in lieu thereof was made to a worker by his employer, such long service leave or payment in lieu thereof shall be deemed to be long service leave granted under this Act either for the actual period of such long service leave or the period of long service leave that the payment in lieu thereof represented at the time of such payment.

Employer to keep records.

10. (1) An employer shall during the service of a worker and for a period of three years thereafter, or in the case of termination of a worker's service by his death, for a period of three years after the worker's death or until settlement with the worker's personal representative, whichever is the later, keep a record from which can be readily ascertained the name of each worker, his occupation, his rate of pay, the date of the commencement of his employment, his entitlement to long service leave, any long service leave which has been granted to him or in respect of which payment has been made, whether under this Act or not, and, on the termination of the service of a worker, the manner of termination.

(2) Such record shall be in the form and contain such particulars as may be prescribed.

(3) Where a business is transmitted from an employer to another employer within the meaning of subsection (5) of section 5 of this Act the transmittor of that business shall transmit to the transmittee all records kept by the transmittor under subsection (1) of this section pertaining to the workers who were employees of the transmittor and became employees of the transmittee at the time of the transmission.

Exemptions.

11. (1) The Industrial Commission of South Australia constituted by the President or a Commissioner or the Industrial Registrar may exempt any employer from the operation of the provisions of this Act, except sections 10, 12, 13 and 14 and the regulations in relation thereto, in respect or his workers or any of them in any case where it is satisfied that the workers are entitled, whether immediately or upon fulfilment of certain conditions, to benefits in the nature of long service leave under any award, agreement or scheme conducted by or on behalf of the employer, the provisions of which are not less favourable to such workers, including those at present in employment and those who might be employed in the future, than the provisions of this Act, or for any other reason which to such Industrial Commission appears just and equitable in the circumstances of the case.

(2) An application for exemption under this section may be made by an employer, a party to any award, agreement or scheme relating to long service leave or a registered association that has a proper interest in the matter and any such application shall be made—

(*a*) within six months after the commencement of this Act ;

or

(*b*) within three months after the date on which the employer becomes an employer ;

or

(*c*) immediately prior to or within three months after the making or proposed making of an award, agreement or scheme relating to long service leave by which the employer is or is to be bound,

but the Commission may, in special circumstances allow an extension of the time within which an application may be made.

(3) Any such application may, at the discretion of the Industrial Commission, be dealt with *ex parte*.

(4) For the purposes of section 12 of this Act, where an employer has been exempted under subsection (1) of this section, any long service leave or payment in lieu thereof to which a

worker is entitled pursuant to any award agreement or scheme, shall be deemed to be long service leave or payment in lieu thereof to which the worker is entitled under this Act.

Failure to grant leave.

12. Where a worker, or a registered association (within the meaning of the Industrial Code, 1920-1966) of which the worker is a member, or his personal representative, if the worker is deceased, alleges that such worker has not been granted the long service leave or payment in lieu thereof to which he is or was entitled under this Act, whether partially or in full, the worker, registered association or personal representative may apply to the Industrial Commission of South Australia, constituted by the President or a Commissioner or the Industrial Registrar, for an order directing the employer to pay the amount owing, or to grant the leave due, to the person concerned, and the provisions of section 132c of the Industrial Code, 1920-1966, and the regulations and rules of court in relation thereto, shall apply *mutatis mutandis* in all respects as if such claim were a claim pursuant to an award, except that the limitation prescribed by subsection (1) thereof that the amount must have become payable within twelve months immediately prior to the commencement of proceedings shall not apply but where the service of a worker has been terminated, no such application may be made after the expiration of three years from the date of such termination.

Employment during leave.

13. (1) No worker shall during any period when he is on leave pursuant to this Act engage in any employment for hire or reward either by the employer in whose service the worker's right to long service leave accrued or by any other person.

(2) No employer shall employ a worker for hire or reward during any period when such worker is known by him to be on leave pursuant to this Act.

Powers of Inspectors.

14. (1) For the purpose of ascertaining whether this Act has been complied with or for any other purpose relating to the administration or enforcement of this Act, an inspector may—

(*a*) enter any premises where he has reasonable cause to believe that any worker is employed;

(*b*) inspect any records relating to long service leave kept at such premises;

and

(*c*) interview any person in such premises with respect to matters under this Act.

(2) An employer shall, when requested by an inspector, forthwith produce to the inspector any records kept by or on behalf of the employer relating to long service leave.

(3) A person having any such records in his custody or control shall, when requested by an inspector, forthwith produce them to the inspector.

(4) A person shall not hinder or obstruct an inspector or interpreter in the exercise of any powers or functions under this section.

(5) No person shall omit truly to answer or reply to any question which an inspector is authorized to ask under this Act.

(6) An inspector may in the exercise of any of his powers under this Act take with him an interpreter and any question or requisition put or made on behalf of the inspector by the interpreter shall be deemed to have been put or made by the inspector and any answer thereto made to the interpreter shall be deemed to have been made to the inspector.

Offences and proceedings.

15. (1) A person who contravenes any provision of this Act shall (unless he has been exempted from the operation of that provision under section 11 of this Act) be guilty of an offence and liable to a penalty not exceeding one hundred dollars.

(2) The court by which any person who is or has been an employer is convicted under subsection (1) of this section may, in addition to imposing a penalty upon that person order him to grant to any person long service leave or to pay to any person a sum that is shown to the satisfaction of the court to be due to him from the person so convicted.

(3) An order shall not be made under subsection (2) of this section to pay to any person a sum to which he is entitled under this Act if the service in respect of which a right to such payment has accrued was terminated more than three years before the commencement of proceedings in respect of the offence.

(4) Proceedings for offences against this Act shall be heard and determined summarily.

(5) Every special case stated on any question of law arising in summary proceedings under this Act shall be dealt with by the Industrial Court of South Australia, and every appeal in such proceedings shall lie to the Industrial Court.

(6) For the purposes of every such special case or appeal all references in the Justices Act, 1921-1965, to the Supreme Court or the Master thereof shall be read as references to the Industrial Court and to the Industrial Registrar thereof respectively.

(7) Notwithstanding anything contained in this section or in section 12 of this Act, a person may take proceedings in any court of competent jurisdiction for the recovery of any sum or the enforcement of any right to which he is entitled under this Act but such proceedings may not be taken after the expiration of three years from the date on which the service in respect of which the claim is made was terminated.

Regulations.

16. The Governor may make any regulations not inconsistent with this Act which may be necessary or convenient for carrying this Act into effect or for facilitating the operation or administration of this Act and without in any way limiting or restricting the generality of the foregoing may make regulations—

(*a*) with respect to the keeping of records concerning long service leave by employers ;

and

(*b*) prescribing penalties recoverable summarily and not exceeding one hundred dollars for a breach of any regulation.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. M. NAPIER, Governor's Deputy.

ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

****

No. 66 of 1967

An Act to amend the Mental Health Act, 1935-1967.

[*Assented to 16th November,* 1967]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short titles.

1. (1) This Act may be cited as the "Mental Health Act Amendment Act (No. 2), 1967".

(2) The Mental Health Act, 1935-1967, as amended by this Act, may be cited as the "Mental Health Act, 1935-1967".

(3) The Mental Health Act, 1935-1967, is hereinafter referred to as "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment of principal Act, s. 3—Arrangement of Act.

3. Section 3 of the principal Act is amended by inserting immediately after the passage "DIVISION II.—In Hospitals for Criminal Mental Defectives" the passage "PART IIIA—ESCAPE OF CERTAIN PERSONS.".

Amendment of principal Act, s. 43—Power to detain and recapture persons received into hospitals, etc.

4. Section 43 of the principal Act is amended by striking out the passage "In case" and inserting in lieu thereof the passage "Subject to section 56a of this Act, in case".

Amendment of principal Act, s. 54—Power of Governor to grant leave of absence on conditions.

5. Section 54 of the principal Act is amended by striking out subsection (2).

Repeal of s. 55 of principal Act.

6. Section 55 of the principal Act is repealed.

Enactment of Division III of Part II of principal Act—

7. The following Part, heading and section are enacted and inserted in the principal Act immediately after section 56 :—

PART IIIA.

ESCAPE OF CERTAIN PERSONS.

Escape, etc. of certain persons from institutions.

56a. (1) Any person, who is ordered or directed to be detained or kept in custody in an institution—

(*a*) pursuant to any direction or order under section 77a of the Criminal Law Consolidation Act, 1935-1966 ;

(*b*) pursuant to an order under section 292 or section 293 of the Criminal Law Consolidation Act, 1935-1966 ;

or

(*c*) pursuant to any order or direction under Division II of Part III of this Act,

and who escapes from that institution, may be apprehended without any warrant or authority other than this section at any time by the person in charge of that institution, any officer or servant of that institution or any police officer and conveyed to, received and detained in that institution.

(2) Where a special magistrate, on the application by or on behalf of the Crown Solicitor or a police officer of or above the rank of Inspector, is satisfied that a person referred to in subsection (1) of this section has escaped from an institution he may issue a warrant in the form of the twenty-third schedule directing that the person named therein be apprehended and conveyed to the institution from whence he escaped.

(3) A person apprehended at any time under a warrant issued in accordance with subsection (2) of this section shall be conveyed to and detained in the institution from whence he escaped.

(4) For the purposes of this section—

(*a*) "an institution" means an institution as defined in section 77a of the Criminal Law Consolidation Act, 1935-1966, and includes any place

in which for the time being a person is kept in strict custody or safe custody pursuant to an order under section 292 or section 293 of that Act;

and

(*b*) a person shall be deemed to have escaped from an institution if, being lawfully permitted to be absent from that institution, he does not return to the institution within the period of his permitted absence or if the absence is subject to a condition or conditions he does not comply with that condition or any one or more of those conditions.

Enactment of twenty-third schedule to principal Act—

8. The following schedule is enacted and inserted in the principal Act immediately after the twenty-second schedule :—

Section 56a.

THE TWENTY-THIRD SCHEDULE

Mental Health Act, 1935-1967.

WARRANT FOR THE APPREHENSION OF A PERSON PURSUANT TO SECTION 56A.

To the Superintendent of the Police at Adelaide in the State of South Australia and to each and all of the Constables and Peace Officers of the said State.

WHEREAS

of

has represented to me the undersigned a Special Magistrate for the said State that

of

a person ordered or directed to be detained or kept in custody in accordance with a provision of the Criminal Law Consolidation Act, 1935-1966, or the Mental Health Act, 1935-1967, referred to in section 56a of the said Mental Health Act has escaped from

an institution within the meaning of that section.

You the said Superintendent and you the said Constables are hereby commanded to forthwith apprehend the said

and convey him to the said institution and for that purpose to detain him at some suitable place.

Dated at in the said State

this day of , 19 .

Special Magistrate.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. M. NAPIER, Governor's Deputy.

ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

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No. 67 of 1967

An Act relating to the packing of certain articles for sale, the selling of those articles and for other purposes.

[*Assented to 16th November,* 1967]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

PART I.

PART I

PRELIMINARY.

Short title.

1. This Act may be cited as the "Packages Act, 1967".

Commencement.

2. (1) Subject to subsection (3) of this section, this Act shall come into operation on a day to be fixed by proclamation.

(2) Notwithstanding subsection (1) of this section the Governor may, by proclamation, fix different days for the coming into operation of the various Parts, Divisions and sections of this Act.

(3) A proclamation shall not be made under subsection (1) of this section fixing a day on which this Act shall come into operation until the Governor is satisfied that all of the other States of the Commonwealth have enacted legislation substantially similar in effect to this Act.

Arrangement.

3. This Act is arranged as follows:—

PART I.—PRELIMINARY, ss. 1-5.

PART II.—ADMINISTRATION—

DIVISION 1—INSPECTORS, ETC., ss. 6-8

DIVISION 2—APPROVED BRANDS, ss. 9-13.

PART III.—PACKING OF ARTICLES, ETC., ss. 14-26.
PART IV.—SALE OF ARTICLES, ss. 27-40.
PART V.—MISCELLANEOUS, ss. 41-47.

Definitions.

4. (1) In this Act, unless the contrary intention appears—

"address" includes—

(*a*) in the case of a natural person, the address of his sole or principal place of business;

(*b*) in the case of a business registered under a business name pursuant to the Business Names Act, 1963, the address of the place where the business is or principal place of business is, as the case may be;

and

(*c*) in the case of a corporation within the meaning of the Companies Act, 1962-1965, the address of the registered office, in the State, of that corporation:

"approved brand" means a brand approved under section 9 of this Act and in relation to which the approval has not been revoked under section 13 of this Act:

"article" includes, but without limiting the generality of the meaning of the expression,—

(*a*) liquids;

(*b*) goods;

(*c*) chattels;

(*d*) wares;

(*e*) merchandise;

and

(*f*) any other goods of any description,

normally sold by weight, measure or denomination (other than in a single denomination) but does not include an article which is for the time being exempted from the provisions of this Act by notice under section 5 of this Act:

"bottle" means a hollow vessel of glass, synthetic resin or other similar material but does not include a jar or tumbler:

"brand" includes any mark, device, name, word, letter, numeral or symbol and any combination thereof:

"Inspector" means an Inspector appointed under section 6 of this Act and includes the Warden of Standards:

"name" includes—

(*a*) in the case of a natural person, the surname of that person preceded by the first letter of the christian name, or the first letters of the christian names, of that person ;

(*b*) in the case of a business the name of which is registered under the Business Names Act, 1963, that name as registered ;

and

(*c*) in the case of a corporation within the meaning of the Companies Act, 1962-1965, the name under which that corporation is incorporated ;

"pack" includes any thing by means of which any article is packed for sale, or any articles are packed for sale as a single item, and in particular without limiting the generality of the foregoing expression includes any wrapper or confining band or any label attached to any pack :

"package" means an article and the pack containing that article :

"packer" means—

(*a*) a person who packs an article in the reasonable expectation that the article will be sold ;

or

(*b*) a person who authorizes, directs, causes, suffers or permits the packing of an article in the reasonable expectation that the article will be sold :

"permit" means a permit granted under section 38 of this Act and not cancelled under that section :

"sell" includes—

(*a*) offer or expose for sale ;

(*b*) keep or have in possession for sale ;

(*c*) barter or exchange ;

(*d*) deal in or agree to sell ;

(*e*) send forward or deliver for sale or on sale ; and

(*f*) the act of authorizing, directing, causing, permitting or suffering any of the acts referred to in paragraphs (*a*) to (*e*) of this definition,

and "sale" or "sold" have the like meanings :

"the Commonwealth" includes any Territory of or under the control of the Commonwealth :

"the Warden of Standards" means the Warden of Standards appointed under the Weights and Measures Act, 1967, and includes the Deputy Warden of Standards from time to time appointed under that Act.

(2) For the purposes of this Act, a packer who authorizes, directs, causes, suffers or permits an article to be packed shall be deemed to have packed that article.

(3) Unless the contrary intention appears, a reference in this Act to the weight or measure of an article shall be construed as a reference to the weight or measure of an article excluding the weight or measure of the pack containing the article.

(4) A reference in this Act to the weight or measure of an article shall, when that article is normally sold by number, be construed as a reference to the quantity of that article sold by number.

(5) A reference in this Act, however expressed to—

(*a*) a pack containing an article, shall be construed as including a reference to a pack to which an article is attached or around which an article is wound or wrapped;

and

(*b*) an article contained in a pack, shall be construed as including a reference to an article that is attached to, wound around or wrapped around a pack.

Exemptions.

5. (1) The Minister may from time to time by notice published in the *Gazette* exempt an article from the provisions of this Act and may by a like notice revoke that exemption.

(2) Nothing in this Act shall apply to or in relation to an article which is for the time being exempted from the provisions of this Act by notice under subsection (1) of this section.

PART II.

PART II.

ADMINISTRATION.

DIVISION 1.

DIVISION 1.—INSPECTORS, ETC.

Inspectors.

6. The Governor may by notice published in the *Gazette* appoint any person to be an Inspector for the purposes of this Act.

Certificate of Identification.

7. (1) The Minister shall provide for each Inspector a certificate of identification in the prescribed form.

(2) The production of a certificate referred to in subsection (1) of this section shall for the purposes of this Act or of any proceedings under this Act be *prima facie* evidence that the person producing that certificate is an Inspector.

(3) A person, not being an Inspector, who comes into possession of a certificate referred to in subsection (1) of this section shall forthwith forward or deliver that certificate to the Warden of Standards.

Penalty: Fifty dollars.

Powers of Inspectors.

8. An Inspector may—

(*a*) enter or be upon any place or premises or stop and search any vehicle where he has reasonable cause to believe that articles are packed, marked, sold, or, without limiting the generality of the foregoing expressions, otherwise dealt with in order to ascertain whether the provisions of this Act have been or are being complied with;

(*b*) take with him onto the place or into the premises referred to in paragraph (*a*) of this section a member of the police force when he has reasonable cause to believe that he may be disturbed in the execution of his powers or the performance of his functions;

(*c*) require any person, whom he finds in or about the place or premises or in charge of the vehicle referred to in paragraph (*a*) of this section, to answer any question in relation to any article which is or which he suspects on reasonable grounds has been upon that place or those premises or in that vehicle;

(*d*) examine any article he finds in the place, premises or vehicle referred to in paragraph (*a*) of this section and weigh or measure or cause to be weighed or

measured any pack containing such an article or any such article and for that purpose after payment or tender of the current market value of the article break open a pack containing that article ;

(*e*) upon payment or tender of the current market value of an article he finds in the place, premises or vehicle referred to in paragraph (*a*) of this section remove that article from that place or those premises or that vehicle ;

(*f*) take and remove from the place, premises or vehicle any article in respect of which he has reasonable cause to believe an offence against this Act has been committed ;

and

(*g*) exercise and perform such other powers and functions as are prescribed.

(2) A person shall not—

(*a*) hinder or disturb an Inspector in the exercise or performance of his powers and functions under this Act ;

(*b*) refuse or fail to comply with any reasonable direction given by an Inspector in the exercise or performance of his powers and functions under this Act ;

(*c*) directly or indirectly prevent a person appearing before or being questioned by an Inspector ;

or

(*d*) falsely pretend to be engaged in or associated with the administration of this Act.

Penalty : Two hundred dollars.

DIVISION 2.—APPROVED BRANDS.

DIVISION 2.

Approval of a brand.

9. The Minister may, on receiving an application under and in accordance with this Division, by notice in writing approve of a brand specified in that approval.

Application.

10. An application for approval of a brand shall—

(*a*) be in the prescribed form ;

(*b*) contain the prescribed particulars ;

and

(*c*) be accompanied by the prescribed fee.

Conditions.

11. An approval given under section 9 of this Act—

(*a*) shall specify the owner of the brand ;

and

(*b*) may contain such conditions as to the use of the brand as the Minister sees fit.

Offences in relation to brands.

12. (1) A person, not being, or not being authorized, by the owner of an approved brand, shall not mark or authorize, suffer or permit the marking of that brand on any article.

Penalty : For a first offence, two hundred dollars and for a second or subsequent offence, four hundred dollars.

(2) A person shall not use an approved brand otherwise than in accordance with the conditions (if any) expressed in the approval under this Part given in relation to that brand.

Penalty : For a first offence, two hundred dollars and for a second or subsequent offence, four hundred dollars.

Cancellation of approval.

13. The Minister may after due inquiry and for good cause revoke an approval given under section 9 of this Act.

PART III.

PACKING OF ARTICLES, ETC.

Non-application of this Part in relation to certain articles.

14. (1) Nothing in this Part shall apply to or in relation to an article that is, otherwise than at the request of the purchaser, weighed or measured before or at the time of sale in the presence of the purchaser.

(2) For the purposes of subsection (1) of this section, an article shall be deemed not to be weighed or measured in the presence of the purchaser unless—

(*a*) the weight or measure or an indication of the weight or measure ;

and

(*b*) the operation of the instrument weighing or measuring the article,

can be seen by the purchaser.

Reference to packer, etc. must be on package.

15. (1) A packer shall not pack an article unless the pack in which that article is contained is marked in the prescribed manner with—

(*a*) an approved brand ;

or

(*b*) the name and address—

(i) of the person on whose behalf the article was packed, when that person has an address within the State ;

or

(ii) in any other case, the name and address of the packer.

Penalty : For a first offence, two hundred dollars and for a second or subsequent offence, four hundred dollars.

(2) In proceedings for an offence that is a contravention of or a failure to comply with subsection (1) of this section it is a defence if the person charged proves that the article in respect of which those proceedings relate was packed on premises for sale from those premises to a person for the purposes of consumption and not for sale by that person.

Packing of certain articles in certain denominations.

16. (1) On or after the day appointed under section 17 of this Act in respect of a prescribed article a packer shall not pack that article except in the denomination of the weight or measure prescribed in relation to that article.

Penalty : For a first offence, two hundred dollars and for a second or subsequent offence, four hundred dollars.

(2) For the purpose of this section "prescribed article" means an article to which, by regulation under this Act, this section is applied.

(3) In proceedings for an offence which is a contravention of or failure to comply with subsection (1) of this section it is a defence for the person charged to prove that the article in respect of which the proceedings relate was packed for export from the Commonwealth and the markings on the pack containing the article clearly indicated this fact.

(4) Notwithstanding anything relating to the packing of articles in denominations of weight or measure contained in any Act it shall be lawful for a packer to pack a prescribed article in the denomination of weight or measure prescribed under this section before the day appointed under section 17 of this Act in relation to that article.

Appointment of a day for the purposes of s. 16.

17. (1) Subject to this section, the Minister may from time to time by notice published in the *Gazette* appoint a day in respect of an article referred to in subsection (1) of section 16 of this Act.

(2) The Minister may by notice published in the *Gazette* declare a day appointed under subsection (1) of this section not to be a day appointed under this section in respect of an article referred to in subsection (1) of section 16 of this Act and thereupon the day so declared shall cease to be a day appointed under this section in respect of that article.

(3) Nothing in this section shall empower the Minister to appoint a day which occurs—

(*a*) before the expiration of twelve months from the day on which this Act came into operation;

or

(*b*) before the day of publication of the notice under subsection (1) of this section.

Marking of true weight.

18. (1) On or after the day appointed under section 19 of this Act a packer shall not pack an article unless the pack containing that article is marked in the prescribed manner with a statement of the true weight or measure of that article.

Penalty: For a first offence, two hundred dollars and for a second or subsequent offence, four hundred dollars.

(2) In proceedings for an offence that is a contravention of or a failure to comply with subsection (1) of this section it is a defence for the person charged to prove that the article in

respect of which the proceedings relate was packed for export from the Commonwealth and the markings on the pack containing that article clearly indicated that fact.

(3) Notwithstanding any provision, relating to the marking of a pack containing an article to which this section applies with the particulars of the weight or measure of that article, contained in any Act, it shall be sufficient compliance with that provision if the pack is marked in the manner prescribed under this section with a statement of the true weight or measure of the article.

(4) The Minister may, by notice published in the *Gazette*, exempt an article or a class of articles from the provisions of this section and thereupon this section shall not apply to or in relation to that article or class of articles and the Minister may by a like notice revoke that exemption and thereupon this section shall apply to and in relation to the article or class of articles, as the case may be, in respect of which the exemption was revoked.

Appointment of a day for purposes of s. 18.

19. (1) Subject to this section, the Minister may, by notice published in the *Gazette*, appoint a day for the purposes of section 18 of this Act.

(2) Nothing in this section shall empower the Minister to appoint a day under this section which occurs—

(*a*) before the expiration of twelve months from the day on which this Act came into operation;

or

(*b*) before the day of publication of the notice under subsection (1) of this section.

Incorrect weight or measure.

20. (1) Subject to this section, a packer shall not pack an article the weight of which is less than the weight or measure of the article stated on the pack containing the article.

Penalty: For the first offence, two hundred dollars and for a second or subsequent offence, four hundred dollars.

(2) An offence that is a contravention of subsection (1) of this section may be committed notwithstanding the fact that the pack containing the article is not, under this Act, required to be marked with a statement of the weight or measure of the article.

(3) For the purposes of this section an article will be deemed to be of the weight or measure stated on the pack containing the article if—

(*a*) any deficiency of weight or measure does not exceed five parts per centum of the stated weight or measure or where the article is contained in a bottle, the stated contents of which do not exceed eight fluid ounces or eight ounces, seven and one-half parts per centum of the stated contents ;

and

(*b*) there is no average deficiency in the contents of twelve packs containing the article selected by an Inspector from amongst the packs containing that article on the premises of the packer or where there are less than twelve such packs all the packs on those premises being not fewer than six.

(4) In any proceedings for an offence that is a contravention of subsection (1) of this section it is a defence for the person charged to prove—

(*a*) that the deficiency—

(i) arose after the packing of the article and was attributable wholly to factors for which reasonable allowance was made in stating the weight or measure of the article ;

or

(ii) was attributable wholly to the taking of measures reasonably necessary in order to avoid the commission of an offence in respect of a deficiency in the weight or measure of an article or of any other article ;

or

(*b*) that the commission of the offence was due to a cause that the person charged could not reasonably have foreseen and for which he could not have reasonably made allowance,

and in either case that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

Net weight when packed.

21. (1) A packer shall not pack an article, other than a prescribed article, in a pack marked with the words "net weight when packed" or other words capable of bearing a like meaning.

Penalty : For a first offence, two hundred dollars and for a second or subsequent offence, four hundred dollars.

(2) A packer shall not pack an article, other than a prescribed article in relation to which there has been prescribed an alternative expression, in a pack marked with any alternative expression or words capable of bearing a like meaning.

Penalty: For a first offence, two hundred dollars and for a second or subsequent offence, four hundred dollars.

(3) For the purposes of this section—

"prescribed article" means an article to which, by regulation under this Act, this section is applied:

"alternative expression" means an expression prescribed in relation to a prescribed article as an alternative to the expression "net weight when packed".

(4) For the purposes of this section there may be prescribed in relation to each prescribed article a permissable deficiency expressed in parts per centum of the weight when packed of that article.

Deficient weight of certain articles on day they were packed.

22. (1) If at any time, on the day on which an article referred to in section 21 of this Act is packed, that article is found to be of a weight of less than the weight stated on the pack containing that article the packer of that article shall be guilty of an offence.

Penalty: For a first offence, two hundred dollars and for a second or subsequent offence, four hundred dollars.

(2) For the purposes of this section an article will be deemed to be of the weight or measure stated on the pack containing it if the deficiency in the weight or measure of the article does not exceed the limits set out in paragraph (*a*) or (*b*) of subsection (3) of section 20 of this Act.

Deficient weight of certain articles after day on which they were packed.

23. (1) If at any time subsequent to the day on which an article referred to in section 21 of this Act is packed is found to be of deficient weight then the packer shall be guilty of an offence.

Penalty: For a first offence, two hundred dollars and for a second or subsequent offence, four hundred dollars.

(2) For the purposes of this section an article shall be deemed to be of deficient weight if—

(*a*) there is a deficiency of weight of the article exceeding the number of parts per centum prescribed for the purposes of this section in relation to that article;

or

(*b*) there is an average deficiency of weight, in twelve packs containing that article selected at random by an Inspector from amongst the articles on the premises where the article is or where there are less than twelve such packs all such packs not being less than six, exceeding the permissable deficiency prescribed under subsection (4) of section 21 of this Act in relation to that article.

Prohibited or restricted expressions.

24. (1) A packer shall not pack an article in a pack—

(*a*) marked with a prohibited expression ;

or

(*b*) marked with a restricted expression in contravention of this section.

Penalty : For a first offence, two hundred dollars and for a second or subsequent offence, four hundred dollars.

(2) Where a restricted expression is marked on a pack containing an article—

(*a*) there shall be marked on every part of the pack on which the restricted expression appears a statement of the true weight or measure of the article as provided for in section 18 of this Act, whether or not the article is an article to which that section otherwise applies ;

(*b*) the restricted expression and the statement referred to in paragraph (*a*) of this subsection shall be so placed that they may be clearly seen at the same time ;

and

(*c*) each of the letters or figures contained in the statement referred to in paragraph (*a*) of this subsection—

(i) shall be of a size of not less than the minimum size of print prescribed under section 18 of this Act in relation to the size of the package ;

(ii) shall be, in any case, not less than one-third of the size of the largest letter or figure contained in the restricted expression ;

and

(iii) shall be marked in a colour of distinct contrast to the colour of its background.

(3) For the purposes of this section—

"prohibited expression" means any expression, whether consisting of a single word or of more words than one and whether in an abbreviated form or not, that directly or indirectly relates to or qualifies a unit of measure of physical quantity and without prejudice to the generality of the foregoing includes any expression, within the meaning of this provision, prescribed as a prohibited expression for the purposes of this section;

and

"restricted expression" means any expression not being a prohibited expression, whether consisting of a single word or of more words than one and whether in an abbreviated form or not that directly or indirectly relates to the size of the pack containing the article not being a statement required by or under this Act to be marked on the pack containing the article and without prejudice to the generality of the foregoing includes any expression, within the meaning of this provision, prescribed as a restricted expression for the purposes of this section.

Statements as to reduced price.

25. A packer shall not pack an article in a pack marked with any words stating or implying that the article is for sale at a price less than that of its ordinary or customary sale price.

Penalty: For a first offence, two hundred dollars and for a second or subsequent offence, four hundred dollars.

Misleading size or volume of pack.

26. (1) Subject to this section, a packer shall not pack an article or articles in an opaque outer pack so that the volume of the outer pack exceeds the volume of the article or the aggregate of the volume of the articles, as the case may be—

(*a*) in the case of an article or articles enclosed in an inner pack by more than thirty-five per centum of the volume of the outer pack;

or

(*b*) in any other case by more than twenty-five per centum of the volume of the outer pack.

Penalty: For a first offence, two hundred dollars and for a second or subsequent offence, four hundred dollars.

(2) The Minister may by notice published in the *Gazette* exempt an article or class of articles from the provisions of this section and thereupon this section shall not apply to and in relation to that article or class of articles and the Minister may by a like notice revoke that exemption and thereupon this section shall apply to and in relation to the article or class of articles, as the case may be, in respect of which the exemption was revoked.

PART IV.

SALE OF ARTICLES.

Selling an article not marked with an approved brand, etc.

27. (1) A person shall not sell an article unless—

(*a*) where the article was packed inside the State, the pack in which the article is contained is marked in accordance with section 15 of this Act;

(*b*) where the article was packed outside the State but within the Commonwealth, the pack in which the article is contained is marked in accordance with the equivalent legislation of the State or Territory of the Commonwealth in which the article was packed;

or

(*c*) the sale of that article is authorized by a permit.

Penalty: For a first offence, one hundred dollars and for a second or subsequent offence, two hundred dollars.

(2) For the purposes of this section the expression "equivalent legislation" used in relation to an article packed in a State or Territory of the Commonwealth other than this State, means the legislation or provision of the legislation of that State or Territory for the time being specified as equivalent legislation for the purposes of this section by notice under this section.

(3) For the purposes of this section, the Minister may by notice published in the *Gazette* specify the legislation or a provision of the legislation of a State or Territory of the Commonwealth other than this State to be the equivalent legislation to this section and the Minister may by a like notice amend, vary or revoke such a notice.

(4) In proceedings for an offence that is a contravention of subsection (1) of this section, it is a defence for the person charged to prove—

(*a*) that the commission of the offence was due to a cause that he could not reasonably have foreseen or for which he could not reasonably have made allowance;

(*b*) that he took all reasonable precautions and exercised all due diligence to avoid the commission of an offence in respect of the article to which the proceedings relate;

and

(*c*) that he purchased the article from another person and sold or delivered it in the same state as it was when delivered to him.

Selling an article in other than the prescribed denomination.

28. (1) On or after the day appointed under section 29 of this Act in relation to a prescribed article within the meaning of section 16 of this Act, a person shall not sell that article except in the weight or measure of the denomination as is prescribed under that section in relation to that article unless the sale of that article is authorized by a permit.

Penalty: For a first offence, one hundred dollars and for a second or subsequent offence, two hundred dollars.

(2) Notwithstanding any provision relating to the denominations of weight or measure contained in any other Act, it shall be lawful for a person to sell a prescribed article within the meaning of section 16 of this Act in the denomination of weight or measure prescribed under that section, before the day appointed under section 29 of this Act in relation to that article.

(3) In proceedings for an offence that is a contravention of subsection (1) of this section it is a defence for the person charged to prove—

(*a*) that the commission of the offence was due to a cause that he could not reasonably have foreseen or for which he could not reasonably have made allowance;

(*b*) that he took all reasonable precautions and exercised all due diligence to avoid the commission of an offence in respect of the article to which the proceedings relate;

and

(*c*) that he purchased the article from another person and sold or delivered it in the same state as it was when delivered to him.

Appointment of day for the purposes of s. 28.

29. (1) Subject to this section, the Minister may from time to time by notice published in the *Gazette* appoint a day in respect of an article referred to in subsection (1) of section 28 of this Act.

(2) The Minister may by notice published in the *Gazette* declare a day appointed under subsection (1) of this section not to be a day appointed under this section in respect of an article referred to in subsection (1) of section 28 of this Act and thereupon the day so declared shall cease to be a day appointed under this section in respect of that article.

(3) Nothing in this section shall empower the Minister to appoint a day which occurs—

(*a*) before the expiration of twelve months from the day on which this Act came into operation;

or

(*b*) before the day of publication of the notice under subsection (1) of this section.

Selling an article without statement of true weight.

30. (1) On or after the day appointed under section 31 of this Act in respect of an article to which section 18 of this Act applies, a person shall not sell that article unless—

(*a*) the pack containing that article is marked with a statement referred to in subsection (1) of that section;

or

(*b*) the sale of that article is authorized by a permit.

Penalty: For a first offence, one hundred dollars and for a second or subsequent offence, two hundred dollars.

(2) Notwithstanding any provisions relating to the marking of a statement of the true weight or measure of an article contained in any Act, it shall be lawful to sell that article if the pack containing that article is marked in the manner prescribed under subsection (1) of section 18 of this Act with a statement of the true weight or measure of that article.

(3) In proceedings for an offence that is a contravention of subsection (1) of this section it is a defence for the person charged to prove—

(*a*) that the commission of the offence was due to a cause that he could not reasonably have foreseen or for which he could not reasonably have made allowance;

(*b*) that he took all reasonable precautions and exercised all due diligence to avoid the commission of an offence in respect of the article to which the proceedings relate;

and

(*c*) that he purchased the article from another person and sold or delivered it in the same state as it was when delivered to him.

Appointment of day for purposes of s. 30.

31. (1) Subject to this section, the Minister may, by notice published in the *Gazette*, appoint a day for the purposes of section 30 of this Act.

(2) Nothing in this section shall empower the Minister to appoint a day which occurs—

(*a*) before the expiration of twelve months from the day on which this Act came into operation ;

or

(*b*) before the day of publication of the notice under subsection (1) of this section.

Selling short weight or measure.

32. (1) A person shall not sell an article the weight of which is less than the weight or measure of the article stated on the pack containing the article unless the sale of that article is authorized by a permit.

Penalty : For a first offence, two hundred dollars and for a subsequent offence, four hundred dollars.

(2) An offence that is a contravention of subsection (1) of this section may be committed notwithstanding the fact that the pack containing the article is not, under this Act, required to be marked with a statement of the weight or measure of the article.

(3) For the purposes of this section an article will be deemed to be of the weight or measure stated on the pack containing the article if—

(*a*) any deficiency of a weight or measure does not exceed five parts per centum of the stated weight or measure or, where the article is contained in a bottle the stated contents of which do not exceed eight fluid ounces or eight ounces, seven and one-half parts per centum of the stated contents ;

and

(*b*) there is no average deficiency in the contents of twelve packs containing the article selected by an Inspector from amongst the packs containing that article on the premises of the seller or where there are less than twelve such packs, all the packs on those premises not being fewer than six.

(4) In proceedings for an offence that is a contravention of subsection (1) of this section it is a defence for the person charged to prove—

(*a*) that the commission of the offence was due to a cause that he could not reasonably have foreseen or for which he could not reasonably have made allowance;

(*b*) that he took all reasonable precautions and exercised all due diligence to avoid the commission of an offence in respect of the article to which the proceedings relate;

and

(*c*) that he purchased the article from another person and sold or delivered it in the same state as it was when delivered to him.

Selling article marked "net weight when packed".

33. (1) A person shall not sell an article marked "net weight when packed" or with an alternative expression within the meaning of subsection (2) of section 21 of this Act or with any words capable of bearing a like meaning to either of those expressions otherwise than under the authority of a permit unless—

(*a*) the article—

(i) is an article which is prescribed under subsection (3) of section 21 of this Act as an article which may be marked with either of those expressions;

and

(ii) the expression so marked is an expression prescribed in relation to that article;

and

(*b*) the article is not of deficient weight within the meaning of this section.

Penalty: For a first offence, two hundred dollars and for a second or subsequent offence, four hundred dollars.

(2) For the purposes of this section an article will be deemed to be of "deficient weight" if—

(*a*) there is a deficiency of weight over and above the permissable deficiency of the article exceeding the prescribed number of parts per centum prescribed in relation to that article for the purposes of section 23 of this Act ;

or

(*b*) there is an average deficiency in weight of twelve such articles selected at random by an Inspector from amongst such articles on the premises of the seller or where there are less than twelve such articles, of the total number of such articles on those premises not being less than six, greater than the permissable deficiency prescribed in relation to that article under subsection (4) of section 21 of this Act.

Selling articles marked with a prohibited or restricted expression

34. (1) A person shall not sell an article in a pack—

(*a*) on which is marked a prohibited expression within the meaning of section 24 of this Act ;

or

(*b*) on which is marked a restricted expression within the meaning of section 24 of this Act unless the pack is marked in accordance with subsection (2) of that section,

unless the sale of that article is authorized by a permit.

Penalty : For a first offence, one hundred dollars and for a second or subsequent offence, two hundred dollars.

(2) In proceedings for an offence that is a contravention of subsection (1) of this section it is a defence for the person charged to prove—

(*a*) that the commission of the offence was due to a cause that he could not reasonably have foreseen or for which he could not reasonably have made allowance ;

(*b*) that he took all reasonable precautions and exercised all due diligence to avoid the commission of an offence in respect of the article to which the proceedings relate ;

and

(*c*) that he purchased the article from another person and sold or delivered it in the same state as it was when delivered to him.

Selling article marked with statement as to reduced price.

35. A person shall not sell an article packed in contravention of section 25 of this Act unless the sale of that article is authorised by a permit.

Penalty: For a first offence, one hundred dollars and for a second or subsequent offence, two hundred dollars.

Selling or marking an article with misleading price.

36. (1) Where an article is intended to be sold at a stated price per unit of weight or measure a person shall not mark or cause, permit or suffer the pack containing that article to be marked with a price greater than the price correctly computed from the true weight or measure of the article.

Penalty: For a first offence, one hundred dollars and for a second or subsequent offence, two hundred dollars.

(2) A person shall not sell an article marked in contravention of subsection (1) of this section.

Penalty: For a first offence, one hundred dollars and for a second or subsequent offence, two hundred dollars.

(3) In proceedings for an offence that is a contravention of subsection (1) of this section it is a defence for the person charged to prove—

(*a*) that the commission of the offence was due to a cause that he could not reasonably have foreseen or for which he could not reasonably have made allowance;

(*b*) that he took all reasonable precautions and exercised all due diligence to avoid the commission of an offence in respect of the article to which the proceedings relate;

and

(*c*) that he purchased the article from another person and sold or delivered it in the same state as it was when delivered to him.

Selling an article contained in a pack of misleading size or volume.

37. A person shall not sell an article not being an article which is for the time being exempted from the provisions of section 26 of this Act, contained in an opaque outer pack when the volume of that outer pack exceeds the volume of the article or the aggregate of the volume of the articles as the case may be—

(*a*) in the case of an article or articles enclosed in an inner pack, by more than thirty-five per centum of the volume of the outer pack;

or

(*b*) in any other case, by more than twenty-five per centum of the volume of that outer pack.

Penalty: For a first offence, one hundred dollars and for a second or subsequent offence, two hundred dollars.

Permits.

38. (1) Where in relation to any article there has been a contravention of or failure to comply with any of the provisions of this Act with respect to the packing of any article or of the marking of a pack containing any article and the Minister is satisfied that—

(*a*) the articles were, when packed, intended for export from the Commonwealth and it is just and reasonable that the sale of the articles in the State should be permitted;

(*b*) the articles were packed outside the Commonwealth and were brought into the State in such circumstances that it is just and reasonable that the sale of the articles in the State should be permitted;

or

(*c*) the articles were packed within the Commonwealth and having regard to the date on which they were packed or any other relevant circumstances it is just and reasonable that the sale of those articles should be permitted,

he may, on the application of a person, grant to that person a permit authorizing the sale of the articles in the State.

(2) A permit granted under this section shall be held subject to—

(*a*) such conditions as are specified in the permit with respect to—

(i) the number of individual articles the sale of which is authorized by the permit;

(ii) the form and manner in which the weight or measure of the article contained in each pack shall be indicated;

and

(iii) the weight or measure of the article contained in each pack;

and

(*b*) such other conditions, if any, whether or not of the same kind as the conditions referred to in paragraph (*a*) of this section as the Minister in his discretion specifies in the permit.

(3) A person to whom a permit is granted shall deliver or forward by post to the Warden of Standards on or before the fifteenth day in each month, until all the articles specified in the permit have been sold, particulars in a form approved of by

the Minister of all articles, the sale of which is authorized by the permit, sold by him during the month preceding that month.

(4) The Minister may, at any time, after due enquiry and for good cause by notice served either personally or by post on the holder of a permit cancel the permit if he is satisfied that it is in the public interest so to do and upon service of that notice that permit shall for the purposes of this Act have no further force or effect.

Permits granted under a corresponding law.

39. (1) The Minister may by notice published in the *Gazette* declare a provision of the legislation of a State or Territory of the Commonwealth to be a corresponding law for the purposes of this section and may from time to time by a like notice amend, vary or revoke that declaration.

(2) For the purposes of this Act and subject to this section, articles sold under a permit granted under a provision of the legislation of a State or Territory of the Commonwealth declared to be a corresponding law under this section shall be deemed to be articles the sale of which is authorized by a permit.

(3) Notwithstanding anything in this section, the Minister may, by notice published in the *Gazette*, declare that the sale of an article under a permit granted under a provision of the legislation of a State or Territory of the Commonwealth declared to be a corresponding law for the purposes of this section shall not, for the purposes of this Act, be deemed to be a sale under a permit and thereupon such a sale shall not be a sale authorized by a permit.

Offences in relation to sales under a permit.

40. (1) A person who sells an article, the sale of which is authorized by a permit to another person in the reasonable expectation that the other person will sell the articles, shall not fail to inform that other person in writing of the conditions expressed in that permit.

Penalty: For a first offence, two hundred dollars and for a second or subsequent offence, four hundred dollars.

(2) A person shall not—

(*a*) sell an article the sale of which is authorized by a permit otherwise than in accordance with the conditions expressed in that permit;

(*b*) falsely represent that a permit has been granted or is in force or that such a permit has been granted or is in force in relation to the sale of a particular article;

or

(*c*) being the holder of a permit purport to sell pursuant to that permit a greater number of articles than the number (if any) of the articles to which the permit relates.

Penalty: For a first offence, two hundred dollars and for a second or subsequent offence, four hundred dollars.

(3) In proceedings for an offence that is a contravention of subsection (2) of this section it is a defence for the person charged to prove—

(*a*) that the commission of the offence was due to a cause that he could not reasonably have foreseen or for which he could not reasonably have made allowance;

(*b*) that he took all reasonable precautions and exercised all due diligence to avoid the commission of an offence in respect of the article to which the proceedings relate;

and

(*c*) that he purchased the article from another person and sold or delivered it in the same state as it was when delivered to him.

PART V.

MISCELLANEOUS

Evidentiary provisions.

41. In proceedings in respect of an offence which is a contravention of a provision of this Act—

(*a*) the marking on the pack containing an article indicating the name and address of the person who packed that article is evidence that the article was packed by that person ;

(*b*) the marking on the pack containing an article indicating the name and address of a person for or on whose behalf the article was packed is evidence that the article was packed on behalf of that person ;

(*c*) the marking on a pack containing an article indicating that the article was packed in a place is evidence that the article was packed in that place ;

(*d*) the marking on the pack containing an article indicating the date on which the article was packed is evidence that the article was packed on that date ;

(*e*) a document purporting to be certified by the Warden of Standards to be a copy of a permit granted under subsection (1) of section 38 of this Act is evidence of the grant of that permit and of the conditions (if any) stated therein ;

(*f*) a certificate purporting to be signed by the Warden of Standards stating that—

(i) the particulars required to be supplied to him under subsection (3) of section 38 of this Act have not been so supplied ;

(ii) the permit granted under subsection (1) of section 38 of this Act has been cancelled under subsection (4) of that section ;

or

(iii) that an approval granted under section 9 of this Act has been cancelled,

is evidence of the matters stated therein ;

and

(*g*) a document purporting to be signed by the Warden of Standards to be a copy of an approval granted by the Minister under section 9 of this Act of a brand for use by a person for the purpose of marking on packs containing articles is evidence of that approval and the conditions (if any) subject to which the approval was granted and the fact that such a brand is marked on the pack containing that article is evidence that—

(i) the article was packed by or on behalf of the owner of the brand ;

(ii) the article was packed at the place the address of which is specified in the approval as the address indicated by the brand ;

or

(iii) the article was packed on the date indicated by the brand,

as the case may be.

Offences for which no other penalty is provided.

42. (1) A person who contravenes or fails to comply with any provision of this Act shall be guilty of an offence against this Act.

(2) A person who commits an offence against this Act shall, where no other penalty is specifically provided, be liable for a penalty not exceeding one hundred dollars.

Offences by corporations.

43. Where a body corporate does any act or makes any omission that is an offence against this Act—

(*a*) every director ;

(*b*) every member of the governing body ;

and

(*c*) every person concerned in the management,

of that body corporate who authorized or knowingly permitted that act or omission, as the case may be, shall, for the purposes of this Act, be deemed to have committed that offence.

Summary procedure.

44. All proceedings in respect of offences against this Act shall be disposed of summarily.

Evidence of a permit to be given by defendant.

45. (1) In any proceedings for an offence against this Act, the fact that an act or omission was not authorized by a permit need not be specified in the complaint.

(2) The fact that an act or omission was authorized by a permit may be proved by the defendant but, whether or not that fact is specified or negatived in the complaint, no proof in relation to it shall be required on the part of the complainant.

Compensation.

46. (1) Where a court constituted by a special magistrate has convicted a person of an offence against this Act and on the application of another person the court is satisfied that the other person suffered pecuniary loss from the commission of the offence the court may in addition to any penalty that it may impose in respect of that conviction order the person convicted to pay to that other person such sum by way of compensation for that loss as to the court seems just.

(2) Nothing in subsection (1) of this section shall empower the court to order the payment or payments by way of compensation in respect of one offence exceeding in the aggregate one thousand dollars.

(3) If on an application made under subsection (1) of this section the court is of the opinion that it has not sufficient evidence to enable it to determine the liability for, or the amount of the compensation or that for any other reason it is not expedient to determine the question of compensation it may decline to consider the application and in that case the application shall not of itself be a bar to any other proceedings for compensation which may be taken by the person making the application.

Regulations.

47. (1) The Governor may make regulations not inconsistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed and, in particular, but without limiting the generality of the foregoing, in respect of the following matters—

(*a*) for or with respect to the form and manner in which packs required or permitted by any provision of this Act to be marked with any particulars, statement or approved brand, shall or may be so marked ;

(*b*) for or with respect to the denominations of weight or measure in which articles of any prescribed description shall or may be packed or sold ;

(*c*) prescribing standard specifications of capacity for or in relation to packs used in the packing or sale of prescribed articles, prescribing distinctive marks for packs made to those specifications, and providing that any such articles, when packed, shall be sold only in prescribed packs made to those specifications and bearing the prescribed distinctive marks ;

(*d*) requiring packs containing articles of a prescribed description to be marked with a statement of the sale price per unit of weight or measure of the articles ;

(*e*) generally regulating and controlling the packing of articles or of articles of prescribed descriptions and the marking of packs in which articles are contained ;

and

(*f*) imposing penalties, not exceeding one hundred dollars, for offences against the regulations.

(2) The regulations—

(*a*) may make different provision in respect of different descriptions of articles, packs, transactions, and classes of sales ;

(*b*) may be made so as to apply generally or only in respect of the packing or sale of articles of denominations of weight or measure greater than or less than some other prescribed multiple of a prescribed denomination ;

(*c*) may be of general or specially limited application ;

and

(*d*) may differ according to differences in time, locality, place or circumstance.

(3) The regulations shall not be regarded as invalid on the ground that they delegate to or confer on a person a discretionary authority.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. M. NAPIER, Governor's Deputy.

ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

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No. 68 of 1967

An Act to amend the Places of Public Entertainment Act, 1913-1955 and the Licensing Act, 1967.

[*Assented to 16th November,* 1967]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short titles.

1. (1) This Act may be cited as the "Places of Public Entertainment Act Amendment Act, 1967".

(2) The Places of Public Entertainment Act, 1913-1955, as amended by this Act, may be cited as the "Places of Public Entertainment Act, 1913-1967".

(3) The Places of Public Entertainment Act, 1913-1955, is hereinafter referred to as "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment of principal Act, s. 3—Interpretation.

3. Section 3 of the principal Act is amended—

(*a*) by inserting before the definition of "drive-in-theatre" the following definitions :—

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

"club" includes association and society : ;

(*b*) by striking out the definition of "metropolitan area" ;

(*c*) by striking out the definition of "place of public entertainment" and inserting in lieu thereof the following definition :—

"place of public entertainment" means any place whether enclosed, partly enclosed, or unenclosed where a public entertainment is held and any buildings, premises or structures, that comprise, include or are appurtenant to that place : ;

(*d*) by striking out the passage "which is open to the public whether admission thereto is or is not procured by payment of money or on any other condition" in the definition of "public entertainment" and inserting in lieu thereof the passage "whether admission thereto is open to members of the public or restricted to persons who are members of a club or who possess any other qualification or characteristic and whether admission is or is not procured by the payment of money or on any other condition " ;

and

(*e*) by inserting after the present contents thereof (which are hereby designated subsection (1) thereof) the following subsections :—

(2) The Act 21 George III c. 49 of the Imperial Parliament has no force or effect in this State.

(3) This Act shall, on and after the fifteenth day of January, 1968, cease to apply to and in relation to any public entertainment for which a permit has been granted under the Licensing Act, 1967, and any place wherein that entertainment is conducted.

Repeal of s. 4 and enactment of new s. 4 of principal Act.

4. Section 4 of the principal Act is repealed and the following section is enacted and inserted in lieu thereof :—

Exemption to certain clubs.

4. (1) The Minister may, by instrument in writing, exempt the proprietor of any place of public entertainment from the provisions of this Act (with the exception of section 26) if he is satisfied—

(*a*) that the proprietor is a *bona fide* club ;

(*b*) that the substantial purpose of the club does not consist in the provision of public entertainment or that, if it does so consist, no member or official of the club derives a disproportionate pecuniary or other advantage therefrom ;

and

(*c*) that adequate measures have been taken to ensure the safety, health and convenience of persons whilst in that place of public entertainment.

(2) An exemption under subsection (1) of this section shall apply only to and in respect of the place of public entertainment specified in the instrument.

(3) An exemption under subsection (1) of this section shall not be granted except—

(*a*) on condition that adequate measures shall continue to be taken to ensure the safety, health and convenience of persons whilst in the place of public entertainment;

and

(*b*) on such other conditions as the Minister deems appropriate,

and may be revoked upon breach of any condition.

Amendment of principal Act, s. 17—Governor may make regulations for safety and convenience.

5. Section 17 of the principal Act is amended—

(*a*) by striking out the passage "chairs, flap-seats, and other" in paragraph (*i*), and inserting in lieu thereof the passage "all kinds of";

(*b*) by inserting after paragraph (*i*) the following paragraph:—

(*i*1) such matters and things as it is necessary or expedient to prescribe in order to ensure the unimpeded egress of persons from a place of public entertainment;

and

(*c*) by inserting after paragraph (*o*) the following paragraphs:—

(*p*) in the case of drive-in-theatres, the speed limit that vehicles shall not exceed whilst therein;

(*q*) such matters and things as it is necessary or expedient to prescribe in order to ensure that public entertainment is not so conducted as to interfere with the comfort or convenience of persons who are not participating therein;

(*r*) the penalties, recoverable summarily, not exceeding two hundred dollars, for breach of or non-compliance with, the regulations.

Amendment of principal Act, s. 20—Limitation on Sunday entertainments.

6. Section 20 of the principal Act is amended—

(*a*) by inserting after the passage "on any Sunday" first occurring in subsection (1), the passage "between the hours of three o'clock in the morning and one o'clock in the afternoon";

(*b*) by striking out the passage "on any Sunday" second occurring in subsection (1) and inserting in lieu thereof the passage "during that period";

and

(*c*) by inserting after subsection (2) the following subsections:—

(3) Except where a permit is in force under subsection (4) of this section, a person shall not on a Sunday provide, engage in or attend any of the following:—

(*a*) a match between senior teams representing football clubs that are affiliated with The South Australian National Football League Incorporated or teams comprised or substantially comprised of members of such teams;

or

(*b*) a match between senior teams representing soccer clubs that are affiliated with the South Australian Soccer Federation Incorporated or teams comprised or substantially comprised of members of such teams;

or

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

or

(*d*) a horse race, parade, contest or trial (unless the race, parade, contest or trial is held solely for the purpose of training the horses or their riders);

or

(*e*) a dog race;

or

(*f*) a rodeo;

or

(*g*) a motor race;

or

(*h*) a boxing match in which the participants are not *bona fide* amateur boxers;

or

(*i*) a wrestling match in which the participants are not *bona fide* amateur wrestlers;

or

(*j*) any other entertainment or type or kind of entertainment that the Minister, by notice published in the *Gazette* declares to be an entertainment or a type or kind of entertainment that a person may not lawfully provide, engage in or attend on a Sunday.

Penalty : Two hundred dollars.

(4) The Minister may grant to the proprietor of a licensed place of public entertainment, on such conditions as the Minister deems necessary or expedient to ensure public order, decency and propriety, a permit (which may be revoked on breach of any condition) authorizing him to hold therein any entertainment referred to in subsection (3) of this section, on a Sunday during the period and during the hours specified in the permit, but a permit shall not be granted unless the Minister has first considered—

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

(*b*) whether the granting of the permit will cause a departure from practices existing before the commencement of the Places of Public Entertainment Act, Amendment Act, 1967, and whether the departure (if any) is, by the standards currently prevailing in the community and in the locality in which it is proposed to hold the entertainment, such as might reasonably cause offence to persons who adopt those standards ;

and

(*c*) whether the quiet of the locality in which it is proposed to hold the entertainment will be unduly disturbed if the permit is granted.

(5) A person shall not, in any place of public entertainment, without the previous consent in writing of the Minister (which consent may be granted on conditions and may be revoked on breach of any condition) provide on a Sunday between the hours of six o'clock and eight o'clock in the evening—

(*a*) any cinematographic or other like public entertainment;

or

(*b*) any theatrical performance.

Penalty: Two hundred dollars.

Repeal of s. 25a of principal Act and enactment of new ss. 25a and 25b—

7. Section 25a of the principal Act is repealed and the following sections are enacted and inserted in lieu thereof:—

Billiard saloons.

25a. (1) On and after the commencement of the Places of Public Entertainment Act Amendment Act, 1967, any premises wherein billiards is played (except premises in respect of which a licence or permit is in force under the Licensing Act, 1967) whether admission thereto is open to members of the public or is restricted to persons who are members of a club or who possess any other qualification or characteristic and whether admission is or is not procured by payment of money or on any other condition, shall be a place of public entertainment for the purposes of this Act.

(2) On application for a licence by the proprietor of premises in respect of which a billiard-table licence was in force under the Licensing Act, 1932-1966, immediately before the repeal of that Act by the Licensing Act, 1967, the Minister may grant to that proprietor such exemption from the provisions of this Act as the Minister may determine and specifies in the licence.

(3) The Minister shall not grant an exemption under subsection (2) of this section unless he is satisfied that adequate measures have been taken to ensure the safety, health and convenience of persons whilst in the premises.

(4) The Minister may grant an exemption under subsection (2) of this section upon such conditions, specified in the licence, as he deems necessary to ensure that the premises are brought into conformity with this Act.

(5) If, in the opinion of the Minister, the proprietor of the premises has contravened or failed to comply with a condition under subsection (4) of this section, the Minister may, by notice in writing served personally or by post upon the proprietor, cancel the licence.

Cabarets.

25b. (1) The Minister may, on application for a licence by the proprietor of any premises that were registered under the Places of Public Entertainment Act, 1913-1955, immediately before the commencement of the Places of Public Entertainment Act Amendment Act, 1967, as a cabaret, grant to that proprietor such exemption from the provisions of this Act as the Minister may determine and specifies in the licence.

(2) The Minister shall not grant an exemption under subsection (1) of this section unless he is satisfied that adequate measures have been taken to ensure the safety, health and convenience of persons whilst in the premises.

(3) The Minister may grant an exemption under subsection (1) of this section upon such conditions specified in the licence as he deems necessary to ensure that the premises are brought into conformity with this Act.

(4) If, in the opinion of the Minister, the proprietor has contravened or failed to comply with a condition under subsection (3) of this section, the Minister may, by notice in writing served personally or by post on the proprietor, cancel the licence.

Amendment of principal Act.—Currency.

8. The principal Act is amended by striking out all passages, symbols and figures that represent sums of money as expressed in the old currency within the meaning of the Decimal Currency Act, 1965-1966, and inserting in lieu thereof corresponding passages, symbols and figures representing the same sums of money as expressed in the new currency within the meaning of the Decimal Currency Act, 1965-1966.

Amendment of Licensing Act, 1967, s. 131—Entertainment permit.

9. Section 131 of the Licensing Act, 1967, is amended by inserting after subsection (6) thereof the following subsection :—

(6a) Prior to the granting of a permit under this section, the court shall hear evidence from an Inspector of Places of Public Entertainment as to the safety, health and convenience of members of the public who may resort to the premises in respect of which a permit is sought.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. M. NAPIER, Governor's Deputy.

ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

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No. 69 of 1967

An Act to amend the Shearers Accommodation Act, 1922-1958.

[*Assented to 16th November,* 1967]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short titles.

1. (1) This Act may be cited as the "Shearers Accommodation Act Amendment Act, 1967", and shall come into operation upon the expiration of six months from the day on which it is assented to.

(2) The Shearers Accommodation Act, 1922-1958, as amended by this Act, may be cited as the "Shearers Accommodation Act, 1922-1967".

(3) The Shearers Accommodation Act, 1922-1958, is hereinafter referred to as "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment of principal Act, s. 3— Exception.

3. Section 3 of the principal Act is amended by striking out paragraphs (*a*) and (*b*) and inserting in lieu thereof the following paragraphs :—

(*a*) until the expiration of two years from the commencement of the Shearers Accommodation Act Amendment Act, 1967, to accommodation provided in respect of any shearing-shed in or about which fewer than six shearers are for the time being

employed and thereafter to accommodation provided in respect of any shearing-shed in or about which fewer than four shearers are for the time being employed ;

or

(*b*) to accommodation provided for shearers engaged in the shearing of sheep in any city, town or township ;

or

(*c*) to accommodation provided by an employer in any hotel, motel, boarding or lodging house in any city, town or township, or in his own homestead.

4. Section 4 of the principal Act is amended by striking out the definition of "employer" and inserting in lieu thereof the following definition :— Amendment of principal Act, s. 4— Interpretation.

"employer" includes a manager, foreman, overseer, or other person having control of a shearing-shed or engaged in the superintendence of any shearer and the owner or lessee of, or holder of any estate or interest in, the holding on which the shearing-shed is situated.

5. Subsection (2) of section 6 of the principal Act is amended— Amendment of principal Act, s. 6—

(*a*) by striking out paragraph 1 and inserting in lieu thereof the following paragraph :— What is proper and sufficient accommodation.

1. Each room or compartment provided as sleeping accommodation for shearers shall contain not less than four hundred and eighty cubic feet of air space for each person sleeping therein and for the purpose of calculating such air space no allowance shall be made in respect of air space at a greater height than eleven feet from the floor but a room or compartment constructed before the commencement of the Shearers Accommodation Act Amendment Act, 1958, shall during a period of two years after the commencement of the Shearers Accommodation Act Amendment Act, 1967, but not thereafter, be deemed to comply with this paragraph if it contains not less than three hundred cubic feet of air space for each person sleeping therein, no allowance being made, for the purpose of calculating such air space, in respect of any air space at a greater height than fourteen feet from the floor. ;

(*b*) by striking out paragraph II ;

(*c*) by striking out paragraph IIa and inserting in lieu thereof the following paragraph :—

IIa. Any building provided as sleeping accommodation for shearers shall comply with the regulations and shall be divided into compartments to accommodate not more than two persons in each compartment but a building erected before the commencement of the Shearers Accommodation Act Amendment Act, 1967, shall during a period of two years after the commencement of that Act but not thereafter, be deemed to comply with this paragraph if the building complies with the regulations and is divided into compartments to accommodate not more than three persons in each compartment. ;

(*d*) by striking out paragraph IIb and inserting in lieu thereof the following paragraph :—

IIb. Separate sleeping accommodation that complies with the regulations shall be provided for cooks and cooks' assistants and if a female cook is employed, suitable and separate sleeping and sanitary accommodation and bathroom shall be provided ;

(*e*) by striking out the passage "a bedstead or bunk and every bedstead or bunk shall be not less than six feet six inches in length and not less than two feet six inches in width" in paragraph IIc and inserting in lieu thereof the passage "a bed that complies with the regulations" ;

(*f*) by striking out the passage "filled in each case with woolflock, flock or kapok" in paragraph IId and inserting in lieu thereof the passage "either filled with woolflock, flock or kapok or of a prescribed type or kind."

(*g*) by striking out all the words after the passage "at least one chair" in paragraph IIe and inserting in lieu thereof the passage "each of which shall be of sturdy construction, and with electric light or where there is no electric light available, with power lights";

(*h*) by striking out paragraph IV and inserting in lieu thereof the following paragraph :—

iv. Sufficient sanitary conveniences shall be provided and shall be so situated, constructed and maintained as to prevent any unpleasant odour and any possibility of the pollution of any water supply and where the effluent from such conveniences does not pass through an efficient septic tank or bacteriolytic tank and is not subjected to any other method of treatment approved by the Central Board of Health, such conveniences shall be not less than one hundred feet from any building used as sleeping quarters or for the preparation or consumption of meals. ;

(*i*) by inserting after paragraph viia the following paragraph :—

viiaa. Each kitchen shall be provided with a kitchen sink of galvanized iron, enamelled iron, stainless steel, plastic or any other material approved in writing by an inspector, and with suitable drainage boards. ;

(*j*) by striking out paragraph viib and inserting in lieu thereof the following paragraph :—

viib. Each dining room shall be provided with a dining table or tables sufficient to provide a space of two feet for each shearer and every such table shall be of sturdy construction with an upper surface of dressed timber closely cramped or of such other material as an inspector approves in writing and if shearers are to be accommodated on both sides of any such table, it shall be not less than three feet six inches in width. ;

(*k*) by striking out paragraph viid and inserting in lieu thereof the following paragraph :—

viid. A dining room or other room that is available and convenient for use by all shearers shall contain a fire place or efficient room heater sufficient to provide adequate warmth for the shearers and so constructed as not to introduce smoke or any noxious or unpleasant fumes into the room.

(*l*) by inserting after paragraph x the following paragraph :—

xa. A washing room shall be provided for the use of the shearers which shall comply with the following specifications :—

(*a*) it shall have walls of galvanized iron, timber, brick, stone, concrete or other material approved in writing by an inspector;

(*b*) the walls shall be of a minimum height of eight feet and shall extend to within six inches of the roof;

and

(*c*) it shall have a concrete floor.;

and

(*m*) by striking out paragraph XI and inserting in lieu thereof the following paragraphs:—

XI. Every washing room shall contain tubs for the washing of clothes by shearers in such number that there is not less than one tub for every five shearers, and a water copper for boiling clothes.

XIa. Suitable galvanized wire clothes lines shall be provided for the use of shearers, together with suitable props, so that each shearer has at least five feet of clothes line for the drying of clothes.

XIb. If the effluent from a bathroom or a washing room does not pass through an efficient septic tank or a bacteriolytic tank, and is not subjected to any other method of treatment approved by the Central Board of Health, the effluent shall be discharged by means of an enclosed drain or pipe at a point not less than thirty feet from any building used as sleeping quarters or for the preparation or consumption of meals.

XIc. A bathroom, or if a bathroom is not provided, a washing room shall contain separate basins for the personal ablutions of shearers in such number that there is not less than one basin for every five shearers.

Amendment of principal Act, s. 11—Penalty on failure to carry out requirements of notice.

6. Section 11 of the principal Act is amended—

(*a*) by striking out the passage "ten pounds" and inserting in lieu thereof the passage "twenty dollars";

and

(*b*) by striking out the passage "two pounds" and inserting in lieu thereof the passage "four dollars".

7. Section 13 of the principal Act is amended by striking out the passage "ten pounds" and inserting in lieu thereof the passage "twenty dollars". Amendment of principal Act, s. 13—Obstruction of inspector.

8. Subsection (3) of section 17 of the principal Act is amended by striking out the passage "ten pounds" and inserting in lieu thereof the passage "twenty dollars". Amendment of principal Act, s. 17—Regulations.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. M. NAPIER, Governor's Deputy.

ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

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PART II.

PART II.

AMENDMENT OF METROPOLITAN MILK SUPPLY ACT, 1946-1957.

Citation.

2. (1) The Metropolitan Milk Supply Act, 1946-1957, as amended by this Act, may be cited as the "Metropolitan Milk Supply Act, 1946-1967".

(2) The Metropolitan Milk Supply Act, 1946-1957, is in this Part referred to as "the principal Act".

Amendment of principal Act, s. 2— Division of Act.

3. Section 2 of the principal Act is amended by striking out the passage "Sections 46 to 52" and inserting in lieu thereof the passage "Sections 46 to 53".

Amendment of principal Act, s. 3— Interpretation.

4. Subsection (1) of section 3 of the principal Act is amended—

(*a*) by striking out the definition of "treat" and inserting in lieu thereof the following definition :—

"treat" means to pasteurize or to employ any other method or process designed to destroy any bacteria, organisms or micro-organisms in milk or cream, or to pack milk or cream in any form of container, whether in bottles or otherwise, for the purpose of retail distribution, and "treatment" has a corresponding meaning : ;

and

(*b*) by inserting after the definition of "vehicle" the following definition :—

"vendor" means a person who sells milk or cream or offers milk or cream for sale (whether by wholesale or retail) or who delivers milk or cream to a purchaser for the purpose of or in pursuance of sale.

Enactment of s. 24a of principal Act—

5. The following section is enacted and inserted in the principal Act after section 24 thereof :—

Records, etc., to be kept by a licensee.

24a. (1) The holder of a licence shall, in accordance with the regulations, keep or cause to be kept such records and books of account as may be prescribed.

(2) At the request of any person employed by the board and acting under its written authority, the holder of a licence or any person who has custody of them shall produce or cause to be produced such records and books of account for the examination of that person and shall permit him to make copies thereof.

(3) The holder of a licence shall, as required by the regulations, forward to the board such periodical returns as may be prescribed.

(4) Any person who—

(*a*) fails to comply with subsection (1) of this section ;

or

(*b*) fails to comply with a request made under subsection (2) of this section ;

or

(*c*) fails to furnish a return under subsection (3) of this section or furnishes a return that is false or misleading in any material particular,

shall be guilty of an offence.

Amendment of principal Act, s. 25— Secrecy of information.

6. Section 25 of the principal Act is amended by striking out the passage "the last preceding section" and inserting in lieu thereof the passage "section 24 or section 24a of this Act".

Repeal of heading.

7. The heading "*Licensing of Producers and Treatment Plants*" immediately preceding section 29 of the principal Act is struck out.

Amendment of principal Act, s. 29— Milk producers' licences.

8. Subsection (4) of section 29 of the principal Act is amended by inserting after the word "sell" the passage "by wholesale or retail".

Amendment of principal Act, s. 30— Milk treatment licences.

9. Section 30 of the principal Act is amended—

(*a*) by inserting after the passage "treat any milk" in subsection (1) the passage "or cream" ;

(*b*) by striking out the passage "as whole milk" in subsection (1) ;

(*c*) by inserting after the passage "to treat milk" in subsection (2) the passage "or cream" ;

(*d*) by inserting after the passage "treat any milk" in subsection (3) the passage "or cream" ;

(*e*) by striking out the passage "as whole milk" in subsection (3) ;

and

(*f*) by inserting after subsection (3) the following subsection :—

(3a) The holder of a milk treatment licence shall not treat milk or cream otherwise than in accordance with this Act.

10. The following sections are enacted and inserted in the principal Act after section 30 thereof :— Enactment of ss. 30a-30e of principal Act—

30a. (1) Except as provided by subsection (3) of this section, a person shall not sell or offer or agree to sell by wholesale or retail within the metropolitan area any milk or cream that has not been produced by him unless he holds a milk vendor's licence. Milk vendors to be licensed.

(2) Except as provided by subsection (3) of this section, a person shall not sell or offer or agree to sell by retail within the metropolitan area any milk or cream that has been produced by him unless he holds a milk vendor's licence in addition to a milk producer's licence.

(3) Subsections (1) and (2) of this section shall not apply to or in relation to any sale by retail of milk or cream or any offer or agreement to sell by retail milk or cream by a person duly licensed as a vendor of milk and cream under the Food and Drugs Act, 1908-1967, upon shop premises duly registered under that Act.

(4) Any person who contravenes this section shall be guilty of an offence.

30b. (1) For the purposes of granting milk vendors' licences, the board may divide the metropolitan area into zones and define and alter each zone. Zones.

(2) The board may grant milk vendors' licences with or without reference to a zone but where a licence is granted in respect of a zone, the board shall specify in the licence the zone in respect of which it was granted.

(3) The board may grant a milk vendor's licence to an applicant therefor subject to such terms and conditions specified therein as the board deems necessary to ensure that milk and cream are suitably stored and properly distributed and, without limiting the generality of the foregoing, may grant a licence subject to conditions—

(*a*) requiring the holder thereof to store all milk and cream prior to distribution upon premises specified by the board in the licence ;

and

(*b*) requiring the holder thereof to employ only such vehicles or vehicles of such a kind or type as may be approved in writing by the board for the purpose of transporting or distributing milk or cream.

(4) The holder of a milk vendor's licence granted in respect of a zone shall not sell by retail or in connection with any sale by retail deliver any milk or cream to any person except within the zone in respect of which the licence was granted.

(5) Any person who contravenes this section shall be guilty of an offence.

Control of quality.

30c. (1) The board may, by notice in writing served personally or by post on any person who has in his possession or control any milk or cream that is to be sold or offered for sale within the metropolitan area, require him to furnish particulars within his knowledge, information and belief of—

(*a*) the place from which and the person from whom he obtained the milk or cream ;

(*b*) the place at which and the person by whom the milk or cream was treated and the nature of the treatment to which it was submitted ;

and

(*c*) the conditions under which the milk or cream was stored and transported before and after treatment.

(2) For the purpose of determining whether milk or cream is fit for human consumption and complies with the prescribed standards, the board may, by notice in writing served personally or by post upon a person who has in his possession or control any milk or cream that is to be sold or offered for sale within the metropolitan area, require him to furnish such particulars in relation to the milk or cream and such samples thereof as the board may specify in the notice.

(3) A person upon whom a notice has been served under subsection (2) of this section shall not sell or otherwise dispose of any milk or cream referred to in the notice until the board has informed him in writing that the milk or cream is fit for human consumption and complies with the prescribed standards or until the expiration of twenty-four hours from the time at which the notice was served upon him, whichever is the earlier.

(4) The board may by notice in writing served personally or by post upon any person require him to cause any milk or cream in his possession or control that is to be sold or offered for sale within the metropolitan area to be treated by the holder of a milk treatment licence.

(5) A person, who contravenes this section, or who fails forthwith to comply with a notice served upon him under this section or who, when required by such a notice to furnish particulars, furnishes particulars that are, to his knowledge, false in any material particular, shall be guilty of an offence.

Licence not to be transferred, etc.

30d. (1) The holder of a milk vendor's licence shall not assign, transfer or otherwise deal with the licence except with the approval in writing of the board.

(2) A person who contravenes this section shall be guilty of an offence.

Transitional provisions.

30e. A person who, immediately before the commencement of the Statutes Amendment (Metropolitan Milk Supply, Food and Drugs and Health) Act, 1967, was licensed under the Food and Drugs Act, 1908-1962, as a vendor of milk and cream, and to whom a zone had been allotted under the Metropolitan Milk Supply Act, 1946-1957, shall be deemed for the purposes of this Act to be the holder of a milk vendor's licence granted under this Act in respect of that zone, until the expiry of the licence or until the thirtieth day of June, 1968, whichever is the earlier.

Amendment of principal Act, s. 31—Applications for licences and fees.

11. Section 31 of the principal Act is amended—

(*a*) by striking out subsection (1) and inserting in lieu thereof the following subsection :—

(1) Every application for a licence shall—

(*a*) be made in the manner and form prescribed ;

(*b*) specify the nature of all premises that the applicant proposes to use in connection with any business to be carried on in pursuance of the licence and where they are situated ;

and

(*c*) be accompanied by the appropriate fee. ;

and

(*b*) by inserting after subsection (2) the following subsection :—

(3) If an application is refused the fee shall be refunded to the applicant.

Amendment of principal Act, s. 32— Refusal of licence.

12. Section 32 of the principal Act is amended by striking out subsection (4) and inserting in lieu thereof the following subsections :—

(4) The board may refuse an application for a licence if—

(*a*) the applicant has twice contravened or failed to comply with the terms or conditions of a licence previously granted to him under this Act ;

or

(*b*) the applicant whilst holding a licence, has, after being warned by the board, continued to contravene any industrial award or to pay wages below the living wage ;

or

(*c*) the applicant has been twice convicted of offences against this Act ;

or

(*d*) the applicant has been convicted of an indictable offence or any other offence that, in the opinion of the board, renders him unfit to hold a licence ;

(5) Forthwith upon receipt of an application for a milk vendor's licence or for approval of the transfer or assignment of a milk vendor's licence the board shall notify the Director General of Public Health in writing of the name and address of the applicant or the intended transferee or assignee and upon the advice of the Director General of Public Health that a person is suffering from an infectious or loathsome disease within the meaning of subsection (4) of section 30a of the Food and Drugs Act, 1902-1967, or that for any other reason a person is likely to contaminate milk or cream, the board shall—

(*a*) refuse an application by that person for a milk vendor's licence ;

or

(*b*) refuse an application for its approval of the transfer or assignment of a milk vendor's licence to that person ;

or

(*c*) cancel a milk vendor's licence granted, transferred or assigned to that person,

as the case may require.

Amendment of principal Act, s. 33— Cancellation and suspension of licence.

13. Section 33 of the principal Act is amended—

(*a*) by striking out paragraph (*d*) of subsection (1) and inserting in lieu thereof the following paragraphs :—

(*d*) if milk or cream that the holder of the licence has produced, sold or offered for sale is not of the prescribed grade, standard or quality;

(*e*) if the holder thereof has been convicted of any indictable offence or any other offence that, in the opinion of the board, renders him unfit to hold a licence;

and

(*b*) by inserting after subsection (2) the following subsection:—

(3) The board may cancel a milk producer's licence if, for a period of six months, the holder thereof has not carried on business in pursuance of the licence.

Amendment of s. 37a of principal Act.

14. Section 37a of the principal Act is amended by striking out subsection (5) thereof.

Enactment of s. 38a of principal Act—

15. The following section is enacted and inserted in the principal Act after section 38 thereof:—

Condition of licence.

38a. (1) The board may grant a licence on condition that the holder thereof may use only premises specified by the board in the licence (which may be the same as or different from premises specified therein pursuant to any other provision of this Act) as depots for the receipt storage or transmission of milk or cream or for any other purpose in connection with the business to be carried on in pursuance of the licence.

(2) The board may at any time, by notice in writing served personally or by post on the holder of the licence, vary or revoke a condition made under subsection (1) of this section.

Amendment of principal Act, s. 39—

16. Section 39 of the principal Act is amended by striking out subsection (1) and inserting in lieu thereof the following subsections:—

Exemption of holder of licence and premises from certain enactments.

(1) Except as provided in subsection (1a) of this section, the holder of a licence and any premises specified therein under this Act shall not, in relation to any business carried on or anything done in pursuance of the licence be subject to—

(*a*) section 27 of the Food and Drugs Act, 1908-1967, or any regulation under paragraphs (6) or (11) of section 61 of that Act or any by-law or regulation referred to in section 63 of that Act;

or

(*b*) any regulation under section 115 of the Health Act, 1935-1967,

(1a) Subsection (1) of this section shall not apply, operate or have effect to or in relation to any person in respect of any sale by retail of, or any offer or agreement to sell by retail, any milk or cream upon shop premises within the metropolitan area, or to or in relation to those shop premises.

Repeal of s. 40 of principal Act.

17. Section 40 of the principal Act is repealed.

Amendment of principal Act, s. 41—Fixation of prices.

18. Section 41 of the principal Act is amended—

(*a*) by striking out the passage "for milk and sweet cream produced by holders of milk producer's licences, which prices" in paragraph (*a*) of subsection (1) and inserting in lieu thereof the passage ", either specifically or by reference to maximum and minimum prices, for milk and cream that is to be sold or offered for sale within the metropolitan area, which prices or maximum and minimum prices";

(*b*) by striking out the passage "produced by holders of milk producers licences" in paragraph (*b*) of subsection (1) and inserting in lieu thereof the passage "that is to be sold or offered for sale within the metropolitan area:";

and

(*c*) by striking out the word "sweet" three times occurring in subsection (1) as amended by paragraphs (*a*) and (*b*) of this section and once occurring in subsection (2).

Amendment of principal Act, s. 44—Rights of holders of milk treatment licences.

19. Subsection (3) of section 44 of the principal Act is amended by striking out the passage "one hundred pounds" and inserting in lieu thereof the passage "two hundred dollars".

Amendment of principal Act, s. 46—Regulations.

20. Section 46 of the principal Act is amended—

(*a*) by striking out the word "standards" in paragraph (*d*) and inserting in lieu thereof the passage "grades standards and quality";

(*b*) by inserting after paragraph (*g*) thereof the following paragraphs :—

(*g*1) Prescribing the treatment to which milk or cream shall or may be submitted by the holder of a milk treatment licence and any matter or thing incidental thereto :

(*g*2) Prescribing such matters and things as may be necessary or expedient to ensure that vendors and purchasers within the metropolitan area receive adequate supplies of milk and cream :

(*g*3) Prescribing the hours between which the holders of milk vendors' licences may or may not deliver milk or cream to retail purchasers thereof :

(*g*4) Prescribing generally or in relation to licences of any specified kind, the records and books of account to be kept by the holder of any licence or any specified kind of licence and the manner in which they are to be kept :

(*g*5) Prescribing generally or in relation to licences of any specified kind the periodical returns to be forwarded to the board by the holder of any licence or any specified kind of licence and the manner in which they are to be prepared and forwarded to the board :

(*g*6) Prescribing the nature of wording, lettering and other contents of labels that shall or may be affixed to any container of milk or cream that is to be sold or offered for sale within the metropolitan area :

(*g*7) Prescribing or providing for such matters and things as may be necessary or expedient to facilitate the division of the metropolitan area into zones and the definition and alteration of zones and any matter or thing incidental thereto : ;

(*c*) by striking out the passage "and supply of milk and cream for consumption within the metropolitan area" in paragraph (*j*) and inserting in lieu thereof the passage "and storage of milk and cream that is to be sold or offered for sale within the metropolitan area" ;

(*d*) by inserting after paragraph (*j*) the following paragraph :—

(*j*1) Regulating the supply and delivery of milk and cream to vendors and to retail purchasers within the metropolitan area : ;

and

(*e*) by striking out the passage "fifty pounds" in paragraph (*k*) and inserting in lieu thereof the passage "one hundred dollars".

Repeal of s. 46a of principal Act.

21. Section 46a of the principal Act is repealed.

Amendment of principal Act, s. 49— Penalty.

22. Section 49 of the principal Act is amended by striking out the passage "one hundred pounds" and inserting in lieu thereof the passage "two hundred dollars".

Amendment of principal Act, s. 51— Evidentiary provision.

23. Subsection (2) of section 51 of the principal Act is amended by striking out paragraph (*a*) and inserting in lieu thereof the following paragraphs :—

(*a*) that any milk or cream was or was not produced, treated, sold or offered for sale by the holder of a licence under this Act ;

(*a*1) that any milk or cream was sold or delivered within or outside any specified zone ;.

Enactment of s. 53 of principal Act—

24. The following section is enacted and inserted in the principal Act after section 52 thereof :—

Promotion of the sale of milk and cream.

53. (1) The board may, by itself or in conjunction with other persons promote the sale of milk and cream by advertisement or such other means as it thinks fit, and the costs of such promotion shall, for the purposes of this Act, be deemed to be included in the costs of the administration of this Act.

(2) The board and any person who joins with the board in promoting the sale of milk and cream, shall not in relation to that promotion be subject to any regulation made under paragraph (13) of section 61 of the Food and Drugs Act, 1908-1967.

PART III.

PART III.

AMENDMENT OF FOOD AND DRUGS ACT, 1908-1962

Citation.

25. (1) The Food and Drugs Act, 1908-1962, as amended by this Act, may be cited as the "Food and Drugs Act, 1908-1967".

(2) The Food and Drugs Act, 1908-1962, is in this Part referred to as "the principal Act".

Amendment of principal Act, s. 27—Licensing of milk and cream vendors.

26. Section 27 of the principal Act is amended—

(*a*) by striking out the passage ": Provided that this subsection shall not apply to milk or cream carried or sent to the metropolitan area, and every vendor of milk or cream who is registered in any district outside the metropolitan area shall, on demand, be registered by the Metropolitan County Board without any charge or fee for such registration" in subsection (3) and inserting in lieu thereof the passage "but this subsection does not authorize any person to do any act or thing in contravention of or exempt any person from complying with any provision of the Metropolitan Milk Supply Act, 1946-1967";

(*b*) by inserting after subsection (3) the following subsection:—

(3a) In relation to any milk or cream produced by the holder of a milk producer's licence granted under the Metropolitan Milk Supply Act, 1946-1967, but not otherwise, the holder of that licence shall be deemed to be licensed as a vendor of milk and cream and any premises specified in the licence shall be deemed to be registered by the local authority of the district or county district wherein he carries on business in pursuance of the licence.;

and

(*c*) by inserting after the passage "than those mentioned in this section" in subsection (7) the passage "or than as required by the Metropolitan Milk Supply Act, 1946-1967".

PART IV.

PART IV.

AMENDMENT OF HEALTH ACT, 1935-1967

Citation.

27. (1) The Health Act, 1935-1967, as amended by this Act, may be cited as the "Health Act, 1935-1967".

(2) The Health Act, 1935-1967, is in this Part referred to as "the principal Act".

Amendment of principal Act, s. 115— Registration and licensing of dairies and regulations.

28. Section 115 of the principal Act is amended by inserting thereafter (the whole of the present provisions thereof being designated subsection (1) thereof) the following subsection :—

(2) In relation to the production of any milk or cream by the holder of a milk producer's licence under the Metropolitan Milk Supply Act, 1946-1967, and the sale of any milk or cream so produced, but not otherwise, the holder of that licence shall be exempt from the operation—

(*a*) of any regulation under paragraph (*a*) of subsection (1) of this section ;

(*b*) of any regulation under paragraph (*b*) of subsection (1) of this section that would, except for this subsection, require the registration of the premises specified in the milk producer's licence ;

and

(*c*) of any regulation under paragraph (*f*) of subsection (1) of this section,

but this subsection shall not be construed as limiting or affecting any exemption that the holder of the milk producer's licence enjoys under section 39 of the Metropolitan Milk Supply Act, 1946-1967.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. M. NAPIER, Governor's Deputy.

ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

****

No. 71 of 1967

An Act to amend the Trustee Act, 1936-1953.

[*Assented to 16th November,* 1967]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short titles.

1. (1) This Act may be cited as the "Trustee Act Amendment Act, 1967".

(2) The Trustee Act, 1936-1953, as amended by this Act, may be cited as the "Trustee Act, 1936-1967".

(3) The Trustee Act, 1936-1953, is hereinafter referred to as "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment of principal Act, s. 5— Authorized investment.

3. Subsection (1) of section 5 of the principal Act is amended by inserting therein after paragraph (*k*) thereof the following paragraph :—

(*k*1) with any person carrying on business in the State who is approved by the Reserve Bank of Australia as and declared by proclamation (which the Governor is hereby empowered to make) to be a

dealer in the short term money market to whom loans may be made by trustees if the dealer either—

(i) surrenders to the trustee a Safe Custody Receipt issued by the said Reserve Bank for Government securities and gives an irrevocable direction to the said Bank to attorn to the trustee in respect of the securities specified in such Safe Custody Receipt and lodged with the said Bank and the said Bank accepts such direction and undertakes to deliver such securities to the trustee upon demand and surrender of the Safe Custody Receipt;

or

(ii) endorses to and delivers to the trustee a commercial bill of exchange which has been accepted by a bank proclaimed by the Governor under paragraph (*f*) of this section as a bank in which deposits may be made by trustees.

Enactment of s. 10a of principal Act—

4. The following section is inserted in the principal Act immediately after section 10 thereof:—

Power to invest in certain approved securities.

10a. (1) Notwithstanding anything contained in this Act or any other law or rule of law relating to the powers, duties, or liabilities of, or the investment of trust moneys by, trustees or by any particular trustee or class of trustees, a trustee who is an approved lender may, unless expressly forbidden by the instrument (if any) creating the trust, for the purpose of making an insurable loan lend on an approved security such amount as the trustee thinks fit, but not exceeding in any case such amount as is the subject of a contract of insurance in respect of the loan entered into by the Corporation pursuant to the provisions of the Commonwealth Act.

(2) Where a trustee lends money on an approved security in accordance with the provisions of subsection (1) of this section, the trustee is not chargeable with breach of trust by reason only of the proportion borne by the amount of the loan to the value of the property on which the loan is secured.

(3) The powers conferred on a trustee by this section are in addition to the powers conferred by the instrument (if any) creating the trust or by any other law that is applicable to the trustee.

(4) In this section the expressions "approved lender", "approved security", "contract of insurance", "insurable loan" and "the Corporation" have the meanings assigned to them respectively by the *Housing Loans Insurance Act* 1965 of the Commonwealth as amended from time to time or any Act passed in substitution for that Act (in this section referred to as "the Commonwealth Act").

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. M. NAPIER, Governor's Deputy.

ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

****

No. 72 of 1967

An Act to amend the Vermin Act, 1931-1964, and for other purposes.

[*Assented to 16th November,* 1967]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short titles.

1. (1) This Act may be cited as the "Vermin Act Amendment Act, 1967".

(2) The Vermin Act, 1931-1964, as amended by this Act, may be cited as the "Vermin Act, 1931-1967".

(3) The Vermin Act, 1931-1964, is hereinafter referred to as "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Commencement.

3. This Act shall come into operation on a day to be fixed by proclamation.

Amendment of principal Act, s. 2—Arrangement of Act.

4. Section 2 of the principal Act is amended by striking out the passage—

PART II.—VERMIN DESTRUCTION—

DIVISION I.—GOVERNMENT INSPECTORS :

DIVISION II.—DESTRUCTION ON CROWN LANDS :

DIVISION III.—POWERS AND DUTIES OF COUNCILS AND VERMIN BOARDS :

DIVISION IV.—DESTRUCTION BY OWNERS AND OCCUPIERS :

DIVISION V.—DESTRUCTION ON BREAKWIND RESERVES IN PINNAROO RAILWAY DISTRICT AND ON DRAINAGE LANDS.

and inserting in lieu thereof the following passage—

PART IA.—ADMINISTRATION—

DIVISION I.—THE VERMIN CONTROL ADVISORY COMMITTEE :

DIVISION II.—AUTHORIZED OFFICERS :

DIVISION III.—POWERS OF THE MINISTER :

DIVISION IV.—CONTROL ON LANDS OF THE CROWN ETC.

PART II.—CONTROL AND DESTRUCTION OF VERMIN—

DIVISION I.—VERMIN AND POISONS :

DIVISION II.—POWERS AND DUTIES OF COUNCILS AND BOARDS :

DIVISION III.—CONTROL OR DESTRUCTION OF VERMIN BY OWNERS AND OCCUPIERS :

DIVISION IV.—DESTRUCTION ON BREAKWIND RESERVES IN PINNAROO RAILWAY DISTRICT AND ON DRAINAGE LANDS.

5. Section 4 of the principal Act is amended— Amendment of principal Act, s. 4—Interpretation.

(*a*) by striking out the definition of "authorized person" and inserting in lieu thereof the following definition—

"area" means a municipality or district as defined in the Local Government Act, 1934-1967, and includes any area in relation to which any body corporate is, by virtue of any Act, deemed to be, or vested with the powers of, a municipal or district council as defined by that Act, and when used in relation to an associated board means the aggregate of the areas of the councils constituting that associated board;

(*b*) by striking out the definition of "associated board" and inserting in lieu thereof the following definitions—

"associated board" means an associated councils vermin board established under section 26 or an associated district councils vermin board continued in operation under this Act :

"authorized officer" means a government authorized officer or a local authorized officer, as the case requires : ;

(*c*) by inserting immediately after the definition of "chairman" the following definition—

"control" when used in relation to vermin means the application of such measures as are necessary to reduce or maintain vermin to or at a level satisfactory to an authorized officer and without limiting the generality of the expression includes the destruction of warrens, burrows and harbour of vermin : ;

(*d*) by inserting immediately before the definition of "Crown lands" the following definition—

"council" means a municipal or district council as defined in the Local Government Act, 1934-1967, and includes any body corporate which is by virtue of any Act, deemed to be, or vested with the powers of, such a municipal or district council and also includes an associated board exercising the powers of its constituent councils : ;

(*e*) by inserting immediately after the definition of "Crown lands" the following definition—

"Department" means a Department as defined in the Public Service Act, 1967 : ;

"destroy" when used in relation to vermin means the application of such methods as are necessary to kill such vermin and "destruction" bears a corresponding meaning : ;

(*f*) by striking out from the definition of "district council" the passage "or 'council' ";

(*g*) by inserting immediately after the definition of "fixed rate" the following definitions—

"government authorized officer" means a government authorized officer appointed under section 9 :

"local authorized officer" means a local authorized officer appointed under section 10 acting in relation to the district or area in respect of which he was appointed under that section : ;

(*h*) by inserting immediately after the definition of "repealed Act" the following definitions—

"restricted poison" means any substance for the time being declared by proclamation under section 17 and includes any substance containing or incorporating such a restricted poison :

"road" means—

(*a*) any public street, public road or public place within the meaning of the Local Government Act, 1934-1967 ;

or

(*b*) any road declared under the Highways Act, 1926-1967 : ;

(*i*) by inserting immediately after the definition of "the bank" the following definition—

"the Committee" means the Vermin Control Advisory Committee appointed pursuant to section 5 :

(*j*) by striking out the definition of "vermin" and inserting in lieu thereof the following definition—

"vermin" means rabbits, wild dogs and foxes and where any animal is declared by proclamation under section 16—

(*a*) to be vermin in relation to a specified part of the State, includes the animal so declared in relation to that part of the State ;

and

(*b*) in any other case, includes the animal so declared.

6. The following Part, divisional headings and sections are enacted and inserted in the principal Act immediately after section 4— Enactment of new Part and divisional headings, etc.

PART IA.

PART IA.

ADMINISTRATION.

DIVISION I.

DIVISION I.—THE VERMIN CONTROL ADVISORY COMMITTEE.

Vermin Control Advisory Committee.

5. (1) For the purposes of this Act, there shall be a committee to be called the "Vermin Control Advisory Committee".

(2) Subject to subsection (3) of this section, the Committee shall consist of such number of members, not being more than seven, as the Minister from time to time determines.

(3) The members of the Committee who shall not, as such, be subject to the Public Service Act, 1967, shall be appointed by the Minister and the Minister shall so exercise his powers under this subsection that not less than two such members are owners or occupiers of land outside the boundaries of any town.

(4) The term of office of a member of the Committee shall be such period as the Minister determines not being more than three years and on the expiration of a term of office the member may be re-appointed.

Quorum, voting, etc.

6. (1) The majority of the members for the time being forming the Committee shall constitute a quorum of the Committee for the conduct of business.

(2) The Minister shall appoint one of the members of the Committee to act as chairman of the Committee to preside over meetings of the Committee.

(3) In the absence of the Chairman from a meeting of the Committee, the Committee shall from amongst their own number elect a member to act as Chairman in the absence of the Chairman and the member so elected shall, while so acting, have and may exercise all the powers and functions of the Chairman of the Committee.

(4) Matters before the Committee shall be decided by a majority of votes of the members present.

(5) The Chairman of the Committee shall have a deliberative vote and, in the event of equality of votes, shall have a casting vote.

Staff, finance, etc.

7. (1) The Minister may arrange for the provision of a secretarial and other services for the Committee by officers of the Public Service or other persons in the employ of the State.

(2) The Minister may, out of moneys provided by Parliament for the purpose pay to any member of the Committee any travelling or other expenses incurred by that member in this exercise of his office of member, and in addition such allowance as is fixed under subsection (3) of this section.

(3) A member of the Committee shall receive such allowance as the Governor determines and, where the member is an officer of the Public Service, the allowance shall, if the Governor so directs, be in addition to his salary as such an officer.

Powers and Functions.

8. The Committee may—

(*a*) subject to this Act, determine the procedure to be followed at its meetings ;

(*b*) make recommendations to the Minister in relation to the exercise by the Governor of his powers under section 16 ;

(*c*) make recommendations to the Minister in relation to any matter or thing connected with the control or destruction of vermin ;

(*d*) make recommendations to the Minister in relation to the exercise of his powers and functions under this Act or to the administration of this Act;

(*e*) make recommendations to the Minister in relation to implementation or extension of programmes of research and trials with respect to the control or destruction of vermin as to it seem necessary or desirable ;

and

(*f*) exercise and perform such other powers and functions as are prescribed.

DIVISION II.

DIVISION II.—AUTHORIZED OFFICERS.

Government authorized officers.

9. The Minister may by notice in writing appoint a person to be a government authorized officer for the purposes of this Act.

Local authorized officers.

10. A council or board may by notice in writing appoint a person to be a local authorized officer for the purpose of this Act to act in that capacity in relation to the area of the council or district of the board as the case may be.

PART IA.
DIVISION II.

Powers, etc. of authorized officer.

11. Every authorized officer may, with or without assistants—

(*a*) enter upon any land ;

(*b*) search that land to ascertain whether any vermin are to be found upon that land ;

(*c*) remain on that land for such time as is reasonably necessary for the purposes of that search ;

and

(*d*) exercise and perform such other powers and functions as are prescribed.

Duties of local authorized officer.

12. Every local authorized officer shall inform the council or board which appointed him of any failure to observe the provisions of this Act within the area or district, as the case may be, of that council or board, which comes to the knowledge of the local authorized officer.

DIVISION III.

DIVISION III.—POWERS OF THE MINISTER.

Subsidy for approved vermin control programme.

13. (1) If during any financial year a council or board has carried out a programme of vermin control or destruction approved by the Minister to the satisfaction of the Minister, and in the execution of that programme the council or board has employed any local authorized officer, then subject to subsection (2) of this section the Minister may out of moneys provided by Parliament for the purpose grant to the council or board, as the case may be, a sum not exceeding one half of the wages or salary paid by the council or board in respect of the work performed by any local authorized officer in relation to that programme.

(2) Nothing in subsection (1) of this section shall be construed as authorising a grant under that subsection in in respect of any work performed by a local authorized officer who is or was at the material time a district clerk, town clerk or overseer of a council.

(3) Notwithstanding anything in subsection (1) of this section the Minister may, on the advice of the Committee, grant a sum under that subsection exceeding the maximum prescribed by that subsection, if he is of the opinion that some special circumstances exist which justify such a grant.

Powers of Minister outside areas or districts.

14. In respect of a part of the State which is not within an area or district the Minister shall have and may exercise all the powers and functions of a council as if that part of the State were an area of that council.

PART IA.

DIVISION IV.—CONTROL ON LANDS OF THE CROWN, ETC. DIVISION IV.

Control on certain Lands of the Crown.

15. If—

(*a*) any land is vested in, under the control of or occupied by a Minister of the Crown, a Department or instrumentality of the Crown; and

(*b*) that Minister of the Crown, the Minister of the Crown by whom the Department is for the time being administered or the instrumentality, as the case may be, is satisfied that—

(i) the land adjoining that land is free from vermin;

or

(ii) the owner of that adjoining land has taken all reasonable action necessary to control or destroy the vermin on that adjoining land,

then the Minister of the Crown concerned or the instrumentality may take such action as appears necessary or desirable to control or destroy any vermin on the land vested in or occupied by him, the Department, or it, as the case requires.

Repeal and re-enactment of Part II of the principal Act—

7. Part II of the principal Act is repealed and the following heading, Part, divisions and sections are enacted and inserted in lieu thereof—

PART II. PART II.

CONTROL AND DESTRUCTION OF VERMIN.

DIVISION I.—VERMIN AND POISONS. DIVISION I.

Declaration of vermin.

16. The Governor may by proclamation declare any animal to be vermin in relation to—

(*a*) the whole State;

or

(*b*) a part or parts of the State specified in the proclamation;

and may by a like proclamation, vary or revoke that proclamation.

Declaration of restricted poison.

17. The Governor may by proclamation declare any substance to be a restricted poison for the purposes of this Act and may by a like proclamation amend, vary or revoke that declaration.

Regulations as to the use of poison, etc.

18. The Governor may make regulations, not inconsistent with this Act, regulating the use of poisons and restricted poisons for the control or destruction of vermin.

DIVISION II.—POWERS AND DUTIES OF COUNCILS AND BOARDS.

Lands within council areas and vermin districts.

19. (1) Where the whole of an area is within a district the provisions of this Part shall be carried out and enforced by the board for that district.

(2) Where portion only of an area is within a district, the provisions of this Part shall be carried out and enforced—

(*a*) as regards that portion of the area which is within a district, by the board for that district;

and

(*b*) as regards that portion of the area which is not within a district, by the council for that area.

General duties of councils and boards.

20. Every council and board shall within its area or district ensure that the provisions of this Act in relation to the control or destruction of vermin are complied with.

Duty of council or board to control or destroy vermin.

21. Every council or board shall control or destroy all vermin—

(*a*) subject to section 41, on all lands which are vested in it;

(*b*) on all roads within its area or district as the case may be;

and

(*c*) at the request of the Minister, on all lands within its area or district as are specified in the request.

Power of council to declare special rates.

22. (1) Any council may, for the purpose of providing funds to perform the duties imposed upon it by section 20, declare a special rate on the ratable property (not being land within the boundaries of a town) within its area or a portion of its area.

(2) A special rate declared pursuant to subsection (1) of this section may be declared without the consent of the ratepayers and shall be in addition to any special rate authorized to be declared or levied under the Local Government Act, 1934-1967, and the amount of the special rate so declared shall not be taken into account in determining whether the limit up to which a council may rate has been reached.

(3) Except where inconsistent with this Act, the Local Government Act, 1934-1967, shall apply to and in relation to a rate declared under subsection (1) of this section, as if that rate was declared under that Act.

(4) Notwithstanding anything in this or any other Act, a council may expend any portion of its revenue on complying with this Act.

Reimbursement for certain moneys expended by councils or boards.

23. Where the Minister is satisfied that a council or a board has expended money on a programme of vermin control or destruction in accordance with a request made in accordance with paragraph (*c*) of section 21, the council or board may be paid out of money provided by Parliament for the purpose the amount of money expended by the council or board on that programme.

Recovery by council or board of certain amounts expended on roads.

24. (1) Subject to this section, where a council, or board pursuant to a duty under this Act, expends any money on the control or destruction of vermin on a road, then it may recover the amount expended as to any amount expended by the council or board for the purposes of control or destruction of vermin on the half width of a road adjoining any land, from the owner or occupier of that land.

(2) Where land referred to in subsection (1) of this section is—

(*a*) land of a kind referred to in section 15 ;

or

(*b*) land specified by the Minister under paragraph (*c*) of section 21,

then the council or board, as the case may be, shall bear that portion of the expenditure referred to in subsection (1) which would otherwise be payable by the owner or occupier.

(3) A council or board shall give notice to the owner or occupier required to contribute in accordance with subsection (1) of this section, within one month of the expenditure of the money, specifying the amount required to be contributed by the owner or occupier.

(4) An amount payable pursuant to this section may be recovered from the owner or occupier as a debt due to the council or board, as the case may be, and shall be a charge upon the land.

(5) In proceedings for the recovery of an amount payable pursuant to this section, a document under the seal of the council or board, stating—

(*a*) the work specified therein was carried out on the road or portion thereof specified ;

(*b*) the cost of that work ;

and

(*c*) the period within which the work was carried out,

shall be *prima facie* evidence of the facts stated therein.

Council or board may be re-imbursed with certain expenses.

25. Where the Minister is satisfied that a council or board has borne any expense pursuant to subsection (2) of section 24, then the council or board may be paid out of moneys to be provided by Parliament for the purpose, the amount so expended by the council or board.

Power to form associated councils vermin board.

26. (1) For the purposes of more effectively carrying out the provisions of this Part, any two or more councils whose areas are contiguous, may each nominate two members of a board to be called an "associated councils vermin board".

(2) Every member nominated under subsection (1) of this section shall, unless he ceases to be a member of the council by which he was nominated, or resigns his place on the board, continue in office for three years from the date of the proclamation referred to in subsection (3) of this section.

(3) The Governor may by proclamation declare any associated councils vermin board to be constituted and the names and residences of the members thereof and the area of the associated councils vermin board, being the aggregate of the areas of the councils nominating members of the board.

(4) An associated board shall continue in existence for three years only from the day of the proclamation referred to in subsection (3) unless the Governor by proclamation declares that the associated board shall be continued from time to time, in which case a further nomination of members shall take place as provided for in this section.

(5) Where a member of an associated board—

(*a*) ceases to be a member of the council nominating him ;

or

(*b*) resigns his place on the associated board,

his place shall thereupon be vacated and the council which nominated him shall nominate another member of the board for the portion of the term remaining unserved by the member vacating his place.

(6) Meetings of the associated board shall be regulated by the provisions of Part VIII of the Local Government Act, 1934-1967, as far as those provisions are applicable to those meetings.

Vesting of powers of councils in associated boards.

27. While an associated board continues in existence all the powers and functions and duties of the councils under this Act constituting that associated board shall be vested

in and may be exercised, performed and carried out by that associated board in relation to the aggregate of the areas of the constituting councils.

Finance.

28. Each council constituting an associated board shall contribute such proportion of the expenses of the associated board as may be agreed upon by the constituting councils and in default of such agreement as may be determined by the Minister.

Continuation of associated district councils vermin boards.

29. An associated district councils vermin board in existence at the commencement of the Vermin Act Amendment Act, 1967, shall by virtue of this section continue in existence as an associated councils vermin board under this Act, for the balance of the period for which it was last proclaimed under the Vermin Act, 1931-1964, and thereafter may be continued as if it was an associated councils vermin board constituted under section 26 of this Act.

Failure to comply with Act on part of council or board.

30. (1) If the Minister is satisfied that a council or board has failed or is failing to carry out or enforce within its area or district, as the case may be, any of the provisions in this Act, then the Minister may by notice in writing to the council or board direct that the council or board carry out or enforce within its area or district the provisions of this Act specified in the notice or the provisions of this Act generally.

(2) If within one month of receiving a notice under subsection (1) of this section a council or board does not comply with directions contained therein then the Minister may cause to be carried out the directions contained therein and for that purpose shall have and may exercise and perform all the powers and functions of the council or the board conferred by this Act, as the case may be.

(3) Any expense incurred by the Minister in the exercise and performance of the powers and functions referred to in subsection (1) of this section may be recovered by the Minister from the council or the board as a debt due to the Crown, and without limiting that right of recovery the Minister may, in addition, retain from any amount payable to a council or board under this Act, all or portion of the amount of any expense referred to in this section.

Agreements between councils, boards and owners or occupiers.

31. (1) Any council or board may enter into an agreement with an owner or occupier of any land for the council or board to control or destroy vermin on that land.

(2) Any amount payable by the owner or occupier of land pursuant to an agreement under subsection (1) of this section may be recovered by the council or board as a debt and shall be a charge upon the land.

DIVISION III.—CONTROL OR DESTRUCTION OF VERMIN BY OWNERS AND OCCUPIERS.

Duty of owner or occupier.

32. Every owner and every occupier of any land shall at all times and at his own cost or expense, control or destroy all vermin on that land.

Penalty: One hundred dollars.

Non-application of Act to certain rabbits.

33. (1) Nothing in this Act shall be construed as—

(*a*) conferring a power or imposing a duty on any person to destroy rabbits kept in any cage on any land if the rabbits are kept in no more than one cage on that land;

or

(*b*) conferring a power or imposing a duty on any person to destroy rabbits kept by any person who has been granted permission by the Governor to keep rabbits where those rabbits are kept in accordance with the conditions (if any) specified in the permission.

(2) In this section—

"cage" means a cage, hutch or box or other similar enclosure, which is completely rabbit proof and does not exceed thirty-six square feet in floor area.

Notice to owner or occupiers.

34. (1) Any council or board may in respect of any land in its area or district, as the case may be, give to the owner or occupier of that land a notice requiring the owner or occupier within the time specified in the notice to take such action of a kind specified in the notice relating to the control or destruction of vermin on that land.

(2) An owner or occupier given by a notice pursuant to subsection (1) of this section may within twenty-one days of being so given that notice request the Minister by notice in writing to vary or annul the requirement specified in the notice.

(3) On receiving a request pursuant to subsection (2) of this section the Minister may—

(*a*) confirm;

(*b*) vary;

or

(*c*) annul,

the requirement and shall give notice of his decision to the owner or occupier.

(4) Where the Minister varies the notice the variation shall have effect as if it were the requirement made to the owner or occupier pursuant to subsection (1) of this section, and where the Minister annuls the notice, the notice shall for the purposes of this Act have no further force or effect.

Failure of owner or occupier to comply with notice.

35. (1) An owner or occupier given notice under subsection (1) of section 34 shall not neglect or fail, within the time specified in that notice, to take the action of a kind specified in that notice relating to the destruction or control of vermin on the land to which the notice relates.

Penalty : Two hundred dollars.

(2) For the purposes of this section the time specified in the notice shall be deemed to be extended by a period commencing on and including the day on which a request pursuant to subsection (2) of section 34 of this Act in respect of that notice was made to the Minister and concluding on and including the day on which the notice of the decision of the Minister was given the owner or occupier pursuant to subsection (3) of that section.

Right of council or board to take action.

36. Where an owner or occupier neglects or fails to comply with a notice issued under section 34, a council or board may, in addition to instituting proceedings for an offence that is a contravention of subsection (1) of section 35, and notwithstanding the infliction of penalty under that section, by its authorized officers and their assistants—

(*a*) enter upon the land of the owner or occupier ;

(*b*) use all such means and take all such measures and do and perform all such things as to it seems proper and necessary to carry out the requirement specified in the notice or so much of that requirement as has not been carried out by the owner or occupier ;

and

(*c*) enter and remain upon the land for the purposes set out in this section.

Evidence of non-compliance with notice by owner or occupier.

37. For the purposes of section 36, an owner or occupier who—

(*a*) subject to subsection (2) of section 35 does not within the time specified in a notice given pursuant to section 34 commence to take the action specified ;

or

(*b*) having so commenced does not continue to take that action in a manner satisfactory to an authorized person,

shall be deemed to have neglected or failed to comply with that notice.

Costs recoverable from owner or occupier.

38. The cost and expenses incurred in relation to any work performed by an authorized officer and his assistants pursuant to section 36 shall be a debt due by the owner or occupier to the council or board as the case may be payable on demand and may be recovered in any court of competent jurisdiction or in a summary way.

DIVISION IV. DIVISION IV.—DESTRUCTION ON BREAKWIND RESERVES IN PINNAROO RAILWAY DISTRICT AND ON DRAINAGE LANDS.

Definition of breakwind reserve and drainage hereto.

39. For the purposes of this Part—

"breakwind reserve" means any land within the Pinnaroo Railway District reserved by the Surveyor-General as a breakwind whether or not the land so reserved is within any of the hundreds mentioned in section 13 of the Pinnaroo Railway Act :

"drainage lands" means lands—

(*a*) reserved under the Crown Lands Act, 1915, or the Crown Lands Act, 1929, for drainage purposes ;

(*b*) vested in Her Majesty the Queen or in the South-Eastern Drainage Board ;

or

(*c*) vested in any council by virtue of the provisions of the South-Eastern Drainage Act, 1878, or the South-Eastern Drainage Act Amendment Act, 1908,

on which is situated any drain or drainage works within the meaning of the South-Eastern Drainage Act, 1931-1959.

Application of Act to breakwind reserve.

40. For the purposes of Part II of this Act—

(*a*) where a breakwind reserve is bounded by a road the breakwind reserve will be deemed to be part of that road ;

(*b*) where a breakwind reserve is adjoined by land of a kind referred to in section 15 on one side or on two immediately opposite sides, then that breakwind reserve shall be deemed to be a road ;

and

(*c*) where a breakwind reserve is adjoined on both and immediately opposite sides by lands other than the lands of a kind referred to in section 15 then the each owner or occupier of the adjoining lands shall be obliged to treat the one half width of that breakwind reserve adjoining his lands as if that half width were his land.

Application of Act to drainage lands.

41. For the purposes of Part II of this Act—

(*a*) where a road adjoins any drainage lands and there is a fence erected on the side of the drainage lands remote from the side adjoining the road those drainage lands shall be deemed to be part of the road ;

(*b*) where a road adjoins each side of the drainage lands those roads and those lands shall be deemed to be one road ;

(*c*) where the drainage lands are adjoined on both and immediately opposite sides by land of a kind referred to in section 15, then those drainage lands shall be deemed to be a road ;

(*d*) where those drainage lands are adjoined on both and immediately opposite sides by lands other than lands of a kind referred to in section 15, and there is no fence erected on either side of the drainage lands then each owner or occupier of the adjoining lands shall be obliged to treat the one half width of those drainage lands adjoining his lands as if those drainage lands were his lands ;

(*e*) where those drainage lands are adjoined on both and immediately opposite sides by land other than lands of a kind referred to in section 15 and there is a fence erected only on one side of the drainage lands the owner or occupier of the lands adjoining those drainage lands remote from the fence shall treat those drainage lands as if they were his lands ;

(*f*) where those drainage lands are adjoined on one side by land other than lands of a kind referred to in section 15 and on the other side by a road and there is not a fence erected on the first-mentioned side then the owner of those lands shall treat those drainage lands as if they were his lands ;

and

(*g*) where any drainage lands do not fall within the classes specified in paragraphs (*a*) to (*f*) of this section then where they are vested in a council, section 21 will apply to and in relation to those lands and where they are not so vested section 15 shall apply to and in relation to those lands.

Amendment of principal Act, s. 104—Fencing of water supplies.

8. Section 104 of the principal Act is amended by striking out from subsection (2) the passage "the inspector" and inserting in lieu thereof the passage "an authorized officer".

Amendment of principal Act, s. 137—Appointment and salaries of officers.

9. Section 137 of the principal Act is amended by inserting after the passage "inspectors," the passage "local authorized officers".

Amendment of principal Act, s. 231—Penalty for personating officers.

10. Section 231 of the principal Act is amended by striking out the passage "an authorized person either by giving a notice to an owner or occupier purporting to be a notice under Part II, or in any other manner howsoever personating an authorized person" and inserting in lieu thereof the passage "an authorized officer".

Amendment of principal Act, s. 232—Penalty for obstructing authorized person.

11. Section 232 of the principal Act is amended—

(*a*) by striking out from paragraph (*a*) of subsection (1) thereof the passage "authorized person" (twice occuring) and inserting in lieu thereof the passage "authorized officer" in each case;

(*b*) by striking out from that paragraph the passage "Part II" and inserting in lieu thereof the passage "this Act".

(*c*) by striking out from paragraph (*b*) of that subsection the passage "an authorized person" and inserting in lieu thereof the passage "an authorized officer";

and

(*d*) by striking out from subsection (2) the passage "such authorized person" and inserting in lieu thereof the passage "such authorized officer".

Amendment of principal Act, s. 254—Certificates *prima facie* evidence of cost of construction.

12. Section 254 of the principal Act is amended by striking out the passage "destroying vermin" and inserting in lieu thereof the passage "controlling or destroying vermin".

Amendment of principal Act, s. 257—Certain allegations *prima facie* proof.

13. Section 257 of the principal Act is amended by striking out the passage "authorized person" (twice occurring) and inserting in lieu thereof the passage "authorized officer" in each case.

Amendment of principal Act, s. 270—Power of board to remit fines except for failure to destroy vermin.

14. Section 270 of the principal Act is amended—

(*a*) by striking out the passage "district";

and

(*b*) by striking out the passage "except a penalty imposed for an offence under section 23 or section 43".

Repeal of fifth schedule to principal Act.

15. The fifth schedule to the principal Act is repealed.

Repeal of sixth schedule to principal Act.

16. The sixth schedule to the principal Act is repealed.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. M. NAPIER, Governor's Deputy.

ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

****

No. 73 of 1967

An Act to amend the Pharmacy Act, 1935-1965.

[*Assented to* 16*th November,* 1967]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short titles.

1. (1) This Act may be cited as the "Pharmacy Act Amendment Act, 1967".

(2) The Pharmacy Act, 1935-1965, as amended by this Act, may be cited as the "Pharmacy Act, 1935-1967".

(3) The Pharmacy Act, 1935-1965, is hereinafter referred to as "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment of principal Act, s. 22—Persons entitled to be registered.

3. Subsection (1) of section 22 of the principal Act is amended by inserting in subparagraph (*b*) of paragraph va thereof after the words "South Australia" therein occurring the words "or holds a diploma in pharmacy of the South Australian Institute of Technology".

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. M. NAPIER, Governor's Deputy.

ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

****

No. 74 of 1967

An Act to consolidate and amend the law relating to industrial conciliation and arbitration, and the regulation, control and inspection of factories, shops, offices and warehouses, to repeal certain Acts, to amend the Bakehouses Registration Act, 1945-1947, and for other purposes.

[*Assented to 23rd November,* 1967]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :—

PART I.

PART I.

PRELIMINARY

1. This Act may be cited as the "Industrial Code, 1967". Short Title Industrial Code, 1920-1966, s. 1.

2. (1) This Act shall come into operation on a day to be fixed by proclamation. Commencement.

(2) Notwithstanding subsection (1) of this section, the Governor may by proclamation fix different days for the coming into operation of different Parts, Divisions or provisions of this Act.

3. The provisions of this Act are arranged as follows :— Arrangement of Act. ibid., s. 2

PART I.—PRELIMINARY, ss. 1-5.

PART II.—THE INDUSTRIAL COURT AND OFFICERS—

DIVISION I.—CONSTITUTION OF INDUSTRIAL COURT AND APPOINTMENT OF OFFICERS, ss. 6-18 :

DIVISION II.—JURISDICTION AND POWERS OF INDUSTRIAL COURT, ss. 19-22.

PART III.—THE INDUSTRIAL COMMISSION—

DIVISION I.—CONSTITUTION OF COMMISSION, ss. 23-24 :

DIVISION II.—GENERAL POWERS AND JURISDICTION OF COMMISSION, ss. 25-36 :

DIVISION III.—LIVING WAGE, ss. 37-40.

PART IV.—POWERS OF OFFICERS AND PROCEDURE OF INDUSTRIAL COURT AND INDUSTRIAL COMMISSION—

DIVISION I.—POWERS OF OFFICERS, ss. 41-43 :

DIVISION II.—PROCEDURE AND EVIDENCE, ss. 44-53.

PART V.—CONCILIATION COMMITTEES—

DIVISION I.—CONSTITUTION OF CONCILIATION COMMITTEES, ss. 54-67 :

DIVISION II.—JURISDICTION AND DUTIES OF CONCILIATION COMMITTEES, ss. 68-71 :

DIVISION III.—PROCEDURE OF CONCILIATION COMMITTEES, ss. 72-74 :

DIVISION IV.—PUBLICATION, DURATION AND APPLICATION OF AWARDS OF CONCILIATION COMMITTEES, ss. 75-78.

PART VI.—COMMISSION AND CONCILIATION COMMITTEES—GENERAL PROVISIONS—

DIVISION I.—RATES OF PAY FOR ADULT FEMALES, s. 79 :

DIVISION II.—GENERAL PROVISIONS RELATING TO AWARDS, ss. 80-84 :

DIVISION III.—MISCELLANEOUS PROVISIONS, ss. 85-97 :

DIVISION IV.—APPEALS AND REFERENCES, ss. 98-104.

PART VII.—INDUSTRIAL AGREEMENTS, ss. 105-110.

PART VIII.—OFFENCES, ss. 111-127.

PART IX.—LOCK-OUTS AND STRIKES, ss. 128-134.

PART X.—REGISTERED ASSOCIATIONS, ss. 135-159.

PART XI.—RULES, s. 160.

PART XII.—FACTORIES, SHOPS, OFFICES AND WAREHOUSES—

DIVISION I.—OPERATION AND REGISTRATION OF PREMISES, SS. 161-166 :

DIVISION II.—REGISTRATION OF OUTSIDE WORKERS AND FACTORY, ETC. RECORDS AND NOTICES, SS. 167-170 :

DIVISION III.—SAFETY PROVISIONS, SS. 171-179 :

DIVISION IV.—HEALTH AND WELFARE PROVISIONS, SS. 180-190 :

DIVISION V.—RESTRICTIONS RELATING TO FEMALES AND MINORS, AND BAKING HOURS, SS. 191-194 :

DIVISION VI.—FACTORY AND INDUSTRIAL WELFARE BOARD, SS. 195-196 :

DIVISION VII.—EVIDENCE, PENALTIES, PROCEEDINGS AND REGULATIONS, SS. 197-204.

PART XIII.—INSPECTORS AND THEIR DUTIES AND ANNUAL REPORT—

DIVISION I.—INSPECTORS AND THEIR DUTIES, SS. 205-217 :

DIVISION II.—ANNUAL REPORT, S. 218.

PART XIV.—AMENDMENT OF BAKEHOUSES REGISTRATION ACT, 1945-1947, S. 219.

SCHEDULES.

Acts repealed. ibid., s. 3—

4. (1) The Acts mentioned in the First Schedule to this Act are hereby repealed.

Saving Provisions.

(2) Such repeal shall not—

(*a*) affect the operation of any award, order, judgment, determination, direction, recommendation, decision, industrial or other agreement or matter which was deemed pursuant to the repealed Act to be such, and which was in operation immediately prior to the commencement of this Act ;

(*b*) affect the appointment and, except as provided by this Act or any other Act, the salaries, allowances and conditions of service of the President, the Commissioners, the Registrar or any other officers ;

(*c*) affect the constitution of the conciliation committees, the allocation of the chairmen of such committees, the appointment of the members thereto, or the periods for which they hold office as provided under the repealed Act ;

(*d*) affect any proceedings pending or part-heard before the Industrial Court, the commission, the President, a conciliation committee, the Registrar or any other tribunal under the repealed Act and such proceedings may be continued and completed under the repealed Act as if that Act had not been repealed ;

(*e*) affect the pension being paid to any retired President, or the rights given to such President and his wife, by the repealed Act, and such pension shall continue to be paid and such rights shall continue as if such Act had not been repealed.

(3) Where in any other Act or in any document, rule, regulation or by-law a reference is made to the repealed Act or any provision thereof, that reference shall, so far as it is applicable, be read as a reference to this Act or to the corresponding provisions, if any, of this Act.

(4) The mention of particular matters in this section shall not affect the general application of the Acts Interpretation Act, 1915-1957 to the repeals effected by this Act, except where that Act is inconsistent with this Act.

Interpretation. cf. ibid., s. 5.

5. In this Act, unless inconsistent with the context or some other meaning is clearly intended—

"agriculture" (without limiting its ordinary meaning) includes horticulture, viticulture, and the use of land for any purpose of husbandry, including the keeping or breeding of livestock, poultry, or bees, and the growth of trees, plants, fruit, vegetables, and the like :

"allowances" means any allowances or concessions or customary payments in kind granted or made by an employer to his employees, and having an assessable monetary value, but shall not include—

(*a*) uniforms ;

(*b*) privilege tickets and passes ;

(*c*) allowances or concessions granted to employees while in camp ;

(*d*) any other allowances or concessions declared by regulation not to be included in the term "allowances" :

"apprentice" means an apprentice within the meaning of the Apprentices Act, 1950-1966:

"association" means any trade or other union, or branch of any union, or any association, society, or body composed of or representative of employers or employees, or for furthering or protecting the interests of employers or employees:

"award" means an award or order made by the Commission, the Full Commission, or the Commission in Appeal Session or an award made by a committee, and includes a variation of an award:

"Chief Inspector" means the Chief Inspector of Factories appointed, or holding office as such, under Part XIII of this Act:

"child" means a person under the school leaving age within the meaning of the Education Act, 1915-1966, not being a person exempted by the Minister of Education pursuant to section 45 of that Act:

"club" means a body or company, whether incorporated or not, the members of which are associated together for social, literary, political, sporting, athletic, or any similar purposes:

"commission" means the Industrial Commission of South Australia continued under this Act:

"Commission in Appeal Session" means the commission constituted by the President, the Commissioner who was not concerned in the matter under appeal, and the Industrial Registrar:

"Commissioner" means a Commissioner of the Industrial Commission of South Australia:

"committee" means a conciliation committee constituted under Part V of this Act or under the repealed Act:

"crane" or "hoist" means a crane or hoist within the meaning of the Lifts Act, 1960, or a mobile power-operated crane:

"employee"—

(*a*) for the purposes of Part V of this Act, means any person employed in any industry, whether on wages or piece-work rates, and includes any person whose usual occupation is that of employee in any industry, but does not include any person employed on a salary or any spouse, son or daughter of his or her employer;

and

(*b*) for the purposes of other Parts of this Act, means any person employed in any industry, whether on salary, wages or piece-work rates, and includes any person whose usual occupation is that of employee in any industry, but does not include any spouse, son or daughter of his or her employer:

"employer"—

(*a*) means any person, firm, company, body corporate or club employing one or more employees in any industry, whether on behalf of himself or itself or any other person;

and

(*b*) includes—

(i) the Public Service Commissioner, as regards any Public Service employees;

(ii) The South Australian Railways Commissioner, as regards any Railway employees;

(iii) the Metropolitan and Export Abattoirs Board;

(iv) any district council;

(v) the council of any municipality;

(vi) The Fire Brigades Board;

(vii) the State Bank of South Australia;

(viii) The Savings Bank of South Australia;

(ix) The Electricity Trust of South Australia;

(x) the Municipal Tramways Trust;

(xi) the South Australian Housing Trust;

(xii) the Lotteries Commission of South Australia;

(xiii) the South Australian Totalizator Agency Board;

and

(xiv) any body or person constituted by or under any Act or any instrumentality or agency of the Crown which the Governor has declared by regulation to be an employer for the purposes of this Act:

"factory" means—

(*a*) any premises or place in which or in the precincts whereof, the occupier employs for hire or reward one or more persons in any process for or incidental to—

(i) the making of any article or part of any article;

(ii) the altering, repairing, renovating, ornamenting, finishing or cleaning, of any article;

or

(iii) the adapting for sale of any article,

and to or over which premises or place or the precincts whereof the employer of any person so working therein has the right of access or control;

(*b*) any premises or place where electricity is generated, or where gas is produced or re-formed by a "gas supplier" within the meaning of the Gas Act, 1924-1965, and within which premises or place, or the precincts whereof, the occupier employs one or more persons;

(*c*) any laundry in which the occupier employs one or more persons, and which is carried on by way of trade or for purposes of gain or as ancillary to another business;

or

(*d*) where a person or body referred to in paragraph (*b*) of the definition of "employer" in this section employs one or more persons in any premises, place, or laundry referred to in paragraph (*a*), (*b*), or (*c*) of this definition and in the circumstances referred to therein, any such premises, place or laundry,

but does not include any medical dispensary or dentist's or chemist's laboratory; and for the purpose of registration and the computation of registration fees under this Act, includes any number of adjacent buildings or places:

"Full Commission" means the commission constituted by the President and the two Commissioners, whether under this Act or the repealed Act:

"improver" means an employee (not being an apprentice) under twenty-one years of age, who is serving a period of training for the purpose of rendering him fit to be a qualified worker in any industry or special section of an industry:

"industrial agreement" means an industrial agreement filed pursuant to or continued in force by this Act:

"Industrial Court" means the Industrial Court of South Australia continued under this Act:

"industrial dispute" means any dispute as to any industrial matter, and, without limiting the generality of the foregoing, includes a threatened or impending or probable dispute as to any industrial matter; and an industrial dispute within the meaning of this Act shall be deemed to have arisen in every case in which the Industrial Court or the commission in its discretion so decides: An industrial dispute shall be deemed not to have ceased where, in consequence of such dispute, the relationship of employer and employee has ceased as between the parties thereto or any of them:

"industrial matters"—

(1) means matters or things affecting or relating to work done or to be done, or the privileges, rights, or duties of employers or employees, or of persons who intend or propose to be employers or employees in any industry, not involving questions which are or may be the subject of proceedings for an indictable offence;

and

(2) without limiting the ordinary meaning of the foregoing definition, includes all or any matters relating to—

(*a*) the wages, allowances, or remuneration of any persons employed or to be employed in any industry, or the piece-work, contract, or other prices paid or to be paid therein in respect of that employment, including any loading or amount that may be included in such wages, allowances, remuneration or prices as compensation for lost time; and the wages, allowances, or remuneration to be paid for work done during overtime or on holidays, or for other special work, and also the question whether piece-work shall be allowed in any industry;

(*b*) the hours of employment in any industry, including the lengths of time to be worked, and the quantum of work or service to be done, to entitle employees therein to any given wages, allowances, remuneration, or prices, and what times shall be regarded as overtime:

(*c*) the sex, age, qualification, or status of employees, and the mode, terms, and conditions of employment, including the question whether persons of either sex shall be disqualified for employment in an industry;

(*d*) the number or proportionate number of apprentices and improvers and juvenile workers that may be employed by an employer in any industry;

(*e*) the relationship of master and apprentice;

(*f*) the employment of children or juvenile workers, or of any person or class of persons in any industry;

(*g*) the refusal or neglect, without reasonable cause or excuse, of any person bound by an award or order or an industrial agreement as to employment in any industry, to offer or accept employment, or to continue to be employed upon the terms of such award, order, or agreement;

(*h*) any established or alleged established custom or usage of any industry, either generally or in any particular locality;

(*i*) the monetary value of any allowances granted to or enjoyed by employees;

(*j*) any matter that is prescribed for the purposes of this definition;

(*k*) all questions of what is fair and right in relation to any industrial matter having regard to the interests of the persons immediately concerned and of society as a whole;

In order to remove any doubt as to the meaning of the foregoing definition of the term "industrial matters" it is hereby declared for all the purposes of this Act, that the jurisdiction over an industrial matter does not depend upon the existence of a dispute, or the making of a prior claim or demand in relation to such industrial matter nor shall the jurisdiction over any industrial matter mentioned in sub-paragraphs (*a*) and (*f*) of paragraph (2) of the foregoing definition relating to members of the Police Force be in any way affected or limited by reason of the existence of any regulation or General Order under the Police Regulation Act, 1952-1963, as amended:

"industry"—

(*a*) means any occupation or calling in which persons are employed for hire or reward—

(i) in any business or calling carried on by way of trade or for purposes of gain;

or

(ii) by any person who is an employer by virtue of paragraph (*b*) of the definition of "employer" contained in this section;

and

(*b*) includes, unless otherwise indicated by the context or any provision of this Act, any division or section of an industry, or combination, arrangement, or grouping of industries or divisions or sections of industries;

(*c*) for the purposes of this Act, other than Part V, also includes occupation or calling in which persons are employed for hire or reward in any hotel, club or hospital, which is not carried on by way of trade or for purposes of gain;

and

(*d*) for the purposes of this Act, other than Part V, also includes the employment of persons in receipt of wages by The St. John Ambulance Brigade South Australia District Incorporated, or The St. John Council for South Australia Incorporated except when such employees are performing duties gratuitously: Provided that notwithstanding any other provisions of this Act no award or order shall be binding on The St. John Ambulance Brigade South Australia District Incorporated, The St. John Council for South Australia Incorporated, or the employees thereof unless the Brigade or the Council, as the case may be, is specifically named therein:

"inspector" means an inspector appointed under Part XIII of this Act and includes the Chief Inspector:

"juvenile worker" means an employee under the age of twenty-one years who is not an apprentice or improver:

"living wage" means a sum sufficient for the normal and reasonable needs of the average employee living in the locality in which the work under consideration is done or to be done or a living wage proclaimed under section 38 of this Act:

"lock-out" (without limiting its ordinary meaning) includes a closing of a place of employment, or a suspension of work, or a refusal by an employer to continue to employ any number of his employees with a view to

compel his employees, or to aid another employer in compelling his employees, to accept terms of employment:

"machinery" includes any driving belt, band, wire, rope or cable of any kind forming part of or connected with machinery and every shaft and every wheel, drum and pulley or appliance by which the motion of the first moving power is connected to any machine:

"metropolitan area" means the area comprised within—

(*a*) the municipalities of Adelaide, Brighton, Burnside, Campbelltown, Enfield, Glenelg, Henley and Grange, Hindmarsh, Kensington and Norwood, Marion, Mitcham, Payneham, Port Adelaide, Prospect, St. Peters, Thebarton, Unley, Walkerville, West Torrens, Woodville;

(*b*) the Garden Suburb;
and

(*c*) that portion of the municipality of Salisbury which lies southerly of the following line:—Commencing at a point on the western boundary of the hundred of Port Adelaide (sea coast) being the intersection with the production westerly of the southern boundary of section 327; thence easterly along said production and boundary; south-easterly along the south-western boundaries of sections 3502, 3501, and 3065; easterly along portion of the southern boundary of said section 3065 to the centre of the Little Para River; thence generally north-north-easterly and easterly along said centre of Little Para River to the north-eastern corner of East Salisbury ward, municipality of Salisbury:

"Minister" means the Minister of Labour and Industry or other Minister of the Crown for the time being discharging the duties of the office of the Minister of Labour and Industry:

"occupier", in relation to a factory, shop, office, or warehouse, means the person, firm, company, body corporate or association employing any person in the factory, shop, office or warehouse and includes any agent, manager, foreman or other person acting or apparently acting in the general management or control of any such factory, shop, office or warehouse:

"office" includes premises wherein the business of banking is carried on :

"parent", in relation to a young person or child, means parent or guardian of such person or child or person having the custody of or control over such young person or child :

"President" means the President of the Industrial Court or commission, as the case may be :

"Public Service Commissioner" means the Public Service Commissioner appointed under the Public Service Act, 1936-1966, as amended :

"Public Service employees"—

(*a*) for the purposes of this Act other than Part V means any persons employed in any capacity in the public service of the State whether on wages or salary or otherwise and whether under the provisions of the Public Service Act, 1936-1966, or not, and includes teachers appointed under the Education Act, 1915-1966, and members of the Police Force ;

and

(*b*) for the purposes of Part V of this Act means any persons employed in any capacity in the public service of the State at daily or weekly wage rates or at piece-work rates of payments :

"Railway employees" means—

(*a*) for the purposes of this Act other than Part V any persons whether on wages or salary or otherwise in the service of The South Australian Railways Commissioner ;

and

(*b*) for the purposes of Part V of this Act any persons in the service of The South Australian Railways Commissioner at daily or weekly wage rates or at piece-work rates of payment :

"registered association" means an association registered under Part X of this Act, or under any corresponding previous enactment :

"Registrar" means the Industrial Registrar appointed under or continued in office by this Act, and includes any Deputy Industrial Registrar so appointed or continued in office :

"sanitary convenience" includes urinal, water closet, earth closet, privy, ashpit, and any similar convenience :

"Secretary for Labour and Industry" means the person for the time being holding the office of Secretary for Labour and Industry under appointment by the Governor or the person acting in the office of or appointed to perform the duties of the Secretary for Labour and Industry for the time being :

"shop" means a building or premises wherein—

(*a*) goods are offered or exposed for sale by retail ;

(*b*) the business of a hairdresser is carried on ;

or

(*c*) clothing or material is deposited or left to be dry-cleaned or laundered,

and wherein the occupier employs one or more persons :

"strike" (without limiting its ordinary meaning) includes the cessation of work by any number of employees acting in combination, or a concerted refusal or a refusal under a common understanding by any number of employees to continue to work for an employer with a view to compel their employer, or to aid other employees in compelling their employer, to accept terms of employment, or with a view to enforce compliance with demands made by them or other employees on employers :

"the repealed Act" means the Industrial Code, 1920-1966 (as amended) and the rules and regulations made thereunder.

"warehouse" means a building or premises other than a factory or shop wherein goods are stored for the purposes of sale, trade or gain, or are measured, cut, filled or packed, and wherein the occupier employs one or more persons :

"woman" means any person of the female sex over the age of sixteen years :

"young person" means any person under the age of sixteen years not being a child within the meaning of this Act.

PART II.

PART II.

THE INDUSTRIAL COURT AND OFFICERS.

DIVISION I.—CONSTITUTION OF THE INDUSTRIAL COURT AND APPOINTMENT OF OFFICERS.

DIVISION I.

Binding effect of awards not altered.
cf. ibid., s. 5c.

6. This Act shall not be construed so as to render any award or order made before the commencement of this Act binding upon any association or person not bound by the same prior to such commencement unless and until the commission or a committee otherwise orders.

Industrial Court continued.
ibid., s. 7.

7. The Industrial Court under The Industrial Arbitration Act, 1912, and the Acts amending the same and continued by the Industrial Code, 1920-1966 shall continue to be the Industrial Court under this Act and shall be known as the Industrial Court of South Australia.

Court to be Court of record.
ibid., s. 8.

8. The Industrial Court shall be a court of record, and shall have a seal, which shall be judicially noticed.

President of the court.
cf. ibid., s. 9, ibid., s. 11.

9. (1) The person holding the office of President of the Industrial Court at the commencement of this Act shall, subject to this Act, be the President of the Industrial Court under this Act.

(2) Whenever the office of President becomes vacant the Governor shall appoint a person who is eligible for appointment as a Judge of the Supreme Court to be the President.

Provision for illness or absence of President.
ibid., s. 10.

(3) In the case of the illness or absence of the President the Governor may appoint a person who is eligible for appointment as a judge of the Supreme Court to act as President during such illness or absence; and whilst acting in that capacity such person shall have all the jurisdiction and powers of the President.

President to be Judge.
cf. ibid., ss. 9 12a and 14.

10. The President shall be the Judge of the Industrial Court and shall not be removed from office before reaching the retiring age except in the same manner and upon such grounds as a judge of the Supreme Court is by law liable to be removed from office. The Industrial Court shall be constituted by the President.

Salary of President.
ibid., s. 13.

11. (1) The President shall receive a salary of thirteen thousand dollars per annum.

(2) Such salary shall be paid by the Treasurer out of the general revenue on the warrant of the Governor, which warrant the Governor is hereby authorized and required to issue from time to time.

Tenure of office of President. ibid., s. 12b.

12. (1) The President shall unless lawfully removed be entitled to hold office until reaching the age of sixty-five years and shall cease to hold office on reaching that age: But the President may, after reaching the age of sixty-five years, complete the hearing and determination of any proceedings part-heard by him before reaching that age, and for the purpose of completing any such hearing and determination shall be deemed to continue to be the President.

(2) The President may retire at any time.

Pension. cf. ibid., s. 12c.

13. (1) The President may by notice in writing given to the Treasurer elect to contribute for a pension under this Act. Such notice shall be given within three months after his appointment.

(2) A notice given by the person holding the office of President when holding office as Deputy President shall be deemed to be a notice given by him under subsection (1) of this section electing to contribute for a pension under this Act.

(3) The Treasurer may accept a notice of election given after the time prescribed by subsection (1) of this section. If he does so, the contributions shall be payable as if the notice had been received on the last day on which it could have been given under subsection (1) of this section and the contributions for the period prior to the acceptance of the notice of election shall be payable to the Treasurer forthwith after that acceptance, or in such instalments as the Treasurer approves.

Election by contributors to Superannuation Fund. ibid., s. 12d.

14. If a contributor to the South Australian Superannuation Fund under the Superannuation Act, 1926-1967, is appointed as President, he may by notice in writing given within three months after his appointment to the Treasurer and to the Board administering that Act, elect to continue to contribute to that Superannuation Fund. If such a notice is given, he shall not contribute for or be entitled to pension under this Act but shall continue to be subject to the obligations and entitled to the rights prescribed by that Act.

Contributions. ibid., s. 12e.

15. (1) A President who has elected either before or after the commencement of this Act to contribute for pension shall in each month pay to the Treasurer in aid of the General Revenue of the State a contribution equal to the prescribed percentage of his salary for that month.

(2) The prescribed percentage shall depend on the age at which the President first became a contributor (whether before or after the commencement of this Act) and shall be in accordance with the following table :—

Contributions.

Age at Commencing to Contribute.	Percentage of Salary to be Contributed.
Under 50 years	5.0
50 years and under 51 years	5.2
51 years and under 52 years	5.4
52 years and under 53 years	5.7
53 years and under 54 years	6.0
54 years and under 55 years	6.3
55 years and under 56 years	6.6
56 years and under 57 years	7.0
57 years and under 58 years	7.4
58 years and under 59 years	7.8
59 years and under 60 years	8.3

(3) A President who elects to contribute for pension shall pay contributions in respect of the period commencing on the first day of the month in which the election is made and ending on the last day of the month preceding the month in which the President reaches the age of sixty-five years or dies or retires before reaching that age.

Benefits.
Ibid., s. 12ea.

16. Where a President has elected (whether before or after the commencement of this Act) to contribute for a pension he or his widow or personal representative shall be entitled to the following benefits :—

(*a*) Where the President retires on being disabled by permanent invalidity or infirmity from the performance of his duties or on reaching the age of sixty-five years, he shall be entitled to a pension for life at the annual rate of one-half of the annual rate of his salary at the time of his retirement ;

(*b*) Where the President dies before retirement and is survived by a widow she shall be entitled to pension for life at the annual rate of three-tenths of the annual rate of the salary of her husband immediately before his death, and in respect of each of her children who are under the age of sixteen years a

pension at the rate of one hundred and four dollars per annum until such children respectively attain the age of sixteen years ;

(*c*) Where the President dies before retirement without leaving a widow his personal representative shall be entitled to a refund of the contributions paid by him ;

(*d*) Where the President dies after retirement and is survived by a widow she shall be entitled to a pension for life at the annual rate of three-tenths of the annual rate of the salary of her husband immediately before his retirement, and in respect of each of her children who are under the age of sixteen years a pension at the rate of one hundred and four dollars per annum until such children respectively attain the age of sixteen years ;

(*e*) Where the President retires in any circumstances other than those mentioned in paragraph (*a*) of this section he shall be entitled to a refund of the contributions paid by him but his widow shall not on his death after such retirement be entitled to pension.

Payment of pensions out of general revenue.
ibid., s. 12f.

17. (1) Pensions and other sums payable under section 16 of this Act shall be paid by the Treasurer out of the general revenue of the State on the warrant of the Governor, which warrant the Governor is hereby authorized and required to issue from time to time.

(2) Pensions shall accrue due from day to day and be paid fortnightly.

Officers.
cf. ibid., s. 16.

18. There shall be an Industrial Registrar, and such (if any) Deputy Industrial Registrars, and other officers as the Governor deems necessary for carrying out the purposes of Parts II to XI of this Act.

DIVISION II.

DIVISION II.—JURISDICTION AND POWERS OF INDUSTRIAL COURT.

Jurisdiction of Court.
ibid., s. 17.

19. Subject to this Act, the Industrial Court shall have jurisdiction—

(*a*) to hear appeals from courts of summary jurisdiction in respect of proceedings under this Act pursuant to the Justices Act, 1921-1965.

(*b*) to hear and determine questions of law referred to it and determine cases stated to it by courts of summary jurisdiction in respect of proceedings under this Act;

(*c*) to hear and determine any question of law arising out of or involving the interpretation of this Act;

(*d*) to interpret an award or order of the commission or of a committee or an industrial agreement;

(*e*) to hear and determine any question of law referred to it or case stated to it by the commission or a committee;

(*f*) to hear and determine all matters in respect of which jurisdiction is conferred on the Industrial Court by this Act or any other Act.

Powers of court. ibid., s. 21.

20. (1) The Industrial Court shall, as regards every matter over which it has original or appellate jurisdiction, have power—

(*a*) at or before the hearing to take steps to ascertain whether all persons who ought, in its opinion, to be bound by its order have been summoned to attend the proceedings;

(*b*) to direct that persons not summoned to attend the proceedings shall be so summoned, if the Industrial Court is of opinion, whether from the suggestion of parties or otherwise, that such persons should be so summoned;

(*c*) to hear and determine such matter in such manner in all respects as the Industrial Court in its discretion thinks best suited for that purpose and to make such order as it thinks fit;

(*d*) to allow the amendment of the submission, reference, notice of appeal, report, or application or any subsequent proceeding;

(*e*) to give any direction in pursuance of the hearing or determination;

(*f*) to dismiss any matter, or refrain from further hearing or from determining the matter if it appears that such matter is trivial, or that in the public interest further proceedings by the Industrial Court are not necessary or desirable;

(*g*) to order any party to such matter to pay to any other party such costs and expenses, including expenses of witnesses, as are specified in the order;

(*h*) to proceed to hear and determine such matter in the absence of any party thereto or other person who has been summoned or served with notice to appear therein ;

(*i*) to sit in any place, for the hearing and determination of such matter ;

(*j*) to adjourn its sittings to any time and place ;

(*k*) to rescind or vary its orders, decisions, directions, or any reference or act made or done by it, and to reopen any question ;

(*l*) to direct parties to be joined or struck out ;

(*m*) to correct, amend, or waive any error, defect, or irregularity whether in substance or in form ;

(*n*) to extend any prescribed time ;

(*o*) to waive compliance with any rule of that Court ;

(*p*) generally to give all such directions and do all such things as it deems necessary or expedient in the premises.

(2) The Industrial Court may exercise the powers conferred by subsection (1) of this section upon such terms as it thinks fit.

Representation.
ibid., s. 27.

21. In proceedings before the Industrial Court any party may be represented by a solicitor or agent.

Costs.
cf. ibid., s. 28.

22. The Industrial Court may in any proceedings whatsoever before it under this Part of this Act, make such order as to the costs of such proceedings and for the payment thereof as may by it be deemed proper, and may assess the amount of such costs, or may have such costs taxed by the Registrar.

PART III.

THE INDUSTRIAL COMMISSION.

DIVISION I.—CONSTITUTION OF COMMISSION.

Constitution of commission. cf. ibid., 29a.

23. (1) The Industrial Commission of South Australia established by the repealed Act shall continue to be the Industrial Commission under this Act and shall continue to be known as the Industrial Commission of South Australia.

(2) Notwithstanding section 25 of this Act, any award or order of the Industrial Court in force on the thirtieth day of June, 1966, which dealt with matters which were then within the jurisdiction of that Court but which, after the commencement of the Industrial Code Amendment Act, 1966, came within the jurisdiction of committees, shall continue in operation until rescinded by the commission or until an award is made by the committee constituted for the industry relating to the matters in the award or order.

(3) The commission shall have a seal which shall be judicially noticed.

(4) The President of the Industrial Court shall be the President of the commission.

(5) The commission shall be constituted as required by this Act.

(6) There shall be two Commissioners appointed by the Governor who shall, unless lawfully removed from office, be entitled to hold office until reaching the age of sixty-five years, but shall cease to hold office on reaching that age, but a Commissioner who ceases to hold office under this section on reaching the age of sixty-five years may nevertheless, after reaching that age, with the approval of the President, complete the hearing and determination of any proceedings part-heard by him before reaching that age, and for the purpose of such hearing and determination shall be deemed to continue to be a Commissioner.

(7) A person who immediately before the commencement of this Act was holding the office of Commissioner under the repealed Act shall be deemed to have been appointed as such and shall hold such office under and subject to this Act.

(8) One Commissioner shall be a person experienced in industrial affairs by reason of having been associated with the interests of employers and the other Commissioner shall be a person experienced in industrial affairs by reason of having been associated with trade union affairs.

(9) A Commissioner may retire at any time, but, whenever the office of Commissioner becomes vacant, whether by retirement or otherwise, the Governor shall appoint a person who has the appropriate qualifications required by subsection (8) of this section to the vacant office.

(10) Each Commissioner shall be paid such remuneration and allowances as the Governor determines. Such Commissioners shall be subject to the provisions of the Public Service Act, 1936-1966, other than the provisions relating to remuneration and the appointment of officers, and shall be "employees" within the meaning of the Superannuation Act, 1926-1967.

(11) Every Commissioner shall as soon as practicable after his acceptance of office take the prescribed oath, which shall be taken before the President.

(12) In the case of illness or absence of a Commissioner the Governor may appoint an acting Commissioner during such absence and whilst acting in that capacity such person shall have all the jurisdiction and powers of a Commissioner.

Constitution of Commission.
cf. ibid., s. 52a, s. 52b.

24. (1) Except where otherwise provided by this Act the commission shall be constituted by the President or a Commissioner or by the President and the two Commissioners, as directed by the President.

Majority decision.
cf. s. 52c.

(2) Where the Full Commission deals with a matter the decision of the majority shall be the decision of the commission.

DIVISION II.

DIVISION II.—GENERAL POWERS AND JURISDICTION OF COMMISSION.

Jurisdiction of Commission.
cf. ibid., s. 29b.

25. (1) The commission shall have jurisdiction—

(*a*) to deal with all industrial matters pursuant to this Part of this Act;

(*b*) over all matters which by any other provision of this Act are placed within the jurisdiction of the commission, and, in addition may—

cf. ibid., s. 29c, s. 170.

(i) determine what deductions may be made from the wages of employees pursuant to section 88 of this Act;

(ii) appoint in any award a board of reference consisting of one or more members to deal with any matters prescribed by that award; or provide in any award for the appointment of a board of reference consisting of one or more members to deal with any matters prescribed by the award

and to appoint the chairman of such board of reference : But there shall be an appeal to the President from any decision or order of any board of reference appointed under this paragraph, and the jurisdiction of any such board of reference shall not include jurisdiction in relation to any matter referred to in section 36 of this Act. Such appeal shall be made within the time prescribed by rules made pursuant to this Act ;

(iii) authorize by award or order a duly accredited official of a registered association of employees, which has members employed by an employer, to inspect time books and wages records of such members on giving such employer the notice prescribed by the award or order.

(2) Notwithstanding anything contained in subsection (1) of this section the commission shall not, except as regards appeals, or directions or references pursuant to sections 74, 102, or 103, or when exercising its jurisdiction pursuant to section 35 or section 79 of this Act, have jurisdiction over any industrial matter concerning any industry for which, at the time, a conciliation committee is or is in the course of being constituted, and as to which matter such committee has or will have jurisdiction : But the alteration of the area of the State within which a committee shall have jurisdiction or the constitution of a new committee shall not affect the validity of an award or order of the commission in operation at the time when such alteration or constitution becomes effective and every such award or order shall continue in force, subject to the provisions of section 31 of this Act, until a committee makes an award dealing with the same matter or, if the committee makes an award dealing with some only of such matters, every such award or order of the commission shall continue in force as regards matters not dealt with by that committee.

(3) Notwithstanding anything contained in subsection (1) of this section the commission shall not have power to order or direct that, as between members of associations of employers or employees and other persons offering or desiring service or employment at the same time, preference shall in any circumstances or manner be given to members of such association or to persons who are not members thereof.

(4) Notwithstanding anything contained in subsection (1) of this section the commission shall not have jurisdiction over

cf. ibid., s. 29b.

any industrial matter concerning an employee in the industry of agriculture who is employed as a manager or overseer or in any other managerial position.

(5) Except as elsewhere provided in this Act, proceedings before the commission shall be commenced by an application submitted to it—

(*a*) by the Minister as being proper, in the public interest, to be dealt with by the commission;

or

(*b*) by an employer or employers of not less than twenty employees in the industry concerned or of not less than seventy-five per cent of the employees in the industry concerned whichever is the lesser;

or

(*c*) by not less than twenty employees in the industry concerned or by not less than seventy-five per cent of the employees in the industry concerned whichever is the lesser;

or

(*d*) by a registered association of employers, the members of which employ not less than twenty employees in the industry concerned, or not less than seventy-five per cent of the employees in the industry concerned, whichever is the lesser;

or

(*e*) by a registered association of employees of which association not less than twenty members are employees in the industry concerned, or not less than seventy-five per cent of all the employees in the industry concerned are members, whichever is the lesser.

President or Commissioner to act whenever his mediation desirable.

cf. ibid., s. 29d.

26. (1) The President or a Commissioner shall have power as a mediator to deal with all industrial matters in all cases in which it appears to the President that his mediation or the mediation of a Commissioner is desirable in the public interest, and such matter would, if submitted to the commission, be within its jurisdiction.

(2) If a question arises as to whether the dismissal of an employee was harsh, unjust and unreasonable, the President may, except where the employee has a right of appeal or review under any other Act or law in relation to the dismissal, determine the matter, and may, if he thinks fit, direct the employer to re-employ such employee.

Compulsory conference.
cf. ibid., s. 29e.

27. (1) The President may, whenever in his opinion it is desirable for the purpose of dealing with an industrial matter, summon any person to attend, at a time and place specified in the summons, at a conference presided over by himself or by a Commissioner.

(2) Any person may be so summoned notwithstanding that he is not engaged in or connected with the industrial matter, if the President thinks that the presence of such person at the conference is likely to assist in dealing with or settling such matter.

(3) Any person so summoned shall attend the conference and continue his attendance thereat as directed by the President. If he fails to do so he shall be guilty of an offence punishable summarily by the Industrial Court with a penalty not exceeding one thousand dollars.

(4) The conference may be held partly or wholly in public or in private, at the discretion of the President or the Commissioner concerned.

(5) Any person summoned under this section, who attends pursuant to the summons and continues his attendance as directed by the President, shall be entitled to be paid by the Crown such (if any) amounts as the President, having regard to the conduct of such person both before and at the conference, certifies to be a reasonable recompense for his expenses and loss of time.

(6) A summons under this section may be sent by registered letter or certified mail or by telegram and need not be in the prescribed form.

(7) The President or the Commissioner concerned may, whenever in his opinion it is desirable so to do, determine and settle any industrial matter dealt with at a conference under this section and, if the matter is not within the jurisdiction of a committee, may for that purpose exercise all or any powers of the commission : But any award or order made by the President or the Commissioner concerned under this subsection shall be binding only upon the parties represented or summoned to appear before him.

Powers of Commission.
cf. ibid., s. 29f.

28. (1) The commission shall, as regards every industrial matter over which it has original or appellate jurisdiction have power—

(*a*) at or before the hearing to take steps to ascertain whether all persons who ought, in its opinion, to be bound by its award or order have been summoned to attend the proceedings, or given notice of such proceedings;

(*b*) to direct that persons not summoned to attend the proceedings, or given notice thereof, shall be summoned or given notice thereof, if the commission is of opinion, whether from the suggestion of parties or otherwise, that such persons should be so summoned or given such notice;

(*c*) to hear and determine such matter in such manner in all respects as the commission, in its discretion, thinks best suited for that purpose;

(*d*) to allow the amendment of any relevant application, reference, notice of appeal, report, or any subsequent proceedings;

(*e*) to make any award or order, and, without being restricted to the specific relief claimed by the parties to such matter, to include in any award or order any matter or thing which the commission thinks necessary or expedient for the purpose of dealing with such matters;

(*f*) to give any direction in the course or in pursuance of the hearing or determination of that matter;

(*g*) to declare, by award or order, that any term or terms of an award or order shall be a common rule of any industry: But before any common rule is so declared, the commission shall, by notification published once at least in one or more daily newspapers circulating in the metropolitan area and, unless the commission otherwise orders, once at least in the *Gazette*, referring to the industry and the clauses of the award or order in relation to which it is proposed to declare a common rule, make known that all persons and associations interested and desirous of being heard may, on a day named, appear or be represented before the commission; and the commission shall hear all such persons and associations so appearing or represented;

(*h*) to direct with due regard to local circumstances within what limits of area (if any) and subject to

what conditions and exceptions (if any), a common rule so declared shall be binding upon the persons engaged in the industry whether as employers or employees and whether members of an association or not;

(*i*) to dismiss such matter, or to refrain from further hearing or from determining the matter if it appears that such matter is trivial, or that in the public interest, further proceedings by the commission are not necessary or desirable;

(*j*) to order any party to such matter to pay to any other party such costs and expenses, including expenses of witnesses, as are approved by the President and specified in the order;

(*k*) to proceed to hear and determine such matter in the absence of any party thereto or other person who has been summoned or served with notice to appear therein;

(*l*) to sit in any place for the hearing and determination of such matter;

(*m*) to adjourn its sittings to any time and place;

(*n*) to refer any technical matters or matters of account to an expert, and to accept his report as evidence;

(*o*) subject to the provisions of subsection (2) of section 33 of this Act, to rescind or vary its awards, orders, decisions, directions, or appointments, or any reference or act made or done by it, and to re-open any question;

(*p*) to direct parties to be joined or struck out;

(*q*) to correct, amend, or waive any error, defect, or irregularity whether in substance or in form;

(*r*) to extend any prescribed time, other than the time for appealing prescribed by subsection (1) of section 100 of this Act;

(*s*) to waive compliance with any rule made pursuant to this Act which applies to the commission;

(*t*) to give such retrospective effect to an award or any part thereof as the commission may consider right, fair and proper: But this power shall not be exercised in such a manner as to make an award or any part thereof operate prior to the date when the application was first made to the commission, or if the commission is acting of its own motion, prior to the date when it first commenced to consider the matter.

(2) The commission may exercise the powers conferred by paragraphs (*d*), (*q*), (*r*) and (*s*) of subsection (1) of this section upon such terms as it thinks fit.

Living wage to be secured.
cf. ibid., s. 43.

29. The commission shall not have power, as regards adult employees, to fix wages or rates which do not secure the living wage for the time being in force for those employees.

On whom award or order to be binding.
cf. ibid., s. 51.

30. An award or order of the commission shall be binding on—

(*a*) all parties to the industrial matter who appear or are represented before the commission;

(*b*) all parties who have been summoned to appear before the commission as parties to such matter, whether they have appeared in answer to the summons or not, unless the commission is of opinion that they were improperly summoned before it as parties or, for any other reason, should not be bound;

(*c*) all associations and persons on whom the award or order is at any time declared by the commission to be binding as a common rule;

and

(*d*) all members of associations which are bound by the award or order.

Form, operation and continuance of award or order.
cf. ibid., s. 47.

31. (1) The award or order of the commission in any industrial matter shall—

(*a*) be framed in such a manner as to best express the decision of the commission and to avoid unnecessary technicality;

(*b*) have effect, subject to any variation ordered by the commission, within the locality or localities specified in the award or order;

(*c*) subject to the provisions of subsections (2) and (3) of this section and section 86 of this Act continue in force for a period to be specified in the award or order, not exceeding three years from the date thereof;

(*d*) prevail over any contract of service or apprenticeship in force on the coming into operation of the award or order, so far as the terms of the award or order are more beneficial to the employee than those of the contract; and the contract shall thereafter be construed and have effect as if it had been modified, so far as necessary, in order to conform to the award or order.

(2) After the expiration of the period so specified, the award or order shall, unless the commission otherwise orders, continue in force until a new award or order has been made with respect to any of the employees covered by the award or order, in which case the award or order shall cease to have any effect as regards those employees.

(3) Notwithstanding the provisions of paragraph (*c*) of subsection (1) of this section the commission may, in its discretion, vary an award or order after the expiration of three years from the date thereof and may declare such variation, or the award as so varied a common rule.

Representation of parties.

32. (1) The commission may give such directions as it deems proper in respect of the representation of parties at any sitting of the commission in any of its jurisdictions.

(2) On the hearing of any matter, all parties to such matter or any party may, at its or his own cost, be represented by a solicitor or agent.

Exercise of powers by commission. ibid., s. 36.

33. (1) Subject to subsection (2) of this section the commission may exercise any of its powers of its own motion or on the application of any party to the industrial matter, or of any association or person bound by the award or order of the commission.

(2) No award or order shall be varied and no application shall be reopened except on the application of an association or person affected or aggrieved by the award or order, or claiming to be so affected or aggrieved.

Conciliation. ibid., s. 39.

34. In the course of the hearing, inquiry, and investigation of an industrial matter the commission shall make all such suggestions and do all such things as appear to it to be right and proper for dealing with the matter or bringing about a settlement by amicable agreement.

Demarcation. ibid., s. 29g.

35. Where it appears to the commission that a question of substance has arisen as to the rights of employees in a specified occupation or calling to do certain work or a certain kind of work in an industry to the exclusion of employees in all or some specified occupations or callings, the commission may, on application made by any employees concerned or a registered

association whose members are concerned or the employer or employers of any of the employees concerned, decide such question. In considering such question the commission shall also have the power to decide whether employees in certain specified occupations or callings shall have similar rights to perform certain work or a certain kind of work in such industry. The commission shall have power to incorporate its decision in an order and such order shall operate and have effect as an award.

Recovery of amounts due under awards and agreements. cf. ibid., s. 132c.

36. (1) Where any person or a registered association of employees of which such person is a member alleges that such person has not been paid any amount due to such person pursuant to any award or an industrial agreement filed pursuant to section 106 such person or registered association may apply to the commission for an order directing the employer to pay such amount to the person concerned. Such application shall be made in the manner prescribed and shall be dealt with by the commission constituted for the purposes of this section by the President or a Commissioner or the Industrial Registrar. The commission as so constituted may make an order directing the employer to pay to such person such amount as is proved to be owing. An amount shall not be recoverable under this section unless it first became payable within three years immediately prior to the commencement of proceedings under this section.

(2) Notwithstanding any other provision in this Act—

(*a*) Where a person or a registered association of which such person is a member has made an application under this section, neither the person concerned nor a registered association of which he is a member shall institute proceedings in any court, other than as provided by subsection (6) of this section, for the recovery of the amount alleged to be due or for breach of the award or agreement for non-payment of the amount alleged to be due :

(*b*) Where such person or such association has already instituted proceedings in any court for the recovery of the amount alleged to be due, or for breach of the award or agreement for non-payment of the amount alleged to be due, an application shall not be made or dealt with under this section.

(3) No costs shall be allowed in any proceedings before the commission under this section but either party may, at his or its own cost, be represented by a solicitor or agent. No costs shall be recoverable by such solicitor or agent in excess of the amount approved by the commission.

(4) Where the amount of the claim exceeds sixty dollars, if the person or association seeking an order under this section, or the employer concerned, is dissatisfied with the decision of the commission when constituted by a Commissioner or the Industrial Registrar, he or it may, within fourteen days of the giving of such decision, appeal to the President. On such appeal the President may take fresh evidence and may confirm, quash or vary the order which is under appeal or may refer the order back to a Commissioner or to the Industrial Registrar, or may dismiss the appeal. The order of the President shall be deemed to be the order of the commission.

(5) Except as provided by subsection (4) of this section the order of the commission shall be final and shall not be challenged, appealed against, reviewed, quashed, or called in question in any court or tribunal on any account whatsoever other than for excess of or want of jurisdiction.

(6)—

(*a*) If the commission makes an order directing the employer to pay a sum to such person, and such sum, or any part thereof, is not paid within fourteen days of the date of the order, or such other time as such commission may have allowed, such person may obtain from the Registrar a certificate of that order containing the following particulars :—

(i) the name, place of residence and occupation or description of the person to whom the money was ordered to be paid ;

(ii) the name and place of residence or place of business of the person ordered to pay the money ;

(iii) the date of the order ;

(iv) the amount ordered to be paid ;

(*b*) The Registrar shall, on application duly made in writing, grant such a certificate under his hand and the seal of the commission ;

(*c*) Upon production of the certificate to the Clerk of a local court, the Clerk shall forthwith register the certificate by entering the particulars contained in it in a book to be kept by him and to be called the "Register of Industrial Commission Orders" ;

(*d*) From the date of registration the certificate shall be a record of the local court in which it is registered and shall have the same force and effect in all respects as a judgment or order of that court, and

the like proceedings may be taken upon the certificate as if the order mentioned therein were a judgment or order of that court and the person against whom it was made were the defendant and the person to whom the money was ordered to be paid were the plaintiff;

(*e*) The costs of and incidental to registering a certificate and of any proceedings under a certificate shall be added to the amount payable under the certificate and payment thereof shall be enforceable accordingly;

(*f*) No execution shall be issued or other proceedings taken upon any such certificate unless there is first filed in the local court an affidavit made within thirty days immediately before the execution is issued or the proceedings are taken or within such further time as a special magistrate may order stating that the amount for which it is proposed to issue execution or to take other proceedings is actually due and unpaid. Any such order of a special magistrate may be made *ex parte*. The affidavit shall be made by the person to whom the money was ordered to be paid or by some other person cognizant of the facts;

(*g*) The local court in which any such certificate has been registered shall, in respect of execution upon the certificate, and the enforcement of the order, have the same control and jurisdiction over the order as if it were a judgment or order of that local court;

(*h*) The local court in which any such certificate has been registered may, on the application of any person against whom the order has been made, order a stay of proceedings upon that certificate. Such order may be given on such terms as to giving security or otherwise as the local court thinks fit;

(*i*) The powers conferred by section 28 of the Local Courts Act, 1926-1965, shall include power to make rules for regulating the practice and procedure relating to the registration of certificates under this section and proceedings subsequent thereto, and the court fees payable thereon.

(7) For the purposes of this section the word "employer" includes a former employer.

(8) Where an employer or a registered association of employers, alleges that an employee, or a former employee,

is indebted to him or to a member, as the case may be, pursuant to an award or pursuant to an industrial agreement such employer or association shall have the same rights as are given to an employee, or a registered association of employees by the other provisions of this section, and the other provisions of this section shall, *mutatis mutandis*, apply.

DIVISION III.—LIVING WAGE.

DIVISION III.

Living wage inquiry.
cf. ibid., ss. 264, 264a, 265, 266 and 267.

37. (1) The Full Commission, of its own motion, or on application made to it by the South Australian Chamber of Manufactures Incorporated, the South Australian Employers' Federation Incorporated, The United Trades and Labor Council of South Australia, or any other association by leave of the President, may hold a public inquiry into the average cost of living and may make a determination declaring the living wage to be paid to adult male employees and the living wage to be paid to adult female employees.

(2) In declaring any living wage the Full Commission shall not take into consideration any deductions from such wage for allowances.

(3) In making such a determination the Full Commission shall have power to fix different rates to be paid in different areas.

(4) Every living wage so declared shall be a weekly living wage.

(5) No new determination shall be made until the expiration of at least six months from the date of the previous determination.

(6) When the Full Commission makes such a determination it shall be forwarded to the Minister who shall publish it in the *Gazette*. Subject to the provisions of section 86 of this Act it shall come into force on the fourteenth day after such publication.

Power of Governor to declare living wage.
ibid., s. 269b.

38. (1) Subject to this section the Governor may by proclamation declare any one or more of the following living wages :—

(*a*) the living wage for adult male employees throughout the whole State ;

(*b*) the living wage for adult male employees in any part or parts of the State specified in the proclamation;

(*c*) the living wage for adult female employees throughout the whole State;

(*d*) the living wage for adult female employees in any part or parts of the State specified in the proclamation.

(2) A proclamation shall not be made under subsection (1) of this section unless—

(*a*) the Minister is satisfied that the proclamation is desirable in order to avoid unjustifiable differences between comparable rates of wages fixed under Commonwealth and State laws respectively;

and

(*b*) the President has recommended that the proclamation be made.

(3) When a proclamation made under subsection (1) of this section is published in the *Gazette* it shall be deemed to be and shall have the same effect in all respects as if it were a determination of a living wage by the Full Commission published in the *Gazette* pursuant to this Act: But any such proclamation may specify the day on which the living wage thereby declared shall come into force, and that living wage shall come into force accordingly.

(4) A living wage declared under this section shall remain in force until another living wage in lieu thereof is declared by proclamation under this section or is determined by the Full Commission under this Part, and comes into force.

(5) Neither this section nor any proclamation in force under this section shall take away any power of the Full Commission to declare a living wage: But the Full Commission shall not make a determination of a living wage for any employees for whom a living wage has been declared by proclamation and is in force, until the expiration of at least six months after the day when the living wage so declared by proclamation came into force.

(6) If the Full Commission declares a living wage for any employees while such a proclamation is in force but after the expiration of the period mentioned in subsection (5) of this section, that living wage shall, notwithstanding the proclamation previously in force, but subject to any proclamation made under subsection (1) of this section after the declaration, be the living wage in relation to employees to whom it applies.

(7) Any reference in this Act to a variation or an increase or decrease in the living wage occurring by reason of a determination of the Full Commission shall be construed so as to

include any increase or decrease occurring in the living wage as a result of a proclamation made under this section.

Variations of awards with variations in living wages.

39. (1) When a variation occurs in the living wage (or wages) for adult male or adult female employees or both the following consequences shall ensue as regards awards operative in the area for which such living wage (or wages) was (or were) declared and which awards were based on such living wage (or wages) as last previously declared :—

cf. ibid., ss. 45 and 194.

(*a*) Every weekly wage prescribed by such awards for adult male or adult female employees shall be increased or decreased by the amount of the increase or decrease in the appropriate weekly living wage ; and every wage so prescribed for any other period shall be increased or decreased by an amount which bears the same proportion to the amount of the increase or decrease in the appropriate weekly living wage as the period for which such wage is prescribed bears to the normal working week in the particular industry : And every annual salary prescribed shall be increased or decreased by fifty-two and one-sixth times the amount of the increase or decrease in the weekly living wage :

(*b*) Every wage prescribed by such awards for employees under twenty-one years of age shall be increased or decreased as nearly as practicable by an amount bearing the same ratio to that wage as the amount of the increase or decrease in the living wage bears to the living wage prior to the increase or decrease, but such amount shall not be greater than the amount prescribed by paragraph (*a*) of this subsection for adult male or adult female employees, as the case may be : But notwithstanding any other provision of this subsection, where a wage mentioned in this paragraph is expressed as a percentage of a rate for adult employees the provisions of this paragraph shall not apply and such award shall be construed as meaning that such wage shall be the percentage of the adult rate as varied in accordance with paragraph (*a*) of this subsection :

(*c*) Notwithstanding any other provision of this subsection, where an annual salary, if increased or decreased in accordance with any of the preceding paragraphs of this subsection, would be an amount ending with a fraction of a dollar not exceeding forty-nine cents such salary shall be increased or decreased to that amount omitting that fraction, and where a weekly wage if so increased or decreased would be an amount other than a multiple of five cents, that wage shall

be increased or decreased to the nearest multiple of five cents: But where an annual salary if so increased or decreased would be an amount ending with a fraction of a dollar exceeding forty-nine cents such salary shall be increased or decreased to the multiple of one dollar next above that amount and where a weekly wage, if so increased or decreased, would be an amount exceeding a multiple of five cents by more than two cents, that wage shall be increased or decreased to the multiple of five cents next above that amount:

(*d*) Each award shall be read and construed for all purposes as if it had been altered by the commission or the committee, as the case may be, in accordance with the preceding paragraphs of this subsection and the increased or decreased rates shall be payable as from the day when the increase or decrease comes into force until a different living wage comes into force or until the award is otherwise altered, or ceases to operate and the appropriate common rule order shall be deemed to have been varied accordingly.

(2) The provisions of this section shall have effect notwithstanding any other provision of this Act.

(3) Where a variation occurs in the living wage (or wages) for adult employees in the metropolitan area the wages prescribed by awards in force in other areas for which no living wage (or wages) has (or have) been declared shall be varied in the same manner as prescribed by subsection (1) of this section.

cf. ibid., ss. 46c and 195b.

(4) For the purposes of this section an award shall be taken to be based on the living wage as last previously declared if—

(*a*) that award was made during the currency of that living wage or of a previous living wage of the same amount;

or

(*b*) that award has been varied as to wages either by the commission or a committee or by the operation of this Act during the currency of that living wage.

(5) Nothing contained in this section shall be construed as in any way limiting the power or discretion of the Full Commission to declare different living wages for different defined areas or the power or discretion of the commission or a committee to prescribe different rates of pay for different areas.

Publication of amended awards.
cf. ibid., ss. 46b and 195a.

40. (1) The Registrar shall as soon as practicable after any alteration in the living wage is made, publish in the *Gazette* a copy of every award or order affected by that alteration showing in that award or order the rates of pay as altered by the operation of section 39 of this Act.

(2) A copy of the *Gazette* containing an award published under this section shall be *prima facie* evidence of the terms of the award as so altered.

PART IV.

PART IV.

POWERS OF OFFICERS AND PROCEDURE OF INDUSTRIAL COURT AND INDUSTRIAL COMMISSION.

DIVISION I.

DIVISION I.—POWERS OF OFFICERS.

Powers of entry.

41. (1) The President or a Commissioner or any officer of the Industrial Court or of the commission or any person authorized by the President or a Commissioner, without any other warrant than this Act, may at any time during working hours—

cf. ibid., s. 30.

(*a*) enter any place or premises or any ship or vessel of any kind whatsoever, wherein or in respect of which any industry is carried on or any work is being or has been done or commenced, or any matter or thing is taking or has taken place in relation to which any industrial matter exists, or any award has been made, or any offence against this Act is suspected ;

(*b*) inspect and view any work, material, machinery, appliances, article, matter, or thing whatsoever, being in such place, premises, ship, or vessel ;

and

(*c*) interrogate any person or persons who may be in or upon such place, premises, ship, or vessel in respect of or in relation to any matter or thing hereinbefore mentioned.

(2) No person shall—

(*a*) hinder or obstruct the President or a Commissioner or any officer of the Industrial Court or of the commission or other person, in the exercise of any power conferred by or under this section ;

(*b*) refuse to the President or a Commissioner or any officer of the said court, or of the commission, or other person, authorized as aforesaid, entrance during any such time as aforesaid, to any such place, premises, ship, or vessel ;

or

(*c*) refuse to answer any question put to him as aforesaid.

Penalty : One hundred dollars.

Duties of officers.

cf. ibid. s. 16 (2).

42. (1) The Registrar and other officers appointed pursuant to section 18 of this Act, shall have such powers and duties as may be prescribed, and, in connection with any matter over

which the Industrial Court or the commission or a committee has jurisdiction, such powers and duties as are directed by the President.

(2) The President may, in any manner which he thinks fit, but subject to the provisions of section 36 of this Act, review, annul, rescind or vary any act or decision of the Registrar, not being an act or decision done or given by him as a member of the Commission in Appeal Session.

Review of Registrar's decision.
ibid., s. 29.

43. The President of the Commission, the Commissioners and the Industrial Registrar shall have, in the performance of their functions and duties pursuant to this Act, the same protection and immunity as the President of the Industrial Court.

Protection of commission.

DIVISION II.—PROCEDURE AND EVIDENCE.

DIVISION II.

44. (1) The proceedings of the Industrial Court or the commission shall be conducted in public, unless at any stage of the proceedings that Court or the commission of its own motion or on the application of any of the parties, directs that the proceedings be conducted in private.

Proceedings of tribunal to be in public unless otherwise directed.
ibid., s. 33.

(2) Whenever the Industrial Court or the commission directs that the proceedings shall be conducted in private, all persons (other than the parties, their representatives, the officers of that Court or the commission and a witness under examination) shall withdraw.

45. In any matter over which the Industrial Court or the commission has jurisdiction, the President may make any order which he thinks fit as to any interlocutory proceeding to be taken before the hearing, the costs thereof, the issues to be decided, the persons and associations to be served with the notice of proceedings, particulars of the claims of the parties, admissions, discovery, interrogatories, inspection of documents or of real or personal property, examination of witnesses, and the place, time, and mode of hearing.

Powers of President in interlocutory matters.
cf. ibid., s. 29i.

46. (1) The President may, with the consent of the parties, issue an order appointing any person to take evidence on behalf of the Industrial Court or the commission in relation to any matter over which it has jurisdiction.

Power to issue order to take evidence.
cf. ibid., ss. 29j and 23.

(2) The person so appointed shall have all the powers of the Industrial Court or the commission (as the case may be) in relation to the summoning of witnesses, the production of books and documents, and the taking of evidence on oath or affirmation or declaration.

Special mode of service may be directed.
cf. ibid., ss. 24 and 29k.

47. When it is made to appear to the President or the Commissioner concerned with the matter that personal or other service of any summons, notice, or other document in connection with or for the purposes of any proceeding before or intended to be brought before the Industrial Court or the commission cannot promptly be effected in manner prescribed, the President or that Commissioner may in his discretion make any order for substituted or other service or the substitution for service of notice by letter, telegram, public advertisement, or otherwise, which he deems necessary or convenient; and in such case compliance with such order shall be sufficient service.

Intervention by the Crown.
ibid., s. 34.

48. The Crown may, where, in the opinion of the Minister, the public interests are or would be likely to be affected by the award, order, decision, or determination of the Industrial Court or commission, intervene in any proceedings before the court or commission and make such representations as it thinks necessary in order to safeguard the public interest.

Delivery of decision.
cf. ibid., s. 37.

49. (1) In any proceeding before the Industrial Court or the commission the Court or commission may reserve its decision.

(2) Where a decision has been so reserved the same may be given at any continuation or adjournment of the Court, or commission, or at any subsequent holding thereof, or the Court or the commission, or a member thereof, may draw up such decision in writing, and, having signed the same, forward it to the Registrar, in which case the Registrar shall notify the parties of his intention to read the same at some specified time and place, and he shall read the same accordingly, and thereupon such decision shall be of the same force and effect as if it had been pronounced by the Court or the commission.

Adjournments.
ibid., s. 38.

50. When the President or a Commissioner (as the case may be) is unable to attend at the time appointed for the hearing of any matter or for any proceeding, the Registrar may adjourn the Industrial Court or the commission and also adjourn any business set down for the day to such day and time as he deems convenient.

51. Notwithstanding anything in this Act or in any other law or any practice to the contrary—

Tribunal to be guided by equity and good conscience.
cf. ibid., s. 40.

(*a*) the commission in the exercise of any jurisdiction, duty, power, or function conferred or imposed by or under this Act, shall be governed in its procedure and in its judgments, awards, orders, and decisions by equity, good conscience, and the substantial merits of the case, without regard to technicalities or legal forms or the practice of other courts ;

(*b*) the commission in the exercise of any such jurisdiction, duty, power, or function, shall not be bound by any rules or practice as to evidence, but may inform its mind on any matter in such manner as it thinks just.

52. With respect to evidence in all proceedings before the Industrial Court or the commission whether in its original or appellate jurisdiction, the following provisions shall apply :—

Evidence.
cf. ibid., s 41.

(*a*) On the application of any of the parties, and on payment of the prescribed fee, or, by direction of the President, without any such application or fee, the President or Registrar shall issue a summons to any party or parties, or other person or persons, to appear and give evidence before the Industrial Court or the commission, and any number of witnesses' names may be inserted in one summons : But the President or Registrar may determine the number of parties or persons who shall be summoned to appear at the same time and the day or days and times upon which specified parties or persons shall be required to attend : Provided that the President or Registrar may refuse to issue a summons to any party or parties or other person or persons if he is of the opinion that an application in that behalf is not justified :

(*b*) The summons shall be in the prescribed form, and may require any person therein named to produce before the Court or the commission any books, papers, and other documents in his possession or under his control in any way relating to the matter :

(*c*) All books, papers, and other documents produced before the court or the commission, whether produced voluntarily or pursuant to summons, may be inspected by the court or the commission and also by such of the parties as the court or the

commission allows; but the information obtained therefrom shall not be made public without permission of the court or the commission:

(*d*) Books, papers, and documents relating to any trade secret or the profits or financial position of any witness or party shall not, without his consent, be inspected by any person except the President; and any parts of the books, papers, and documents which in the opinion of the President do not relate to any matter in issue may be sealed up:

(*e*) No evidence relating to a trade secret, or to the profits or financial position of a witness or party, shall be disclosed or published without the consent of the person entitled to the trade secret or non-disclosure:

(*f*) Every person who duly attends as a witness on a summons, or who gives evidence at the request of a party, shall be entitled to be paid by the party who called him the prescribed allowance for his attendance and expenses: But, until otherwise prescribed or except as otherwise prescribed, the allowance shall be according to the scale for the time being in force with respect to witnesses in civil actions in the Supreme Court:

(*g*) The court or the commission may accept, admit and call for such evidence as in equity and good conscience it thinks fit, whether strictly legal evidence or not:

(*h*) Any party to the proceedings shall be competent and may be compelled to give evidence as a witness:

(*i*) The court or the commission may, if it thinks fit, dispense with evidence on any matter on which all parties have agreed, or on any matter as to which the court or the commission deems evidence to be unnecessary:

(*j*) The court or the commission may take evidence on oath, or affirmation, or declaration:

(*k*) For the purposes of sections 24, 72 and 99 of this Act the court or the commission may accept the records (if any) contained in the latest annual report of the Secretary for Labour and Industry or a certificate from him.

Decision of tribunal to be final. Special case. ibid., s. 52.

53. (1) Except as provided in this Act, every award, order, or decision of the Industrial Court or the commission whether acting in original or appellate jurisdiction, shall be final, and shall not be removable to any other court by *certiorari* or otherwise.

(2) Subject as aforesaid, no award, order, decision, or proceeding of any kind whatever of the Industrial Court or the commission shall be challenged, appealed against, reviewed, quashed, or called in question in any other court or tribunal on any account whatever other than for excess or want of jurisdiction.

(3) Notwithstanding anything in this section, the President may, if he thinks fit, in any proceedings before him or before the commission when the President is a member of the commission hearing those proceedings, at any stage and upon such terms as he thinks fit, state a case for the opinion of the Supreme Court upon any question arising in the proceedings which in his opinion is a question of law.

(4) The Supreme Court shall hear and determine the question, and remit the case with its opinion to the President, and may make such order as to costs as it thinks fit.

PART V.

PART V.

CONCILIATION COMMITTEES.

DIVISION I. DIVISION I.—CONSTITUTION OF CONCILIATION COMMITTEES.

Inquiries by the Commission with reference to Conciliation Committees.
cf. ibid., s. 259, s. 157a (2).

54. (1) The Full Commission may inquire and report to the Minister—

(*a*) what committees it recommends should be constituted for any industries and what should be the business, undertaking, occupation or calling for each such committee in accordance with the governing principles set out in section 55 of this Act;

(*b*) whether two, three or four members, representative of employers, together with an equal number of representatives of employees, should be appointed to a committee;

(*c*) whether the number of members of any existing committee should be altered but not so as to exceed the maximum number fixed by paragraph (*b*) of this subsection;

(*d*) what committees should be dissolved;

(*e*) under the operation of which (if any) duly constituted committees any class of employers or employees should for the future be placed;

(*f*) in relation to what area of the State a committee should have jurisdiction to make awards;

(*g*) whether the description of the business, undertaking, occupation or calling for which any committee is appointed should be altered.

Persons entitled to make application.
cf. ibid., s. 260.

(2) The Full Commission may inquire and report on the matters referred to in subsection (1) of this section of its own motion or upon application made in the prescribed manner by—

(*a*) an employer or employers who, in the opinion of such commission, have a direct interest in the subject of such inquiry;

(*b*) not less than twenty employees who, in the opinion of such commission, have a direct interest in the subject of such inquiry;

or

(*c*) a registered association whose members, in the opinion of such commission, have a direct interest in the subject of such inquiry.

55. (1) The Full Commission, before recommending the appointment of a committee, shall determine whether the general interests of the community will be best and most conveniently served by appointing the committee in such a manner that all employees who are employed in and in connection with the particular business or undertaking carried on by the employers concerned shall be placed under the operation of a committee or committees for such business or undertaking, or whether such interests will be best and most conveniently served by placing some of such employees under the operation of a committee covering all employees engaged in a particular occupation or calling.

Governing principles. cf. ibid., s. 262.

(2) The Full Commission, before recommending that the area of the State in relation to which a conciliation committee should have jurisdiction to make awards should extend beyond the metropolitan area, shall determine whether the general interests of the community and of the employers and employees engaged in the industry in the area concerned will be best and most conveniently served by so extending such jurisdiction, and in making its recommendation shall give effect to such determination.

56. (1) If the Full Commission reports to the Minister that the area of the State in relation to which any existing committee shall have jurisdiction to make awards shall be altered—

Alteration of area of jurisdiction. ibid., s. 153b.

(*a*) the Minister shall publish in the *Gazette* and in a newspaper circulating in the City of Adelaide and another newspaper circulating in the area of the State affected by such report notice thereof;

and

(*b*) thereafter the committee shall have jurisdiction to make awards extending throughout such area.

(2) Until the Minister has published notices in accordance with subsection (1) of this section a committee shall continue to have jurisdiction to make awards throughout the metropolitan area and, as regards Public Service employees and Railway employees and employees of any council of a municipality or any district council, throughout the State.

57. The report of the Full Commission shall remain in force until cancelled, varied, or added to by a subsequent report, and no new committee shall be constituted except in accordance with the report of such Commission for the time being in force.

Operation of report. cf. ibid., s. 263.

Members of committees.
cf. ibid., s. 146.

58. (1) Each committee shall consist of a chairman and the number of members recommended by the Full Commission.

(2) One-half in number of such members shall be representatives of the employers and the other half shall be representatives of the employees.

(3) Subject to the provisions of subsection (5) of this section, the representatives of the employers shall be *bona fide* and actual employers or managing experts in one of the industries in respect of which the appointment of a conciliation committee has been recommended.

(4) Subject to the provisions of subsection (5) of this section, the representatives of the employees shall be *bona fide* and actual employees in one of such industries.

(5) Notwithstanding the provisions of subsections (3) and (4) of this section, one representative on each side may be appointed who does not hold the qualifications referred to therein: But no such member shall be a member of the legal profession.

Notice calling for nominations.
cf. ibid., s. 147 (1).

59. (1) When the Full Commission has recommended the appointment or constitution of a new committee or when the period for which a committee has been constituted has terminated or is about to terminate, the Registrar shall give notice in the prescribed manner calling for nominations of members on such committee.

ibid., s. 147 (2).

(2) Such nominations shall be made within the time and in the manner prescribed.

cf. ibid., s. 147a (1).

(3) When the Full Commission has recommended the appointment of additional members to a conciliation committee the Registrar shall call for nominations for such additional members, and the provisions of subsections (1) and (2) of this section shall apply, *mutatis mutandis*.

Selection of members.

60. (1) After the date for lodging nominations has passed the President shall select the required number of members.

ibid., s. 148 (3).

(2) If the employers or employees concerned duly submit the number of nominations required pursuant to section 60 the President shall, having regard to the requirements of subsection (4) of this section, select the persons so nominated, unless he is satisfied that there is some reason why he should not do so.

Selection of members when more than required number nominated.
ibid., s. 148 (1).

(3) In the event of more nominations being received than there are members to be appointed, the President after taking such evidence as he may deem sufficient shall select the required number from the persons so nominated.

(4) In selecting members from the persons nominated the President shall endeavour to secure, as far as possible, a fair representation of the interests of all employers and employees concerned. ibid., s. 148 (2).

(5) In the event of insufficient nominations being received the President may select such qualified persons as have been nominated and such other qualified persons as may be necessary. cf. ibid., s. 149.

(6) The President, after selecting the members in accordance with the provisions of this section, shall forthwith cause to be forwarded to the Minister and to each of such members a notice containing the names and addresses of the selected members.

(7) The provisions of this section shall, with such modifications as may be necessary, apply to and in relation to the selection of members, whether for a new committee or the re-constitution of a committee or the selection of additional members of a committee.

61. (1) As soon as possible after the selection of the members of a conciliation committee, not being the selection of additional members, the President shall allocate a Commissioner to act as chairman of the committee for a period determined by the President not being a period in excess of three years. Notwithstanding such allocation the President may cancel the allocation at any time before the expiration of such period and may then allocate another Commissioner, or the President may allocate a Commissioner as an acting chairman without cancelling the existing allocation where for any reason the existing chairman is unable to act. Allocation of Commissioner to act as Chairman. cf. ibid., s. 151, s. 154 (1), s. 144.

(2) The President shall cause notice of every allocation to be forwarded to the Minister and, where such allocation is an allocation made after the constitution of the committee, the President shall cause notice thereof to be published in the *Gazette*.

(3) Upon the receipt of the notice of the allocation of the chairman and the notice of the selection of the members the Minister shall proceed to constitute the committee in accordance with such notices and the report of the Full Commission.

62. (1) A committee shall consist of— Constitution. cf. ibid., s. 152.

(*a*) the chairman who shall be the Commissioner allocated as chairman of the committee by the President pursuant to the provisions of section 61 of this Act;

and

(*b*) the members of such committee who shall be the persons selected by the President pursuant to section 60 of this Act.

cf. ibid., s. 154 (1).

(2) The period for which a committee is constituted shall be three years from the date when the Minister publishes the notice required by section 63 of this Act, and at the expiration of that period the members shall cease to hold office.

(3) Subject to subsection (1) of section 61 of this Act, the chairman shall hold office for the period determined pursuant to that subsection.

Publication of notice constituting committee.
cf. ibid., s. 153

63. (1) The Minister shall, in relation to each committee, publish in the *Gazette* a notice which—

(*a*) shall, in accordance with the report of the Full Commission, specify the business, undertaking, occupation or calling in respect of which the committee is appointed ;

(*b*) shall set out the names and addresses of the chairman and of the members of the committee ;

(*c*) may include a direction that such committee may be described for all purposes by a specified short title ;

(*d*) shall, if the report of the Full Commission specifies the area of the State in relation to which the committee shall have jurisdiction, specify such area.

(2) Upon the publication of such notice the committee shall be duly constituted.

cf. ibid., s. 147a.

(3) Where the President, following a report from the Full Commission, has selected additional members on a committee the Minister shall, upon receipt of notice from the President, publish in the *Gazette* a notice setting out the names and addresses of the additional members, and upon publication of the notice the members shall be deemed to be duly appointed to the committee, and shall hold office until the expiration of the term of office of the original members of the committee.

Change in constitution of committee.
cf. ibid., s. 153a.

64. (1) If the Full Commission reports to the Minister that the constitution of any committee should be changed the Minister shall publish in the *Gazette* notice thereof. Upon the expiration of fourteen days after such publication such change shall become operative.

(2) Where the report is to the effect that any particular class of employers or employees should for the future be subject to the jurisdiction of an existing committee the employers or employees to whom the report relates shall, until fourteen days after the publication in the *Gazette* of a new award relating to them, be subject to the existing award (if any) relating to them.

(3) Nothing contained in this section shall affect the appointment of the members of the committee or the period for which they hold office.

Dissolution of committees, cancellation of awards and removal of members.
cf. ibid., s. 154.

65. The Minister may—

(*a*) whenever necessary to give effect to a report of the Full Commission—

(i) dissolve a committee ;

or

(ii) cancel any award of a committee, or any part thereof ;

(*b*) on the recommendation of the President, remove any member of a committee from his office on the ground that such member is seriously ill or is ill and that his illness will probably be prolonged, or is of unsound mind, or in prison, or has abandoned his residence in the State, or is not properly discharging his duties as a member of such committee, or (not being a member appointed pursuant to subsection (5) of section 58 of this Act) does not hold the necessary qualification.

Vacancies and filling of vacancies on committees.
ibid., s. 154 (4).

66. (1) If the chairman ceases at any time to hold office as a Commissioner he shall *ipso facto* cease to hold office as chairman.

ibid., s. 154 (3).

(2) A member of a committee and the chairman, with the approval of the President, may resign by writing under his hand addressed and forwarded to the Minister.

(3) Where from any cause the chairman of a committee ceases to hold office as chairman, the President shall either re-allocate such Commissioner or allocate another Commissioner as chairman of the committee, inform the Minister of such allocation, and publish notice thereof in the *Gazette*.

cf. ibid., s. 156.

(4) Where from any cause a member of a committee ceases to hold office, the Minister may appoint a duly qualified person, who shall be recommended by the President, to his office for the remainder of the period for which such member was appointed : But, if within twenty-one days of the receipt by the Minister of notification of such vacancy, a majority of the members on the committee representative of the employers or employees, as the case may be, nominates a qualified person to be appointed to fill such vacancy, the Minister shall appoint the person so nominated unless the Minister is of the opinion that by the appointment of the person so nominated a fair representation of the interests

of all employers or employees concerned would not be maintained in which event the Minister shall refer the matter to the President and the President shall recommend a person to be appointed to fill the vacancy.

(5) The Minister shall publish in the *Gazette* a notice of the appointment of any member to fill a vacancy on a committee.

Effect of vacancy. ibid., s. 155.

67. (1) During a vacancy in the office of member of a committee the continuing members may, unless a member objects, act as if no vacancy existed.

(2) Where a person is appointed to any vacancy on a committee, the committee as newly constituted may, if no member of the committee objects, continue the consideration of and may determine any part-heard matter.

DIVISION II. DIVISION II.—JURISDICTION AND DUTIES OF CONCILIATION COMMITTEES.

Jurisdiction of committees. cf. ibid., s. 167.

68. (1) A committee, on any direction or application to it, shall, with respect to the industry and in the area of the State in relation to which it has been constituted, have jurisdiction—

(*a*) to deal with all industrial matters pursuant to this Part of this Act, and to make awards determining any such industrial matters ;

(*b*) to rescind or vary any award made in respect of such industry ;

(*c*) to determine what deductions may be made from the wages of employees pursuant to section 88 of this Act ;

(*d*) to appoint a board of reference in the same manner and subject to the same conditions and rights of appeal as the commission may ;

(*e*) to authorize by award a duly accredited official of a registered association of employees, which has members employed by an employer, to inspect the time books and wages records of such members on giving such employer the notice prescribed by such award :

But a committee shall not have jurisdiction to deal with or include in an award any provision or matter which the commission, if the matter were before it, would not be empowered to include in its award or order, or which is not included in the direction or application, nor may a committee determine annual salaries.

(2) A committee shall not have power, as regards adult employees, to fix wages or rates which do not secure the living wage for the time being in force for those employees. cf. ibid., s. 169.

(3) A committee charged with the duty of determining the lowest wages which may be paid to employees in hotels, coffee palaces or restaurants and any committee appointed for any industry in which allowances are received by the employees shall fix wages payable to such employees without taking such allowances into consideration. cf. ibid., s. 175.

69. (1) Each member of a committee shall, upon his appointment, take an oath not to disclose at any time any matter or evidence before the committee relating to— Oath to be taken by members. ibid., s. 178.

(*a*) trade secrets ;

(*b*) the profits or losses or the receipts and outgoings of any employer ;

(*c*) the books of an employer or witness, produced before the committee ;

or

(*d*) the financial position of any employer or of any witness :

But it shall not be necessary for a member of a committee who has been re-appointed on the expiration of the term of a committee of which he has been a member to take a further oath.

(2) Any person who, having taken an oath in pursuance of the provisions of subsection (1) of this section, violates such oath shall be guilty of an offence against this Act and liable to a penalty not exceeding one thousand dollars, and, on conviction of such offence, shall cease to hold office as a member of the committee.

(3) A person who has been appointed as a member of a committee shall not, before first sitting as a member thereof, fail to take an oath in pursuance of the provisions of subsection (1) of this section.

Penalty : Twenty dollars.

Failure of member to attend. ibid., s. 179.

70. (1) No member of a committee shall, without reasonable excuse, neglect on two successive occasions to attend meetings of the committee duly convened, or to vote when present at any such meeting on any question duly submitted to the committee.

Penalty : Twenty dollars.

(2) Without affecting the liability of a member to a penalty under subsection (1) of this section, the President may declare the office of any such member vacant, and thereupon such member shall vacate and cease to hold that office.

Wages and expenses of members. cf. ibid., s. 180b.

71. (1) Any member of a committee shall, on making application in the prescribed form, be reimbursed such fares and out-of-pocket expenses incurred in attending a meeting of the committee as are approved by the Minister.

(2) No employer shall make any deductions from wages, allowances or remuneration of any employee in respect of any time for which the employee is necessarily absent from his employment for the purpose of attending a meeting of a committee of which the employee is a member.

Penalty : One hundred dollars.

DIVISION III. DIVISION III.—PROCEDURE OF CONCILIATION COMMITTEES.

Commencement of proceedings. cf. ibid., s. 176.

72. (1) Proceedings before a committee shall be commenced by—

(*a*) direction of the President under section 74 of this Act ;

or

(*b*) application to the committee by employers or employees in the industry for which the committee has been constituted.

(2) Any such application shall be in the prescribed form, and shall contain the particulars prescribed, and shall be signed—

(*a*) on behalf of the Public Service Commissioner, as regards Public Service employees ;

(*b*) by an employer or employers of not less than twenty employees in the industry or of not less than seventy-five per cent of the employees in the industry, whichever is the lesser ;

(*c*) by not less than twenty employees in the industry or not less than seventy-five per cent of the employees in the industry, whichever is the lesser;

(*d*) on behalf of a registered association of employers the members of which employ not less than twenty employees in the industry or not less than seventy-five per cent of the employees in the industry, whichever is the lesser;

(*e*) on behalf of a registered association of employees, of which association not less than twenty members are employees in the industry, or not less than seventy-five per cent of the employees in the industry are members, whichever is the lesser;

or

(*f*) by The South Australian Railways Commissioner as regards Railway employees.

(3) A committee shall meet at the times, dates and places fixed by the chairman, who shall cause notice thereof to be given to each member and the committee shall, in such manner as it thinks fit, expeditiously and carefully inquire into the matters before it and anything incidental thereto or affecting the merits thereof. cf. ibid., 180b.

(4) For the purposes of paragraph (*b*), (*c*), (*d*) or (*e*) of subsection (2) of this section a committee may have regard to the records (if any) contained in the latest annual report of the Secretary for Labour and Industry or a certificate from him.

73. (1) Unless otherwise provided by this Act— Quorum and voting at meeting.

(*a*) at any meeting of a committee composed of four members the chairman and at least one of the members representative of employers and one of the members representative of employees may, at the discretion of the chairman, form a quorum of such committee for the purposes of any of its meetings: But if any matter shall be put to the vote the voting power of the employer and employee members shall be taken to be equal; cf. ibid., s. 180.

(*b*) at any meeting of a committee composed of six members, the chairman and at least two of the members representative of employers and two of the members representative of employees may, at the discretion of the chairman, form a quorum of

such committee for the purposes of any of its meetings: But if any matter shall be put to the vote, the voting power of the members representative of employers and employees shall be taken to be equal;

(*c*) at any meeting of a committee composed of eight members the chairman and at least three of the members representative of employers and three of the members representative of employees may, at the discretion of the chairman, form a quorum of such committee for the purposes of any of its meetings: But if any matter shall be put to the vote, the voting power of the employer and employee members shall be taken to be equal;

cf. ibid., s. 177.

(*d*) at any meeting of a committee, the chairman shall preside and shall endeavour to bring the members to an agreement with respect to the matters referred to in the application or direction, and may make all such suggestions and do all such things as he deems right and proper for inducing the members to come to a fair and amicable settlement of such matters within the ambit of such application or direction.

(2) The President may direct that the provisions of paragraphs (*a*), (*b*) and (*c*) of subsection (1) of this section shall not apply to any particular committee for any meeting or meetings.

cf. ibid., s. 180 (*f*).

(3)—

(*a*) If, at a properly constituted meeting of a committee, the chairman has been unable to bring the majority of the members of the committee to an agreement with respect to any matter referred to in an application or direction to the committee, he shall refer the matter for hearing before himself as a Commissioner, and shall appoint a time, date and place for the hearing of the matter. At the hearing of such matter the Commissioner shall, except where otherwise provided, have all the powers which a Commissioner would have if the matter were within the jurisdiction of the commission and not within the jurisdiction of a committee: But the Commissioner shall not have power pursuant to this paragraph to deal with any matter which would not be within the jurisdiction of a committee;

(*b*) If the chairman has been unable to bring the majority of the members of the committee to agreement with respect to any matter referred to in an application or direction to the committee on account of the lack of a quorum, he may, in his discretion, either fix another time and date for a meeting or refer the matter for hearing before himself as a Commissioner in which case he shall appoint a time, date and place of hearing and give not less than seven days' notice of such hearing. At the hearing he shall have all the powers referred to in paragraph (*a*) of this subsection.

Provision for urgent matters. cf. ibid., s. 179a, s. 184, s. 185.

74. If—

(*a*) a committee by reason of not being properly constituted, is not competent to act, or a committee has not been re-constituted, and an urgent matter has arisen which, in the opinion of the President, should be dealt with pending the re-constitution of the committee;

or

(*b*) a committee, or the chairman thereof, or not less than one-half of its members, reports to the President that the committee is unable to exercise or discharge some or any of its powers and duties,

the President may direct that such matter be dealt with or such powers and duties be exercised by the commission or the committee, constituted as directed by the President; and the award of such commission or committee shall have the force and effect of an award of the committee: But if the committee is not constituted the award shall specify a period of operation not exceeding six months.

DIVISION IV.

DIVISION IV.—PUBLICATION, DURATION AND APPLICATION OF AWARDS OF CONCILIATION COMMITTEES.

Making of award. cf. ibid., s. 180a.

75. (1) When a committee has agreed on the matters before it, or when a Commissioner, or the Full Commission pursuant to a direction under section 103 of this Act has decided the matters in dispute, the chairman of the committee in question shall make an award incorporating the matters agreed upon before the committee, and those decided by the Commissioner or by the Full Commission, as the award of the committee.

(2) Such award shall—

(*a*) be signed by the chairman and forwarded by him to the Registrar;

cf. ibid., s. 186.

(*b*) be forthwith published by the Registrar in the *Gazette* ;

(*c*) subject to the provisions of section 86 of this Act come into force unless otherwise provided by this Act on or as from the fourteenth day after such publication : But the committee, or the chairman if hearing the matter under subsection (3) of section 73 of this Act, or the commission, if the matter is before it, may order that the award shall come into force on any day which the committee, the chairman or the commission, as the case may be, may consider equitable but such day shall not be prior to the day for which the meeting was convened by the chairman pursuant to subsection (3) of section 72 of this Act, to first consider the matter ;

Binding effect of award and area of operation.
cf. ibid., s. 186 (1a).

(*d*) be binding on all employers and employees in the industry specified therein within the area of the State prescribed by the award, which however shall not extend outside the area in relation to which the Minister has constituted the committee : But if no area is specified in the award the area shall be that in which the committee concerned has jurisdiction to make the award.

Effect of fixing wages only.
cf. ibid., s. 203.

76. Where an award of a committee fixes wages in relation to an industry but no piece-work rates have been determined or allowed by the committee—

(*a*) no employer of employees in that industry shall pay piece-work rates to such employees ;

and

(*b*) every employee in that industry shall be paid such wages by his employer and may, subject to the provisions of section 88 of this Act, recover in a court of competent jurisdiction the full amount thereof less any amount actually received by such employee.

Penalty : Fifty dollars.

Effect of fixing piece-work rates only.
cf. ibid., s. 204.

77. When an award of a committee fixes, in relation to any industry, piece-work rates only—

(*a*) no employer of employees in that industry shall pay wages to such employees ;

and

(*b*) every employee in that industry shall be paid by his employer such piece-work rates and may, subject to the provisions of section 88 of this Act, recover

in a court of competent jurisdiction the full amount thereof, less any amount actually received by such employee.

Penalty : Fifty dollars.

Period of operation of awards.
cf. ibid., s. 189.

78. (1) Subject to subsection (2) of this section, an award of a committee shall, unless previously cancelled or rescinded, continue in force during the period specified therein, which period shall in no case extend beyond three years from the date of the constitution of the committee.

(2) After the expiration of the period so specified the award shall remain in force until a new award for the same industry made by the same or a subsequent committee comes into force, unless it has been previously cancelled or rescinded.

PART VI.

PART VI.

COMMISSION AND CONCILIATION COMMITTEES—GENERAL PROVISIONS.

DIVISION I.

DIVISION I.—RATES OF PAY FOR ADULT FEMALES.

Equal pay for males and females in certain circumstances. cf. s. 88d. Industrial Arbitration Act, 1940 (N.S.W.)

79. (1) The Full Commission shall upon an appropriate application made therefor insert, by way of variation or otherwise, in any award or industrial agreement (which has been referred to the commission pursuant to section 108 of this Act), which fixes rates of wages for male and female employees, performing work of the same or a like nature and of equal value, provisions for equal pay as between the sexes based upon the principles set out in this section.

(2) Where the Full Commission is satisfied that male and female employees are performing work of the same or a like nature and of equal value the same rates of wages shall, in the manner prescribed by subsection (3) of this section, be fixed irrespective of the sex of the employees. For the purpose of determining whether female employees are performing work of the same or a like nature and of equal value as male employees, the Full Commission shall, in addition to any other relevant matters, take into consideration whether the female employees are performing the same work or work of a like nature as male employees and doing the same range and volume of work as male employees and under the same conditions.

(3) Notwithstanding any determination of a living wage for adult females, when the Full Commission is satisfied, as prescribed by subsection (2) of this section, the rates of wages of such female employees shall be fixed at 80 per centum of the appropriate rate for male employees as from 1st January, 1968, at 85 per centum of such rate from 1st January, 1969, at 90 per centum of such rate from 1st January, 1970, at 95 per centum of such rate from 1st January, 1971, and at 100 per centum of such rate from 1st January, 1972: But the operative date of any award or order shall be subject to the requirements of section 28 or section 75 of this Act, as the case may require.

(4)—

(*a*) Nothing contained in this section shall limit or in any way affect the powers, authorities, duties and functions conferred or imposed on the Full Commission by or under this Act in respect of rates

of wages for adult females: But in the exercise or performance of such powers, authorities, duties or functions the Full Commission shall not in any award or industrial agreement, which fixes rates of wages for male and female employees performing work of the same or a like nature and of equal value, insert any provisions relating to rates of wages for adult females less favourable to the female employees than the provisions prescribed by this section:

(*b*) Subsection (2) of this section shall not be construed as requiring the same rates for male and female employees to be fixed only where such male and female employees are performing work of the same or a like nature and of equal value within the meaning of that subsection.

(5) The Registrar may (subject to appeal to the President) upon application made as prescribed vary the terms of any award or industrial agreement affecting rates of wages to the extent necessary to give effect to subsection (3) of this section. The Registrar may refer any such application or any matter arising out of any such application or arising under this subsection to the President for direction.

(6)—

(*a*) This section shall apply to and in respect of awards and industrial agreements whether made before or after the commencement of this Act:

(*b*) This section shall not apply to or in respect of those provisions of any awards and industrial agreements which are applicable to persons engaged in work essentially or usually performed by females but upon which male employees may also be employed.

DIVISION II.—GENERAL PROVISIONS RELATING TO AWARDS.

DIVISION II.

Declaration as to terms of contract.

cf. Industrial Code, 1920-1966., ss. 44, and 168.

80. (1) The commission or a committee may include in any award or order a provision that the contract of hiring of every person employed in a particular industry shall, in the absence of express contract to the contrary, be deemed to be a hiring by the hour, day, week, or any other period specified in such order or award.

(2) The contract of hiring of every person employed in an industry in respect of which no provision has been made under subsection (1) of this section shall, in the absence of an express contract that such hiring shall be for some other specified period be deemed to be a contract of hiring by the week.

Payment of employee engaged in two or more classes of work.
cf. ibid., ss. 120b, and 201.

81. (1) Where an employee performs two or more classes of work and the remuneration for such classes of work has been fixed by an award or awards, his employer, if bound by such award or awards, shall pay such employee in respect of the time occupied in each class of work remuneration at the rate fixed by the award or awards applicable to such class of work: But nothing contained in this subsection shall prevent the insertion, or the operation thereof, of a clause in an award or order prescribing different rates of pay for an employee who performs different classes of work within the ambit of such award or order.

(2) Where an employee, during the same day, is employed partly at a class or classes of work for which remuneration has been fixed by an award or awards binding on the employer, and also partly at work for which no remuneration has been fixed by such an award or awards the employer shall pay the employee for such day's work as follows :—

(*a*) for the time occupied in each class of work for which remuneration has been fixed by any such award or awards remuneration at the rate so fixed ;

(*b*) for the time occupied in work in any industry for which no remuneration has been fixed by any such award or awards remuneration at the rate fixed by the award applicable to the other portion of such day's work, or, if more than one such rate is so applicable, then at the higher or highest of the remunerations or the rates fixed by such award or awards : But if an industrial agreement, which is binding on the employer as regards such employee, fixes remuneration for the work for which no remuneration has been fixed by such an award, the remuneration payable for the time occupied in such work shall be that fixed by such industrial agreement.

Change of locality of work.

(3) Where an employee, who for the greater part of his working time works in the metropolitan area for his employer at work which is covered by an award of a committee, at the request of his employer, performs similar work outside the metropolitan area (or if the area of the committee's award extends outside the metropolitan area, performs work outside such area) which work is of the type covered by an award of the commission which is binding on such employer, such last mentioned award shall apply to such work performed outside the metropolitan area or as the case may be the area of the committee's award if the employee so works for a week or more on any one occasion, but if such work is for less than a week's duration the award of the committee shall continue to apply.

Where an employee who for the greater part of his working time works outside the metropolitan area, and at the request of his employer, performs similar work within the metropolitan area, the foregoing provisions, *mutatis mutandis*, shall apply.

Experience of apprentice, etc., how calculated. ibid., s. 174.

82. All the time during which an apprentice or improver has worked at the industry in which he is for the time being employed shall be reckoned in calculating his experience, whenever by the award his wages are to vary in accordance with his experience.

Awards not to apply to sheltered workshops, etc. cf. ibid., s. 173.

83. No person engaged in any work carried on in a sheltered workshop, charitable institution or an institution for the blind, which has been proclaimed, shall be bound by any award.

Provision for preventing overlapping of awards. cf. ibid., ss. 49 and 190.

84. Notwithstanding anything to the contrary contained in this Act or in any award or order of the commission or a committee—

(*a*) where any employees or association of employees are bound by the provisions of an award or order of the commission or a committee, and whilst so bound file a plaint in the Commonwealth Conciliation and Arbitration Commission, or make application to such Commission for the summoning of a compulsory conference, then, in the event of the Commonwealth Commission making an award or order dealing with an industrial matter, or any part thereof, which is covered by an award or order of the commission or a committee, such lastmentioned award or order shall, as regards all employees and associations who are bound by the award or order of the Commonwealth Conciliation and Arbitration Commission, become null and void, but without prejudice to any rights, liabilities, or obligations theretofore accrued or incurred ;

(*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 matter.

DIVISION III.—MISCELLANEOUS PROVISIONS.

DIVISION III.

Consolidation of awards. cf. ibid., s. 20h.

85. (1) Where an award of the commission has been varied by one or more orders and as so varied is in force, or where an award of a committee has been varied by one or more awards, the Registrar may, at any time of his own motion, or, if so directed by the commission or the appropriate committee,

shall, consolidate such award and order (or orders) or awards. Such consolidation shall include any variations made by virtue of alterations in the living wage. The Registrar may, in so consolidating, correct any clerical errors.

(2) The Registrar shall publish in the *Gazette* any award so consolidated.

(3) Notwithstanding any other provisions of this Act, a consolidated award of the commission shall be binding on the persons and associations specified therein and any order which declared such award and order (or orders) a common rule shall be deemed to declare such consolidated award a common rule, and any consolidated award of a committee shall be deemed to have been made by such committee.

Awards affecting Government employees not operative until approved.
cf. ibid., ss. 48, 187, and s. 268.

86. (1) No award or order of the commission or of a committee or determination of a living wage shall, as regards Public Service employees or Railway employees, come into force until after such award, order or determination has been approved by the Minister, and upon such approval being given such award, order or determination shall take effect as from the day fixed by the commission or the committee for the coming into operation of such award, order or determination or the date determined pursuant to section 75 of this Act.

(2) The Minister shall, within fourteen days after receipt of such award, order or determination, if Parliament is then sitting, or if not, then within fourteen days after the next meeting of Parliament, cause such award, order or determination to be laid before both Houses of Parliament.

Effect on legal proceedings of amendment of award.
cf. ibid., s. 211.

87. The alteration or rescission of an award or order shall not affect—

(*a*) legal proceedings theretofore commenced in relation to such award or order ;

or

(*b*) rights existing at the time of such alteration or rescission.

Allowable deductions from wages.
cf. ibid., ss. 121c, and 205.

88. Every employer liable to pay wages or make other payments under an award or order of the commission or a committee may, at the request in writing of an employee, or if so authorized by the award or order, deduct from the amount payable to such employee—

(*a*) any amount agreed to be paid by such employee for or towards the establishment or maintenance of a sick and accident fund for the benefit of the employees of such employer : But—

(i) no such deduction shall be lawful or be made unless the Public Actuary has certified that

the scheme for the distribution of such fund is equitable, and in the interests of, and for the benefit of such employees;

(ii) no amount paid to any employee out of such fund shall affect any right, whether at common law or under the provisions of the Workmen's Compensation Act, 1932-1966, or the Wrongs Act, 1936-1959, as amended which such employee may have against his employer or any other person to receive compensation in respect of any accident;

(*b*) any amount payable by such employee to any organization registered as a medical benefits organization or a hospital benefits organization under the National Health Act 1953-1966 of the Commonwealth or the regulations thereunder or any amendments thereof;

and

(*c*) any amount or amounts for payment of insurance premiums, association subscriptions or contributions to any superannuation scheme or for rent, board and lodging, protective clothing or equipment or allowances.

Employees to be paid in money.
cf. ibid., ss. 121 and 206.

89. (1) When an employee does any work for which the wages or other payments have been fixed by an award or order the employer of such person in respect of such work shall, subject to the provisions of section 88 of this Act, pay such employee the full amount thereof without any deduction, and in default thereof shall be guilty of committing a breach of such award or order and shall be guilty of an offence against this Act.

Penalty: One hundred dollars.

(2) Every amount payable under subsection (1) of this section shall be paid in money or, if and for so long as the employee so agrees in writing, by cheque duly met on presentation or by payment thereof into a bank account specified in writing by the employee: But any payment required to be made by the Crown to an employee, whether payable under subsection (1) of this section or pursuant to an award, order or decision of any other tribunal created under any other Act, may be made by cheque or by payment thereof into a bank account specified by the employee; and the employer shall not make any deduction from the amount payable because such payment has been made by cheque.

Penalty: One hundred dollars.

(3) Every employee may recover in a court of competent jurisdiction any amount not paid in accordance with this section: But no amount shall be recoverable under this subsection unless such amount first became payable within three years immediately prior to the commencement of proceedings under this subsection.

(4) When any person is convicted of an offence under subsection (1) or subsection (2) of this section, the Special Magistrate if of opinion that the breach or non-observance was committed in wilful defiance of the award or order may, on motion or without motion, and in addition to any penalty imposed, grant an injunction to restrain such person from committing any further breach or non-observance of the award or order. No person shall disobey an injunction granted under this subsection.

Penalty: Five hundred dollars.

Employee not to be dismissed for taking part in industrial proceedings.

90. (1) No employer shall dismiss from his employment any employee in consequence of—

(*a*) such employee becoming or acting in the capacity of a member of any committee;

(*b*) anything done by such employee as or in the capacity of a member of a committee, or arising out of or consequent upon such employee being or acting in such capacity;

cf. ibid., s. 210.

(*c*) such employee becoming a party to any proceedings before the commission or a committee;

or

(*d*) any evidence given or anything said or done or omitted to be said or done by an employee before the commission or a committee.

Penalty: One hundred dollars.

(2) In any proceedings for an offence against this section, if it is proved that an employee was dismissed from any employment with the defendant within two months after any of the acts or matters mentioned in subsection (1) of this section, the burden of proving that such dismissal was not in consequence of such act or matters shall be upon the defendant.

(3) Proceedings for an offence against this section may be commenced and prosecuted either by the employee alleged to have been dismissed, or by an inspector.

(4) If the defendant is convicted, the dismissal shall be deemed to be a wrongful dismissal, and the Special Magistrate may, in addition to any penalty for the offence, award such sum

as he deems proper by way of damages and costs, which sum may be recovered in the same way as a penalty imposed for an offence against this Act.

Employer not to dismiss employee because unionist or taking benefit under the Act.
cf. ibid., s. 122.

91. (1) No employer shall dismiss any employee from his employment or injure him in his employment, by reason merely of the fact that the employee—

(*a*) is or is not an officer or member of an association ;

or

(*b*) is entitled to the benefit of an award, order or industrial agreement.

Penalty : One hundred dollars.

(2) In any proceeding for an offence under this section it shall lie upon the employer to show that any employee, proved to have been dismissed or injured in his employment whilst he was or was not an officer or member of an association, or whilst entitled as aforesaid as the case may be, was dismissed or injured in his employment for some reason other than a reason mentioned in this section.

Employee not to cease work for certain reasons.
cf. ibid., s. 123.

92. (1) No employee shall cease work in the service of an employer by reason merely of the fact that the employer—

(*a*) is a member or officer of an association ;

(*b*) is not a member of an association ;

or

(*c*) is entitled to the benefit of an award, order or industrial agreement.

Penalty : Fifty dollars.

(2) In any proceeding for an offence under this section it shall lie upon the employee proved to have ceased work in the service of an employer whilst the employer was an officer or member of an association or whilst he was not such a member, or whilst he was entitled as aforesaid, to show that he ceased to so work for some reason other than a reason mentioned in this section.

Employers to keep certain records.
cf. ibid., ss. 132a, and 216.

93. (1) Every employer bound by an award or order or engaged in any industry in respect whereof a committee is appointed shall, in respect of the employees to whom the award or order applies or who are within the jurisdiction of the committee—

(*a*) make and keep a true record of the names and addresses of the persons employed by him and the age of every person under twenty-one years of age so employed and produce such record whenever demanded by an inspector ;

(*b*) keep, or cause to be kept for a period of three years from the dates of the respective entries therein a time book or time or wages record, wherein shall be entered (wherever practicable) such employee's times of beginning and of ending work on every day. There shall also be entered therein at the end of each week, fortnight or month according to the periodicity of the payment, the wages paid ; such time book, time or wages record shall be signed (wherever practicable) by the employee concerned at the end of each week, fortnight or month as the case may be and when so signed shall be *prima facie* evidence of the correctness of the contents thereof ;

(*c*) keep, or cause to be kept a record of annual, sick and long service leave granted to every employee ;

and

(*d*) produce such time book, time or wages record or record of annual, sick and long service leave for inspection whenever production thereof is demanded by an inspector and allow him to take a copy of any entry in such time book, time or wages record or record of such leave.

(2) Whenever a business, or part thereof, is transferred, conveyed or assigned to another employer, the former employer shall transmit to the new employer all records concerning leave.

Penalty : Fifty dollars.

Notices by employers.
cf. ibid., ss. 132a and 217.

94. Every employer bound by an award or order or engaged in any industry in respect whereof a committee is appointed, shall affix and keep affixed in legible characters in some conspicuous place at his principal place of business and at every branch or depot where a substantial number of employees are required to work or report and in every factory, shop, office and warehouse occupied by the employer and so as to be easily read by his employees a copy of the award or awards for the time being in force in respect of his employees.

Penalty : Fifty dollars.

Aged, slow, inexperienced or infirm workers.
ibid., ss. 31 and 224.

95. (1) The Secretary for Labour and Industry, or any officer authorized by him may, on personal application, grant to an aged, slow, inexperienced, or infirm worker a licence to work at a wage less than that fixed by the award.

(2) The Secretary for Labour and Industry or other officer shall not grant such licence until satisfied that such worker is, by reason of age, slowness, inexperience, or infirmity, unable to obtain employment at the wage fixed by the award.

(3) Such licence—

(*a*) shall specify the wage at which such worker is licensed to work;

(*b*) may be renewed;

and

(*c*) shall be in force for a period specified therein not exceeding twelve months from date of issue or renewal.

(4) An appeal shall lie to the President from a refusal by the Secretary for Labour and Industry or such other officer to grant such licence.

(5) On such appeal the President may—

(*a*) uphold the decision;

or

(*b*) fix the wage and direct the Secretary for Labour and Industry or other officer to issue a licence.

(6) No employer shall, without the consent of the President, employ any number of licensed aged, slow, inexperienced, or infirm workers exceeding one-fifth of the whole number of persons employed by him in the particular industry at the wage fixed for adults or at piece-work rates.

(7) Notwithstanding subsection (6) of this section, every employer may employ one such licensed worker.

(8) No person shall pay or offer to pay any such aged, slow, inexperienced, or infirm worker a wage lower than that specified in such licence. ibid., s. 32, s. 225.

Penalty: One hundred dollars.

96. (1) No person shall either directly or indirectly, or by any pretence or device— No premium to be demanded for apprentices or improvers. cf. ibid., s. 212.

(*a*) require or permit any person to pay or give;

or

(*b*) receive from any person,

any consideration, premium or bonus for engaging or employing a person as an apprentice or improver.

Penalty: Fifty dollars.

(2) A person who pays or gives such consideration, premium or bonus may recover the same as a debt with costs in a court of competent jurisdiction from the person who receives the same.

PART VI.

DIVISION III.

Certain guarantees illegal. cf. ibid., s. 213.

97. (1) Except with the consent in writing of the Minister, no person shall require or permit any person—

(*a*) to pay a sum of money ;

or

(*b*) to enter into or make a guarantee or promise requiring or undertaking that such person shall pay a sum of money,

in the event of the behaviour or attendance or obedience of an apprentice, improver, or employee not being satisfactory to the employer.

Penalty : Fifty dollars.

(2) Any such guarantee or promise, or a guarantee or promise to the like effect, entered into or made without such consent shall be void.

(3) Any sum which is paid in contravention of this section shall, unless repaid upon demand, be recoverable as a debt with costs in a court of competent jurisdiction.

DIVISION IV.

DIVISION IV.—APPEALS AND REFERENCES.

Right of appeal. cf. ibid., ss. 53 and 196.

98. (1) There shall be an appeal—

(*a*) against an award, or part thereof, or a decision, of a committee or an award or order, or part thereof, or a decision, of a Commissioner, whether he is exercising the jurisdiction of the commission under Part III or Part VI of this Act or that of the chairman of a conciliation committee ;

(*b*) in respect of the omission, failure or refusal of a committee or a Commissioner to include in its or his award any matter which if included would have been within its or his jurisdiction ;

and

(*c*) against the award, or part thereof, of a committee or the award or order, or part thereof, of a Commissioner challenging or disputing the award or order or part thereof for the illegality thereof.

(2) Such appeal shall be made to and shall be heard by the Commission in Appeal Session. On any such hearing the decision of the majority shall be the decision of such commission.

(3) No award or decision of a committee or award, order or decision of a Commissioner shall be, in any other manner, challenged or disputed for the illegality thereof

99. An appeal under section 98 of this Act may be made— Persons entitled to appeal. cf. ibid., s. 54.

(*a*) by any of the employers referred to in paragraph (*b*) of the definition of "employer" contained in section 5 of this Act, or included therein by proclamation, where any of the matters referred to in subsection (1) of section 98 affect their respective employees ;

(*b*) by the majority of the members representative of employers or the majority of the members representative of employees on the committee ;

(*c*) by an employer or group of employers employing not less than twenty employees subject to the award or order or not less than one-quarter of the total number of employees subject to the award or order whichever is the lesser ;

(*d*) by not less than twenty employees subject to the award or order or not less than one-quarter of the total number of employees subject to the award or order whichever is the lesser ;

(*e*) by a registered association which is, or whose members are, bound by the award or order ;

or

(*f*) by any person or association interested if the appeal is an appeal only challenging or disputing the award or order or part thereof for the illegality thereof.

100. (1) The appeal shall be made in the prescribed manner and— Appeals. cf. ibid., s. 57.

(*a*) unless it is made solely on the grounds of illegality, the notice of appeal shall be lodged within six weeks after the publication of the award or order appealed against in the *Gazette* ;

(*b*) if the appeal is in respect of a decision or the omission, failure or refusal of the committee or Commissioner to include in its or his award or order any matter which if included would have been within its or his jurisdiction the notice of appeal shall be lodged within six weeks after the date of such decision, omission, failure or refusal, as the case may be.

(2) The notice of appeal—

(*a*) shall specify the parts of the award, order or decision against which such appeal is lodged, and the relief sought ;

and

(*b*) shall, if or to the extent that the appeal is lodged in respect of the omission, failure or refusal of the committee or Commissioner or in respect of the illegality of the award or order, specify such omission, failure, refusal or illegality and the relief sought.

(3) On the hearing of an appeal the commission may—

(*a*) take fresh evidence ;

(*b*) confirm, quash, or vary the award, order or decision or part thereof which is under appeal ;

(*c*) direct a Commissioner to furnish a report with respect to a specified matter, and the Commissioner to whom the direction is given shall, after making such investigation as is necessary, furnish a report accordingly ;

(*d*) refer the award, order or decision, or any part thereof (whether the subject of the appeal or not), or the omission, failure or refusal appealed against or the matter in issue to a Commissioner to make an award or refer it back to the committee or Commissioner for reconsideration, and with or without such directions or suggestions as the commission may think fit ;

(*e*) make an award or order dealing with the matters under appeal, but no such award or order shall include any provision which would be outside the powers of the committee or Commissioner ;

(*f*) subject to the provisions of section 75 of this Act, fix a date as from which any variation of any award or order made by the commission shall come into operation ;

(*g*) dismiss the appeal or any part thereof.

(4) When an award or order is in any way altered or added to on appeal, the award or order of the commission shall be drawn up so as to set out the relevant part or the whole of such award or order as so altered or added to, the date (if any), fixed by the commission upon or from which such alteration or addition shall come into operation and the period of operation, or may consolidate the awards and orders, including any made subsequent to the making of the appeal.

(5) Such award or order as so altered, added to or consolidated shall be published in the *Gazette*, and shall thereupon be deemed to be and subject to the provisions of section 86 of this Act, take effect as the award or order of the commission or the committee, as the case may be.

(6) When any award or order of the commission confirms or quashes the award or order of a Commissioner or committee, a notice of such confirmation or quashing shall be published in the *Gazette*.

(7) Until the commission has given its decision on an appeal neither the committee nor a Commissioner shall have power to alter or rescind the part of the award or order under appeal.

Stay of operation of award.
cf. ibid., s. 55.

101. When an appeal has been made against an award or order, or part thereof, the Commission in Appeal Session may on such terms and conditions as it thinks fit order that the operation of the whole or any specified part or parts of the award or order shall be stayed, pending the decision on the appeal or until further order of the commission.

Reference by Minister to commission.
cf. ibid., s. 198.

102. (1) The Minister may refer any award of a committee or any part thereof for consideration by the Commission in Appeal Session.

(2) Upon any such reference the commission shall deal with it in the same manner as if it were an appeal pursuant to section 98 of this Act.

Reference of matters to Full Commission.
cf. ibid., ss. 199, and 58a.

103. (1) A Commissioner, whether exercising the jurisdiction of the commission under Part III or Part VI of this Act, or dealing with an industrial matter as the chairman of a committee, may, upon his own motion, and shall, on the application of any party to an industrial matter being dealt with by him or by the committee, consult with the President as to whether the matter should be dealt with by that Commissioner or by the Full Commission.

(2) If the President is of opinion that the matter should be dealt with by the Full Commission he shall direct accordingly.

(3) If the President so directs, the Full Commission shall hear and determine the matter and shall have all the powers and jurisdiction which would have been exercisable by the Commissioner or committee had the matter not been so referred.

(4) The Full Commission may, for the purposes of this section, direct a Commissioner to furnish a report with respect to a specified matter, and the Commissioner to whom the direction is given shall, after making such investigation as is necessary, furnish a report accordingly.

(5)—

(*a*) Where the industrial matter was before the commission under Part III or Part VI of this Act, the Full Commission may dismiss the application or may order the Commissioner to deal with it in accordance with such directions or suggestions as the commission may think fit or the Full Commission may make an award dealing with the matter :

(*b*) Where the industrial matter was before a committee or a Commissioner under Part V of this Act the Full Commission may dismiss the application or may order the committee or the Commissioner to deal with it in accordance with such directions or suggestions as the commission shall think fit or may itself decide the matter. If the commission decides the matter otherwise than by dismissing the application the chairman of the committee concerned shall make an award incorporating the decision of the commission.

Reference to questions of law to court. ibid., s. 200.

104. A Commissioner whether acting as the commission under Part III or Part VI of this Act or as chairman of a committee or as a Commissioner under Part V of this Act may refer any question of law arising in any proceedings before him to the Industrial Court for determination.

PART VII. PART VII.

INDUSTRIAL AGREEMENTS.

Parties to industrial agreements. ibid., s. 88.

105. (1) Any association may make an industrial agreement under this Part with any other association, or with any person, as to any industrial matter, or in relation thereto.

(2) Any such association shall, whenever requested by the Registrar so to do, inform the Registrar whether a specified person is or is not a member of the association.

Term and form of agreement. cf. ibid., s. 89.

106. (1) Every industrial agreement shall be in writing, and shall be for a term to be specified therein, not exceeding, except in the case of an industrial agreement relating solely to long service leave, three years from the date of the making thereof, and shall be in a form commencing as follows or in a similar form—

"This industrial agreement, made in pursuance of the Industrial Code, 1967, this day of between "

(and the matter agreed upon shall be set out).

(2) The date of the making of the agreement shall be the date on which it is executed by the party who first executes it; and such date, and the names of all the original parties thereto, shall be truly stated therein.

cf. ibid., s. 90 (1).

(3) A copy of every industrial agreement signed by the parties thereto shall be filed in the office of the Registrar, and in the office of every association, party thereto, within thirty days of the making thereof, and shall be open to inspection as prescribed.

Adding of parties to agreements. cf. ibid., s. 91.

107. At any time while an industrial agreement is in force any association or employer may become party thereto by filing in the office of the Registrar a notice in the form prescribed, signifying concurrence with such agreement, together with the written consent thereto of the original parties to the agreement. Thereafter such association or employer shall be deemed to be a party thereto.

Effect of industrial agreement. ibid., s. 92.

108. (1) Every industrial agreement shall, during its continuance, be binding on—

(*a*) all parties thereto;

and

(*b*) all members at any time during such continuance of any association which is a party thereto.

(2) The President on the application of one or more of the parties to an industrial agreement, may refer the agreement for hearing before the commission and thereafter the commission may rescind, vary or confirm the terms of such agreement by an award or order.

Rescinding or varying agreement. ibid., s. 94.

109. An industrial agreement may be rescinded or varied by any other industrial agreement made between the parties thereto for the time being, or by an award or order of the commission.

Continuance of agreement unless rescinded. cf. ibid., s. 96.

110. (1) In default of any express agreement to the contrary therein contained, an industrial agreement shall, unless rescinded, and subject to any variation made as provided by this Part, continue in force after the expiration of the term specified therein in respect of all parties thereto, except those who retire therefrom.

(2) At any time after, or not more than a month before, the expiry of the term of an industrial agreement, any party thereto may file in the office of the Registrar a notice signifying his intention to retire therefrom at the expiration of a month from the date of such filing and such party shall, on the expiration of that period, cease to be a party to the agreement. Such party shall, at the same time, give a copy of such notice to each of the other parties to the agreement.

(3) When an association of employees has so ceased to be a party such agreement shall also cease to be binding on employers as regards employees who are members of such association.

(4) Nothing contained in this section shall affect any right, obligation or liability which had arisen or occurred prior to a party so ceasing to be a party.

PART VIII.

OFFENCES.

Remedies and penalties for breach of award order or agreement. cf. ibid., s. 120, s. 209a.

111. (1) If any association or person commits any breach or non-observance of an award, order or industrial agreement (which breach or non-observance is not an offence under any other section of this Act), such association or person shall be guilty of an offence against this Act.

Penalty: One hundred dollars.

General penalty. cf. ibid., s. 128.

(2) Any association which or person who contravenes any provision of this Act, whether by commission or omission, shall be guilty of an offence against this Act and shall, except where some other penalty or punishment is specifically provided, be liable to a penalty not exceeding one hundred dollars.

(3) When any association or person is convicted of an offence under subsection (1) of this section, the Special Magistrate, if he is of opinion that the breach or non-observance constituting the offence was committed in wilful defiance of an award, order or industrial agreement, may, on motion or without motion, and in addition to any penalty imposed, issue an injunction to restrain such association or person from committing any further or other breach or non-observance of the award, order or agreement.

(4) No association or person shall disobey an injunction issued under subsection (3) of this section.

Penalty: Five hundred dollars.

Penalty for false entries cf. ibid., s. 238.

112. No person shall—

(*a*) wilfully make a false entry or false entries in a book, notice, certificate, list, or document required by this Act to be kept, or served, or sent;

(*b*) wilfully make or sign a false declaration or return under this Act;

or

(*c*) make use of any such entry or entries, declaration, or return, knowing the same to be false.

Penalty: One hundred dollars or imprisonment for one year.

Contempt by witness. cf. ibid., s. 125.

113. (1) No person who has been duly served with a summons to appear and give evidence before the Industrial Court, the commission or any person or tribunal by or under this Act empowered to take evidence, and to whom payment or tender

has been made of a reasonable sum for the costs and expenses of attendance, shall, without good and sufficient cause, the proof whereof shall lie upon him, fail to duly appear in answer to such summons.

(2) No such person, and no other person who has appeared as witness shall, without good and sufficient cause, the proof whereof shall lie upon him—

(*a*) refuse to be sworn or make affirmation or declaration as a witness ;

(*b*) refuse to answer any question which he is required by the Industrial Court, the commission or such person or tribunal as aforesaid to answer ;

or

(*c*) refuse to produce any book, paper or document which he is required by the said court, the commission, or such person or tribunal as aforesaid to produce.

Penalty : One hundred dollars or imprisonment for three months.

(3) Proceedings in respect of offences under this section may be heard and determined by the Industrial Court or summarily.

Penalty for wilful false statement. cf. ibid., s. 126.

114. A person who wilfully makes on oath, or by affirmation or declaration in any proceedings of any kind under this Act any false statement knowing the same to be false, shall be guilty of perjury and may be proceeded against and punished accordingly.

Punishment for contempt of court or commission. cf. ibid., s. 124.

115. (1) No person shall—

(*a*) wilfully insult the President, or a Commissioner, or the Registrar, or any other officer of the Industrial Court or the commission during his sitting or attendance in court or commission or in going to or returning from the said Court or commission ;

(*b*) wilfully disturb or interrupt the proceedings of the said Court or the commission ;

or

(*c*) otherwise misbehave himself in the said Court or before the commission, or be guilty, in any manner, of contempt of the said Court or the commission.

Penalty : One hundred dollars or imprisonment for three months.

(2) Proceeding in respect of offences under this section may be heard and determined by the Industrial Court, or summarily.

Recovery of penalties and other sums ordered.
cf. ibid., s. 127.

116. (1) When any costs or other sum is by the Industrial Court, the commission, or the Registrar, ordered to be paid, and no other provision is made in this Part of this Act, or in the rules of the Industrial Court, for the recovery thereof, the Registrar may issue a certificate in the prescribed form, under his hand and the seal of the Industrial Court or the commission, specifying the amount payable and the respective parties or persons by and to whom the same is payable.

(2) Such certificate may be filed in any court of competent jurisdiction, and shall thereupon, according to its tenor, be enforceable in all respects as if it were a judgment of such court.

Penalty for breach of award or order.
ibid., s. 121b, s. 209b.

117. If any employee acquiesces in the commission by an employer of any breach or non-observance of an award or order such employee shall be guilty of an offence against this Act.

Penalty : One hundred dollars.

Recovery of penalty imposed on association.
cf. ibid., s. 131.

118. (1) Where a penalty is imposed under this Act on an association, or an association is under this Act ordered to pay any sum, then, for the recovery of such penalty or sum, process may be issued and executed against the property of such association, or any property in which such association has a beneficial interest, whether vested in trustees or however otherwise held, in the same manner as if the association were the absolute owner of the property or interest.

(2) For the purposes of this section the property of an association shall be deemed to include the property of any association forming or forming part of the first-mentioned association, or in which it has a beneficial interest, whether vested in trustees or however otherwise held.

In default of association, penalty may be recovered from members.
cf. ibid., s. 132.

119. Where a penalty is imposed under this Act on an association, or an association is, under this Act, ordered to pay any sum, if such penalty or sum is not fully paid within one month thereafter, all persons who were members of such association at the time when the offence was committed or the order was made shall be jointly and severally liable to pay such penalty or sum in the same manner as if the conviction or order had been made against them personally; and all proceedings in pursuance of the conviction or order may be taken against them, or any of them, accordingly, but no person shall be liable under this section for a larger sum than ten dollars in respect of any one conviction or order.

Penalty on persons committing offence for which employer is liable.
cf. ibid., s. 239.

120. Where an offence for which an employer is liable under this Act to a penalty has in fact been committed by an agent, servant, workman, or other person, such agent, servant, workman, or other person shall be liable to the same penalty as if he were the employer.

Exemption of employer from penalty on conviction of the actual offender.
cf. ibid., s. 240.

121. (1) An employer charged with an offence against this Act may, upon complaint duly made by him, have any other person whom he charges as the actual offender brought before the special magistrate at the time appointed for hearing the charge.

(2) If, after the commission of the offence has been proved, such employer satisfies the special magistrate that he had used due diligence to enforce the execution of this Act, and that the other person had committed the offence in question without his knowledge, consent, or connivance, the other person shall be summarily convicted of such offence, and such employer shall not be liable to any penalty.

(3) The complainant shall proceed against the person whom he believes to be the actual offender in the first instance, without first proceeding against the employer, whenever it is made to appear to his satisfaction at the time of discovering the offence—

(*a*) that such employer has used all due diligence to enforce the observance of this Act ;

(*b*) by whom such offence has been committed ;

and

(*c*) that such offence has been committed without the knowledge, consent or connivance of such employer, and in contravention of his orders.

Special magistrate may apply penalty towards costs.
cf. ibid., s. 242.

122. (1) The special magistrate imposing a penalty under this Part of this Act may direct the whole or any part thereof to be applied in or towards payment of the costs of the proceedings.

(2) Subject to such direction, all penalties shall be paid to the Treasurer.

Person convicted may be ordered to pay arrears of wages, etc.
cf. ibid., s. 121a and 243.

123. (1) The special magistrate by whom any person is convicted of any offence against this Act or any regulation thereunder may, in addition to imposing a fine or penalty or other punishment for such offence, order that the offender shall pay to any person in respect of whom such offence was committed, and who is or has been in the employment of such offender, any sum which, to the satisfaction of the magistrate, is shown to be due from the offender to the person in connection

with such employment and which first became payable within six years immediately prior to the commencement of proceedings under this subsection, less any deductions made in pursuance of any provision of this Act.

(2) Any sum ordered to be paid under this section may be recovered by a person referred to in subsection (1) of this section, by any other person authorized by him in writing, or by an inspector on his behalf, in the same manner as a penalty imposed for an offence, and where a fine or penalty is imposed, such sum shall, for the purposes of recovering the same, be treated as part of such fine or penalty.

Period within which proceedings to be brought and onus of proof.
cf. ibid., ss. 120a and 235.

124. Proceedings in respect of any offence against this Act shall be commenced within twelve months after the commission of the offence and in any such proceedings the onus shall be on the defendant to prove—

(*a*) that the provisions of any award of the commission or a committee with regard to the number or proportionate number of apprentices or improvers or juvenile workers who may be employed have been complied with;

(*b*) that a person named as being either an employee of the defendant generally or an employee of the defendant in a certain capacity was not so employed;

(*c*) that the premises or place alleged to be within a certain locality or area are or is not therein.

Proof of awards, etc.
cf. ibid., s. 42 s. 237.

125. (1) A copy of any award, order, determination, decision, direction, appointment, reference, or other act of the Industrial Court or the commission or a committee purporting to be sealed with the seal of the court or the commission and certified to be true under the hand of the Registrar, shall be received in all courts and tribunals and before all persons as evidence of the award, order, determination, decision, direction appointment, reference, or other act, without proof of the seal of the court or the commission or of the signature of the Registrar. It shall not be necessary to prove any condition precedent entitling the court or the commission or the committee to make the award, order, determination, decision, direction, appointment, reference or other act. The production of such a copy of an award or order shall, except in proceedings pursuant to section 98 of this Act, be conclusive evidence of the due making and existence of such award or order and of the contents thereof.

(2) A copy of the *Gazette* purporting to contain a copy of any award, order, determination, decision, direction, appointment, reference or other act of the court or the commission or a committee shall, without further proof, have the same effect as a copy under subsection (1) of this section.

Summary procedure.
cf. ibid., s. 135, s. 244, s. 245.

126. Proceedings in respect of offences against this Act shall, except where otherwise provided, be heard and determined summarily before a special magistrate.

Special cases and appeals.
cf. ibid., s. 136. s. 246.

127. (1) Every special case stated on any question of law arising in summary proceedings under this Act shall be dealt with by the Industrial Court, and every appeal in such proceedings shall lie to the Industrial Court.

(2) For the purposes of every such special case or appeal all references in the Justices Act, 1921-1965, to the Supreme Court or to the Master thereof shall be read as references to the Industrial Court and to the Registrar thereof respectively.

PART IX. PART IX.

LOCK-OUTS AND STRIKES.

Penalty for Lock-out. cf. N.S.W., Ind. Arb. Act, s. 98.

128. If any association or person does any act or thing in nature of a lock-out, or takes part in, aids or abets a lock-out, unless the employees working in the industry concerned are taking part in an illegal strike, such association or person shall be guilty of an offence against this Act.

Penalty : One thousand dollars.

Illegal Strikes. cf. ibid., ss. 99 and 99a.

129. The following strikes and no others shall be illegal—

(*a*) Any strike by employees of any of the persons or bodies referred to in paragraph (*b*) of the definition of employer contained in section 5 of this act.

(*b*) Any strike by the employees in an industry, project, establishment or undertaking, the conditions of which are for the time being wholly or partially regulated by an award or by an industrial agreement, unless the association or associations representing a majority of the employees engaged in the industry, project, establishment or undertaking where, or regarding which, the strike took place, had observed the following conditions :—

(i) the executive of such association or the executives of such associations had given notice in writing to the Minister of the intention of such association or associations to commence the strike ;

(ii) such strike was not commenced before the expiration of fourteen days from the date of the receipt by the Minister of the notice given pursuant to subparagraph (i) of this paragraph ;

(iii) such notice was in the form prescribed and contained such particulars relating to such strike and of action taken to settle such strike as may be prescribed.

Notwithstanding the above provisions, where a strike commences or continues after any matter in dispute referred to in the notice given to the Minister under subparagraph (i) of this paragraph has been settled such strike or continuation thereof shall be an illegal strike.

Penalty for illegal strike. cf. ibid., s. 100.

130. Any association, the executive or members of which are taking part in or aiding or abetting or have taken part in or aided or abetted an illegal strike, shall be guilty of an offence against this Act.

Penalty : One thousand dollars.

Proceedings for illegal strike. cf. ibid., s. 101.

131. (1) No proceedings under section 130 of this Act shall be commenced except by leave of the Industrial Court, and no such leave shall be granted unless—

(*a*) the Industrial Court is satisfied that—

(i) the employer or employers concerned in the illegal strike has not or have not taken part in any lockout which has either wholly or in part given rise to the strike ;

(ii) the Registrar was notified, where possible, of the question, dispute or difficulty which was likely to give rise to the strike or, if this was not possible, of the commencement of such strike ;

and

(iii) to the extent to which the circumstances permitted, the employer or employers made a *bona fide* attempt to negotiate a settlement of the question, dispute or difficulty which gave rise to the strike before the strike took place, or of the strike after it had taken place ;

and

(*b*) the causes of and the circumstances which gave rise to the question, dispute or difficulty referred to as aforesaid have been investigated or adjudicated upon by the commission or a committee.

(2) An application for leave to commence proceedings under section 130 of this Act shall be lodged with the Registrar not later than fourteen days after the cessation of the strike to which the application refers.

Defence. cf. ibid., s. 101A.

132. It shall be a defence to any proceedings under section 130 of this Act that—

(*a*) the employers regarding whom the illegal strike occurred or their servants or agents have by any unjust or unreasonable action provoked or incited the strike ;

or

(*b*) the executive of the association, after becoming aware of the circumstances concerning the illegal strike,

has not aided, abetted or supported or did not aid, abet or support members of the association who are or were engaged in the strike, and has endeavoured or did endeavour by means reasonable under the circumstances to prevent members of the association from taking part in or aiding or abetting or continuing to take part in, aid or abet the strike.

Costs not to be awarded.
cf. ibid., s. 101B.

133. Costs shall not be awarded in any proceedings under this part of this Act.

Proceedings for offences.

134. Proceedings in respect of offences under sections 128 or 130 may be heard and determined by the Industrial Court or summarily.

PART X.

PART X.

REGISTERED ASSOCIATIONS.

Registration of associations.
cf. Industrial Code, 1920-1966, s. 63.

135. (1) Subject to the provisions of this Part of this Act any association consisting—

(*a*) in the case of employers, of two or more employers who, in the aggregate, employ not less than twenty employees;

or

(*b*) in the case of employees, of not less than twenty employees,

in or in connection with any industry, together with such other persons (if any), whether employers or employees in the industry or not, as the case may be, as have been appointed officers o the association and admitted as members thereof, may, on compliance with the prescribed conditions, be registered under this Part of this Act.

(2) The Governor may, by regulation, prescribe model rules for associations. The adoption of any such model rules by an association shall be sufficient compliance with such of the conditions prescribed as are dealt with by the adopted rules.

Method of dealing with application for registration.
cf. ibid., s. 65.

136. (1) Upon receipt of an application by any association to be registered under this Part of this Act, the Registrar shall—

(*a*) publish notice of such application once at least in the *Gazette*, and once at least in one or more daily newspapers circulating in the metropolitan area;

(*b*) by notice in writing inform such registered associations as he considers may be affected of the fact of such application;

and

(*c*) fix a day, not being earlier than thirty days after the receipt of such application, for the consideration by the Registrar of any objections, made in the prescribed manner, on the ground that the association is not qualified to be registered, or on the ground mentioned in subsection (2) of this section, to the granting of such application.

cf. ibid., s. 66.

(2) The Registrar shall, whether or not an objection has been made by any registered association, refuse an application to register an association where, in the same locality and connected with the same industry, there exists a registered

association to which, in his opinion, the members of the association applying for registration (hereafter in this section referred to as "the applicant association") might conveniently belong: Provided, however, that if such a registered association and the applicant association are both registered under the Commonwealth *Conciliation and Arbitration Act* 1904, or any Act amending or substituted for the same, the Registrar shall not refuse to register the applicant association merely on the ground that its members might conveniently belong to such registered association.

(3)—

(*a*) If the applicant association is dissatisfied with the Registrar's refusal to register or if any registered association is dissatisfied with the Registrar's registration of the applicant association, the applicant association or such registered association may, in the prescribed manner and time, appeal against the Registrar's decision to the President:

(*b*) The President, after making full inquiry, shall direct whether the applicant association shall be registered or not, or, if it has been registered, whether it shall continue to be registered or not:

(*c*) On an appeal against a decision of the Registrar made pursuant to subsection (2) of this section it shall lie on the applicant association to satisfy the President that, owing to distance, diversity of interest, or other substantial reason, it will be more convenient for its members to belong to an association separately registered than to join any such existing registered association, or that the proviso to that subsection applies.

Adjournment of application for registration. cf. ibid., s. 66a.

137. The Registrar may at any time and from time to time if he sees fit so to do adjourn an application to register an association to enable the applicant association to alter its rules.

Registration of association. cf. ibid., s. 67.

138. (1) Subject to subsection (3) of this section, and to section 136 of this Act, on being satisfied that the association is qualified to be registered under this Part, and that the prescribed conditions have been complied with, the Registrar shall, without fee, register the association, and shall issue a certificate of registration: But where any association is registered under the Commonwealth *Conciliation and Arbitration Act* 1904 or any Act amending or substituted for the same, the Registrar may dispense with compliance by any such association with any condition relating to its rules.

(2) The certificate issued under subsection (1) of this section shall be conclusive evidence of the fact of such registration and of the validity thereof.

(3) The association shall not be registered—

(*a*) if its name is identical with that of any other registered association, or so nearly resembles any such name as to be likely to deceive members of any such registered association or the public ;

(*b*) until all objections made in the prescribed manner under section 136 of this Act have been finally dealt with ;

and

(*c*) if, on appeal, the President has directed that it shall not be registered.

Incorporation of association.
cf. ibid., s. 68.

139. Every registered association shall, as from the date of registration, be a body corporate by its registered name, having perpetual succession and a common seal, and by that name may sue and be sued. It may make contracts in the same manner as an association incorporated pursuant to the Associations Incorporation Act, 1956-1965.

Power for registered association to change name.
cf. ibid., s. 68a.

140. (1) Any registered association which has changed its name in the manner prescribed by its rules, or if it has no rules relating to change of name, pursuant to a resolution passed by a majority of the members present and voting at a meeting of the association specially called for the purpose, of which meeting not less than fourteen days notice was given to all the members, may apply to the Registrar to register the change of name.

(2) A change of name shall not have any effect until it has been registered.

(3) An application to register a change of name shall be made by the secretary, director or some other prescribed officer of the association, and shall be made in such form and accompanied by such evidence as is prescribed.

(4) Upon registering the change of name of an association the Registrar shall make an indorsement upon the certificate of registration of the association stating that the name of the association has been changed, and specifying the new name, or may issue a new certificate showing the new name and the former name.

(5) No association shall change its name so that the name when changed is identical with that of any other registered association, or so nearly resembles any such name as to be likely to deceive members of any such registered association or the public.

Branch may be treated as distinct association. ibid., s. 69.

141. (1) Any branch of an association may be treated as a distinct association for the purposes of this Part, and, with the approval of the Registrar, may be separately registered under this Part of this Act.

(2) No branch shall be registered as an association unless, in the opinion of the Registrar, it is a *bona fide* branch of sufficient importance to be registered separately.

Change of rules and constitution of associations. cf. ibid., s. 71.

142. (1) A registered association may, in the prescribed manner, and on compliance with the prescribed conditions—

(*a*) add to, alter, or rescind any of its rules ;

and

(*b*) change its constitution, including the description of the industry in connection with which it is registered.

(2) No addition to, alteration of, or rescission of any rules, and no change of constitution shall have any effect until registered.

(3) The Registrar shall, upon application made to him for the purpose in manner prescribed, and on being satisfied that all the prescribed conditions and requirements have been complied with, register any addition to, alteration or rescission of the rules of any association, or any change of constitution of an association : But, except where such addition, alteration, rescission or change has been consented to or certified under the Commonwealth *Conciliation and Arbitration Act* 1904, or any Act amending or substituted for the same, after the commencement of this Act, the Registrar shall not be required to register any such addition, alteration, rescission, or change which in his opinion would prejudicially affect the members of the applicant association or of any other association.

Printed copies of rules to be supplied. ibid., s. 72.

143. A printed or typewritten copy of the rules for the time being of a registered association shall be delivered by the secretary or director of the association to any person applying therefor, on payment of a sum not exceeding fifty cents.

Evidence of rules. cf. ibid., s. 73.

144. In all proceedings affecting or taken by a registered association, the production of a copy of the rules of the association, certified under its seal and the hand of the secretary, director or other prescribed officer thereof as a true copy of such rules, shall without proof of the making thereof or of the affixing of the said seal or of the signature of the said secretary or officer be *prima facie* evidence of the rules of the association and of their validity.

Registered office and branch office of association.
ibid., s. 74.

145. (1) In addition to its registered office, a registered association may have a branch office in any other locality in which any of its members reside or exercise their calling.

(2) Upon application by the association, under its seal and the hand of its president or chairman or secretary or director, specifying the address of the branch office, the Registrar shall register such branch office.

(3) The address of the registered office or of any registered branch office may be changed from time to time in the prescribed manner.

(4) Every such change shall be forthwith notified to the Registrar by the secretary or director of the association and shall thereupon be registered.

Disputes between association and members.
ibid., s. 75.

146. Every dispute between a registered association and any of its members shall be decided in the manner directed by the rules of the association.

Recovery of moneys owing.
cf. ibid., s. 76.

147. All moneys payable to a registered association by any member thereof under its rules may, in so far as the same relate to any period of membership after the date of registration of the association, be recovered in any court of competent jurisdiction by such association in its registered name.

President may order that persons shall cease to be members of registered association.
ibid., s. 77.

148. The President may, on the application of any registered association, made in the manner prescribed, order that any member of a registered association shall cease to be a member thereof from a date to be named in the order and either absolutely or for a period named in the order.

No resignation, etc., while proceedings pending.
cf. ibid., s. 78.

149. During the pendency of any proceedings for an offence under this Act against a registered association no resignation or discharge from membership of such association shall have effect.

Power to purchase or lease land.
cf. ibid., s. 79.

150. A registered association may purchase, take on lease, hold, sell, lease, mortgage, exchange and otherwise own, possess, and deal with, any real or personal property.

Registered associations to send half-yearly list of officers to the Registrar.
cf. ibid., s. 80.

151. (1) In the month of January in every year every registered association shall forward to the Registrar a list of the names of all officers (including trustees) of such association and shall inform the Registrar in writing of the number of members of such association as on the preceding thirty-first day of December.

(2) In the month of July in every year every registered association shall inform the Registrar in writing of the alterations which have taken place during the six months ending on the preceding thirtieth day of June in the persons who are officers (including trustees) of such association.

(3) Every registered association shall keep an up to date register of the members of such association which the Registrar may inspect at any reasonable time, and every such association shall, whenever requested by the Registrar, furnish him within twenty-eight days of such request with a list of the names of all members of such association or of the number of members thereof as the case may be.

(4) Every such list shall be verified by the statutory declaration of the president or chairman or secretary of the association.

(5) An association making default in forwarding any such list or failing to comply with the provisions of subsection (3) of this section shall be guilty of an offence against this Act and shall be liable to a penalty not exceeding twenty dollars in respect of every week during which such default continues. Such penalties shall be recoverable on the complaint of the Registrar.

Registered association to send yearly financial statement to Registrar.
cf. ibid., s. 81

152. (1) The secretary or director of every registered association shall, within one month after the completion of the yearly audit of the accounts of the association, deliver to the Registrar—

(*a*) a duly audited balance-sheet of the assets and liabilities of the association made up to the date of the closing of the accounts ;

and

(*b*) a duly audited statement of the receipts and payments, or income and expenditure of the association during the year in respect of which such audit was made.

Such balance-sheet and statement shall be in the form prescribed and shall be audited by a registered company auditor within the meaning of the Companies Act, 1962-1966, and shall be accompanied by a certificate under the hand of the auditor that in his opinion the balance-sheet and statement exhibit a true and correct statement of the financial position of the association.

Penalty : Fifty dollars.

(2) Complaints for offences against the provisions of this section shall be made by the Registrar.

Information not to be divulged.
ibid., s. 82

153. (1) Neither the Registrar, nor any person acting on his behalf, nor any officer of his department, shall, except by direction of the President, divulge to any person, other than an officer of the registered association—

(*a*) the name of any member of such association ;

(*b*) the number of members of such association ;

or

(*c*) the financial position of such association.

Penalty : Fifty dollars.

(2) Complaints for offences against the provisions of this section shall be made by an officer of such association.

Service of notices on registered association.
cf. ibid., s. 83.

154. Service of any process, notice, or document of any kind on a registered association may be effected—

(*a*) by leaving the same at its registered office (not being a branch office) ;

(*b*) by posting the same to such registered office by certified mail addressed to such association ;

or

(*c*) in the manner ordered under section 47 of this Act.

Mode of executing deeds and instruments.
ibid., s. 84.

155. Deeds and instruments to be executed by a registered association for the purposes of this Act may be made and executed—

(*a*) under the seal of such association and the hands of the president or chairman and secretary or director thereof ;

or

(*b*) in such other manner as the rules of such association prescribe.

Cancellation of registration of association.
cf. ibid., s. 85.

156. (1) If it appears to the Full Commission, on the application of any registered association, or person interested, or of the Registrar—

(*a*) that an association has been registered under this Part of this Act erroneously or by mistake ;

(*b*) that the rules of a registered association have been altered so as no longer to comply with the prescribed conditions, or have not been observed ;

(*c*) that the rules of a registered association or their administration do not or does not provide reasonable facilities for the admission of new members, or impose or imposes unreasonable conditions upon the continuance of membership, or are or is in any way tyrannical or oppressive ;

(*d*) that the proper authorities of a registered association wilfully neglect to levy and collect the subscriptions or levies prescribed by its rules ;

(*e*) that the accounts of a registered association have not been audited in pursuance of its rules, or that the accounts of a registered association or of its auditor do not disclose the true financial position of the association ;

(*f*) that a registered association has wilfully neglected to obey any judgment, award, or order of the commission ;

(*g*) that the number of the members of a registered association at the time of the application, would not, having regard to section 135 of this Act, entitle the association to registration ;

(*h*) that a majority in number of the members of a registered association has, by ballot taken as prescribed, indicated a desire to have the registration of such association cancelled ;

or

(*i*) that for any other reason the registration of an association ought to be cancelled,

the Full Commission shall order the registration of the association to be cancelled and thereupon it shall cease to be registered under this Act.

(2) The cancellation of the registration of an association shall, as from the making thereof, dissolve the incorporation of the association.

(3) Such cancellation shall not relieve the association, or any member thereof, from the obligation to comply with any judgment, award, or order of the commission made before the cancellation, or from any penalty, liability, or obligation incurred or created prior to the cancellation.

(4) On making an order for cancellation, the commission may direct that the order shall be suspended for a specified period and that if a requisition stated in the direction be complied with by the association, to the satisfaction of the commission within that period, then the order shall be annulled,

but that if such requisition is not so complied with, then the order shall have effect from the making thereof; and every such direction shall have effect according to the tenor thereof.

Rules of registered association. ibid., s. 85a.

157. (1) A rule of a registered association—

(*a*) shall not be contrary to any provision of this Act, or an award, or otherwise be contrary to law;

(*b*) shall not be such as to prevent or hinder members of the registered association from observing the law or the provisions of an award;

and

(*c*) shall not impose upon applicants for membership, or members of the registered association, conditions, obligations or restrictions which, having regard to the objects of this Act and the purposes of the registration of associations under this Act, are oppressive, unreasonable or unjust.

(2) A member of a registered association may apply to the Full Commission for an order declaring that the whole or a part of a rule of the registered association contravenes subsection (1) of this section.

(3) Subject to subsection (4) of this section, the Full Commission shall have jurisdiction to hear and determine an application under subsection (2) of this section.

(4) A registered association in respect of which an application is made under this section shall be given an opportunity of being heard by the Full Commission.

(5) An order under this section may declare that the whole or a part of a rule contravenes subsection (1) of this section and, where such an order is made, the rule, or that part of the rule, as the case may be, shall be void as from the date of the order.

(6) The Full Commission may, without prejudice to any other power of the commission to adjourn proceedings, adjourn proceedings in relation to an application under this section for such period and upon such terms and conditions as it thinks fit for the purpose of giving the registered association an opportunity to alter its rules.

Power to direct performance of rules. ibid., s. 85b.

158. (1) The Full Commission may, upon complaint by any member of a registered association and after giving any person against whom an order is sought an opportunity of being heard, make an order giving directions for the performance or observance of any of the rules of a registered association by any person who is under an obligation to perform or observe those rules.

(2) Any person who fails to comply with such directions shall be guilty of an offence against this Act.

Penalty : One hundred dollars.

Amalgamation of registered associations.
cf. ibid., s. 86.

159. (1) Whenever two or more registered associations connected with the same industry amalgamate so as to form one association, and such association becomes registered under this Part of this Act as one new association, the Registrar shall—

(*a*) cancel the registration of the associations so amalgamated ;

and

(*b*) indorse upon the certificate of registration of such new association a memorandum of the names of the associations whose registration is so cancelled.

All of the members of the associations so amalgamated shall as from the day of registration of such new association be members of such new association so registered.

(2) Where there is more than one award in force relating to that industry within the same locality, the commission, on the application of any party to such award, may by order adjust the terms of such awards, and such order shall have effect as if it were a new award.

PART XI.

PART XI.

RULES.

Rules and procedure. cf. ibid., s. 133.

160. (1) The President may make rules not inconsistent with the provisions of this Act—

(*a*) regulating the practice and procedure and forms to be followed and used in, or in connection with, or for the purposes of proceedings before the Industrial Court, the President, the commission, the Registrar or committees, and in, or in connection with, or for the purposes of enforcing judgments, convictions, decisions, awards, orders and other acts given, made, and done by the Industrial Court, the commission, committees or the Registrar ;

(*b*) as to the publication of the awards, orders, decisions, and other acts of the Industrial Court, the President, the commission or committees and the effect of such publication ;

(*c*) for recovering penalties imposed, and enforcing orders for attachment, and orders for the payment of any moneys made under this Act ;

(*d*) prescribing the fees and expenses to be paid to witnesses ;

(*e*) prescribing what (if any) fees shall be paid in respect of any proceedings in the Industrial Court or the commission and the party by whom such fees shall be paid ;

(*f*) prescribing the powers and duties of the Registrar, also of other officers so far as the same relate to matters within the jurisdiction of the Industrial Court, the commission or committees ;

(*g*) prescribing the manner of execution, and the officers or other persons by whom an industrial agreement may be executed, by reference to rules of the association concerned or otherwise ;

(*h*) prescribing in what circumstances a document shall, for the purposes of Part X of this Act, be deemed to be rules of an association, and any other matters which may be necessary or convenient for giving effect to the objects of Part X of this Act ;

and

(*i*) all such rules as may be necessary or convenient for the full and effective exercise of the jurisdiction, duties, powers, and functions of the Industrial Court, the President, the commission, or the committees.

(2) Subject to this Act and such rules, the practice and procedure of the Industrial Court, the commission and the committees shall be as directed by the President.

(3) Without limiting the effect of the Acts Interpretation Act, 1915-1957, in its application to this Act, section 38 of that Act shall apply and have effect in relation to the rules made under this section.

PART XII.

PART XII.

FACTORIES, SHOPS, OFFICES AND WAREHOUSES.

DIVISION I.

DIVISION I.—OPERATION AND REGISTRATION OF PREMISES.

Application and extension of this Part.
cf. ibid., s. 277.

161. (1) This Part of this Act with the exception of section 194, shall apply within—

(*a*) the metropolitan area ;

(*b*) the portions of the State set out in the Second Schedule to this Act ;

and

(*c*) every portion of the State within which the Governor by regulation declares that it shall apply.

(2) The Governor may by regulation declare that this Part of this Act shall cease to apply within any portion of the State set out in the Second Schedule to this Act or declared by regulation pursuant to paragraph (*c*) of subsection (1) of this section.

(3) Section 194 of this Act shall apply only within the metropolitan area.

Exemptions from application of this Part.
cf. ibid., s. 278.
cf. s. 3 of Country Factories Act, 1945-1965.

162. This Part of this Act shall not apply to any premises or place occupied by any farmer, pastoralist, viticulturist, dairy farmer, horticulturist, poultry farmer or apiarist which is used as a factory, as defined in this Act, principally for the purpose of the occupier as a farmer, pastoralist, viticulturist dairy farmer, horticulturist, poultry farmer, or apiarist, as the case may be, but shall apply to every winery, brewery or distillery situate within any portion of the State within which this Part of this Act applies.

Factories not to be erected without approval.
cf. s. 13 Factories, Shops and Industries Act, 1962, N.S.W.

163. (1) No person shall commence or cause to be commenced the erection of any building intended for use as a factory unless the approval of the Secretary for Labour and Industry is first obtained.

(2) Application for the approval of the Secretary for Labour and Industry shall—

(*a*) be made by the owner or a builder or architect on behalf of the owner in the prescribed manner ;

(*b*) be accompanied by two copies of a plan of the building, one copy of which shall be retained by the Secretary for Labour and Industry, and such particulars as may be prescribed ;

and

(*c*) be accompanied by the prescribed fee.

(3) The Secretary for Labour and Industry shall consider every such application and particulars and the plan accompanying them and may approve the application, approve the application subject to conditions, or disapprove the application.

(4) Where any application is approved subject to conditions, or disapproved, the applicant may, if dis-satisfied with such decision, appeal to the Minister. The decision of the Minister shall be final.

(5) The erection of every building intended for use as a factory shall be erected and carried out in conformity with the application, plans and particulars approved pursuant to this section for the erection of such building.

(6) If any person does or causes to be done any work in connection with the erection of a building intended for use as a factory without the approval required by this section, or not in conformity with such approval, he shall be guilty of an offence.

Penalty : Two hundred dollars.

Cranes and hoists not to be erected without approval.
cf. Lifts Act, 1960, s. 6.

164. (1) No person shall commence or cause to be commenced the erection or construction in a factory of a crane or hoist, or any addition or alteration to a crane or hoist, unless the approval of the Chief Inspector is first obtained.

(2) Application for the approval of the Chief Inspector shall—

(*a*) be made by the occupier of the factory, or his architect or the manufacturer of such crane or hoist, in the prescribed manner ;

(*b*) be accompanied by complete plans, drawings and specifications showing correct measurements and describing fully the whole of the apparatus and its proposed position in the factory concerned and all such other information as may be prescribed ;

and

(*c*) be accompanied by the prescribed fee.

(3) Before granting approval the Chief Inspector may require any alterations or modifications to the plans or other prescribed particulars which appear to him to be necessary for the safe working of the crane or hoist or to ensure compliance with the regulations.

(4) The erection or construction of every crane or hoist and every addition or alteration to any crane or hoist shall be carried out in conformity with the description, plans, specifications and drawings approved by the Chief Inspector and in conformity with any directions endorsed by him on such approval and with the regulations.

(5) No person shall work or use any crane or hoist which has been erected, constructed, added to or altered after the coming into operation of this Part of this Act, until an inspector has given his approval thereto in writing.

(6) If any person fails to comply with any provision of this section he shall be guilty of an offence.

Penalty : One hundred dollars.

Registration and renewal thereof.
cf. Industrial Code 1920-1966, ss. 282, 283, 284 and 286.

165. (1) Every person—

(*a*) who is the occupier, or goes into occupation, of a factory or warehouse,

or

(*b*) who is in occupation of a building or place which becomes for the first time, or, after a period of disuse, again becomes, a factory or warehouse,

shall register such factory or warehouse with the Secretary for Labour and Industry, and subject to the provisions of subsection (6) of this section no person shall occupy or use a factory or warehouse unless it is so registered.

Penalty : Two hundred dollars.

(2) The registration by an occupier of a factory or warehouse shall, subject to the other provisions of this section, expire at the end of a period of one year from the last day of the month in which such occupier became the occupier, unless he sooner ceases to be the occupier in which event it shall then expire. Such registration shall be renewed in accordance with the requirements of this section. The renewal of a registration shall, unless it expires by virtue of the occupier ceasing to be the occupier, expire at the end of a period of one year from the day on which the previous registration expires or expired.

(3) Application for registration or for renewal of registration of a factory or warehouse shall be made to the Secretary for Labour and Industry in the prescribed form, shall contain such particulars as are prescribed and shall be accompanied by the prescribed fee.

(4) Subject to the other provisions of this section every application shall be made prior to the applicant going into occupation of the factory or warehouse or prior to such building

or place becoming a factory or warehouse, as the case may be, or, in the case of renewal, prior to the expiration of the period for which the factory or warehouse was previously registered: But every person who is, on the day on which this Part of this Act comes into operation, the occupier of a warehouse shall register such warehouse within three months after such day, and the registration by such occupier shall have effect for one year after such day, unless such occupier sooner ceases to be the occupier, in which event it shall then expire.

(5) Every occupier of a factory or warehouse which is within an area within which this Part of this Act applies pursuant to paragraph (*c*) of subsection (1) of section 161 of this Act, shall, in accordance with the other provisions of this section, register such factory or warehouse within three months after the date from which this Part of this Act becomes applicable within such area, and the registration shall have effect until one year after that date, unless the occupier sooner ceases to be the occupier, in which event it shall then expire.

(6)—

(*a*) On receipt from the person who intends to become the occupier of a factory of an application for registration of a factory which for the first time, or after a period of disuse, again becomes a factory, the Secretary for Labour and Industry may, pending inspection and registration thereof, grant a provisional permit for such time and subject to such conditions as he determines, until he is satisfied that the factory complies with the provisions of this Act.

(*b*) When the Secretary for Labour and Industry is satisfied that the factory complies with the provisions of this Act, he shall register the factory whereupon the provisional permit shall lapse.

(*c*) If the applicant does not satisfy the Secretary for Labour and Industry that the factory complies with the provisions of this Act before the period expires for which the provisional permit was granted, and unless the Secretary for Labour and Industry renews the provisional permit, the occupier shall be liable to the penalties prescribed by this Act for occupation of an unregistered factory.

(*d*) When a factory is registered in accordance with paragraph (*b*) of this subsection, the registration shall expire at the end of a period of one year from the last day of the month in which the applicant became the occupier, unless he sooner ceases to be the occupier, in which event it shall then expire.

(7) Where by virtue of the provisions of paragraph (*a*) of subsection (8) of section 283 of the repealed Act a factory was, on the day on which this Part of this Act comes into operation, deemed to be registered, such factory shall, notwithstanding the repeal of that Act, continue to be deemed to be so registered until the thirty-first day of December, 1968, by which date the occupier shall effect renewal of registration ; but if the occupier ceases to be the occupier thereof prior to that day, such factory shall cease to be so deemed as from such cessation.

(8) Where by virtue of the provisions of paragraph (*b*) of subsection (8) of section 283 of the repealed Act a shop was, on the day on which this Part of this Act comes into operation, deemed to be registered for the purposes of Part IV of the Early Closing Act, 1926-1960, such shop shall, notwithstanding the repeal of the repealed Act, continue to be deemed to be so registered until the thirty-first day of July, 1968, by which date the occupier shall effect renewal of registration pursuant to the Early Closing Act, 1926-1960 ; but if the occupier ceases to be the occupier thereof prior to that day such shop shall cease to be so deemed as from such cessation.

(9) Every factory which is, on the day on which this Part of this Act comes into operation, registered pursuant to section 283 of the repealed Act or pursuant to the Country Factories Act, 1945-1965, shall be deemed to be registered pursuant to this Act until the thirty-first day of December, 1968, by which date the occupier shall effect renewal of registration : but if the occupier ceases to be the occupier thereof prior to that day, such factory shall cease to be so deemed as from such cessation.

Notice of factory closure.
cf. ibid., s. 287.

166. Any person who closes or ceases to occupy or use a factory shall, not later than seven days after such closure or cessation of the occupancy or use of such factory, give notice in writing to the Secretary for Labour and Industry of the date on which that factory closed or ceased to be occupied or used.

Penalty : Twenty dollars.

DIVISION II.

DIVISION II.—REGISTRATION OF OUTSIDE WORKERS AND FACTORY, ETC., RECORDS AND NOTICES.

Records by occupiers.
ibid., s. 290.

167. The occupier of every factory shall make and keep for the prescribed period a record of the names and addresses of the persons employed therein, and also the age of every such person under the age of twenty-one years, and shall produce such record whenever demanded by an inspector.

Penalty : One hundred dollars.

Outside workers to register names and addresses. cf. ibid., s. 289.

168. (1) Every person who, outside a factory, wholly or partly prepares or manufactures, either directly or indirectly, any article for the occupier of a factory for trade or sale, shall register with the Secretary for Labour and Industry his full name and address, and any change in such name or address from time to time.

Penalty : Fifty dollars.

(2) Every such person shall answer all questions put to him by an inspector—

(*a*) as to the person for whom the articles are being prepared or manufactured ;

and

(*b*) the price or rate to be paid to him therefor.

Penalty : Fifty dollars.

Record of outside work done for factories to be kept. cf. ibid., ss. 289 and 292.

169. (1) The occupier of every factory for whom any person, outside such factory, directly or indirectly, and either wholly or partly, prepares or manufactures any article for trade or sale, shall within seven days of such person commencing to prepare or manufacture any such article notify in writing the Secretary for Labour and Industry the full name and address of every such person and shall also keep in the prescribed manner a record of—

(*a*) the description and quantity of the work so done by such person ;

(*b*) the name and address of the person by whom the work is done ;

and

(*c*) the prices paid in each instance for such work.

Penalty : One hundred dollars.

(2) Such record shall be kept for the information of the Secretary for Labour and Industry, the inspectors, and such persons as may be so authorized by awards or orders of the commission or a committee, who shall be entitled to inspect and examine such record at all reasonable times.

(3) Every such occupier shall, whenever demanded, forward such record to the Secretary for Labour and Industry.

Penalty : One hundred dollars.

(4) Every person who issues or gives out, or authorizes or permits to be issued or given out, any article for the purpose of being wholly or partially prepared or manufactured outside a factory for trade or for sale shall be deemed to be the occupier of a factory for the purposes of this section.

(5) A person shall not be convicted under subsection (1) of this section for failing to keep the record required thereby if he proves—

(*a*) that he acted in good faith and without any intention to evade the provisions of this section ;

and

(*b*) that, on demand made by or on behalf of the inspector, he gave all the information in his power with respect to the alleged offence.

Record and notices of accidents. cf. ibid., s. 329.

170. (1) This section shall apply to every accident which occurs in any factory or warehouse, and—

(*a*) which causes loss of life to an employee ;

or

(*b*) incapacitates an employee for work for more than one working day.

(2) Whenever an accident to which this section applies occurs, the occupier of the factory or warehouse concerned shall make and keep for the prescribed period a record relating to the accident containing such of the particulars referred to in paragraph (*c*) of subsection (3) of this section as are appropriate, and in the case of any such accident which causes loss of life or incapacitates a person for three days or more the occupier shall send written notice thereof to the Chief Inspector.

(3) A notice under subsection (2) of this section shall be sent by the occupier—

(*a*) if a death occurs as a result of the accident, immediately after the occupier becomes aware of such death ;

and

(*b*) in all other cases, as soon as practicable but not later than twenty-four hours after the occupier becomes aware of the fact that the employee will be incapacitated for three days or more ;

and

(*c*) shall state the cause of death or the cause and nature of the accident, the nature and extent of the injuries sustained by any person, the name and residence of any person killed or injured and such other particulars as may be prescribed.

(4) A person who contravenes or fails to comply with any of the provisions of this section shall be guilty of an offence.

Penalty : Fifty dollars.

DIVISION III.—SAFETY PROVISIONS.

Construction and sale of machinery.

171. No person shall sell, let on hire, offer to sell or let on hire, or advertise for sale or letting, either as principal or agent—

(*a*) any machine intended to be driven by mechanical power and to be used in a factory, unless—

(i) every set-screw, bolt or key on any revolving part of such machine is so sunk, encased or otherwise effectively guarded as to prevent danger ;

(ii) all spur and other toothed or friction gearing of such machine is effectively guarded so as to prevent danger or is so situated as to be as safe as it would be if so guarded ;

and

(iii) such machine complies in all respects with the prescribed requirements ;

(*b*) any transmission machinery intended to be used in a factory, any wheel or pulley of which does not have a solid web or disc centre, unless the wheel or pulley is effectively guarded so as to prevent danger or is so situated as to be as safe as it would be if so guarded.

Penalty : One hundred dollars.

Dangerous machinery to be fenced or safeguarded.
cf. ibid., s. 321.

172. (1) The occupier of a factory or warehouse shall securely fence or safeguard—

(*a*) all dangerous parts of any machinery, crane or hoist therein ;

and

(*b*) every wheel-race near to which any person is likely to pass or to be employed,

unless the same is so constructed or situated as to be as safe as it would be if so fenced or safeguarded.

(2) Such occupier shall cause all fencing and safeguards to be constantly maintained in an efficient state while the parts required to be fenced or safeguarded are in motion or use.

(3) A factory or warehouse in which the provisions of subsection (1) or subsection (2) of this section are not observed shall be deemed to be not kept in conformity with this Part of this Act.

Use of dangerous machinery prohibited.
cf. ibid., s. 326.

173. (1) No occupier of a factory shall use or permit to be used therein any machinery—

(*a*) which in the opinion of the Chief Inspector cannot be used without danger to life or limb ;

and

(*b*) the use whereof he has by written notice prohibited.

Penalty : Two hundred dollars.

(2) The Chief Inspector shall, in writing, withdraw such prohibition when such machinery has been repaired or altered to his satisfaction.

Clear spaces in vicinity of machinery.
ibid., s. 323.

174. (1) The occupier of every factory shall cause to be kept clear in the vicinity of any engine, machine, or machinery therein such space as is sufficient to enable any person to work, attend to, and clean the same without risk of injury to himself or any other person.

cf. ibid., ss. 320 and 348.

(2) No traversing part of any machine and no material carried on any traversing part of any machine shall, if the space over which it runs is a space over which any person is likely to pass, be allowed to run closer than the prescribed distance from any fixed structure which is not part of the machine and no person shall work between the fixed and traversing part of any machine while the machine is in motion by the action of mechanical power.

(3) A factory in which the provisions of subsection (1) or subsection (2) of this section are not observed shall be deemed to be not kept in conformity with this Part of this Act.

Foundries.
ibid., s. 318a

175. The occupier of every foundry shall comply with all regulations concerning safety and ventilation as may be prescribed and shall provide such protective equipment as may be prescribed.

Special requirements regarding lead processes.

176. The occupier of every factory wherein any manufacturing process involving the use or handling of lead or a lead compound or alloy prescribed by regulation, is carried on, shall comply with the regulations regarding the mode in which such process may be carried on, the requirements regarding safety and ventilation, the provision of protective clothing and equipment, the facilities which shall be provided for changing clothing, and the prevention of contamination, including the times when clothing shall be changed and employees shall wash.

177. (1) The occupier of every factory shall provide for the persons who work therein such protective equipment as may be prescribed and in accordance with the prescribed conditions, and, where welding operations are carried on, shall also comply with the regulations concerning safety and ventilation. Protective equipment. cf. ibid., s. 318b.

Penalty: One hundred dollars.

(2) No person who works in a factory shall fail to wear or use the protective equipment so provided.

Penalty: One hundred dollars.

(3) No person who works in a factory shall remove any protective or safety equipment provided in accordance with the regulations or fail to carry out such protective or safety measures as are required of him by the regulations or act in such a way as to render ineffective any safety or protective measures provided by the occupier in accordance with the regulations.

Penalty: One hundred dollars.

178. (1) The occupier of every factory shall, at each floor thereof, protect the opening of every hoistway, elevator, crane or hoist well, hold, or stairway with good and sufficient trapdoors or self-closing hatches and safety catches, or such safeguards as an inspector may determine. Hoists, etc., to be protected. ibid., s. 324.

Penalty: One hundred dollars.

(2) The occupier of every factory shall ensure that every elevator, crane or hoist is properly maintained and thoroughly examined by a competent person at such periods as are prescribed, and a record of such examination shall be kept in manner prescribed.

Penalty: One hundred dollars.

(3) No occupier of a factory or warehouse shall permit or suffer any person under the age of eighteen years to have the care, custody, management or working of a crane or hoist in that factory or warehouse without the approval in writing of the Chief Inspector. ibid., s. 346.

Penalty: One hundred dollars.

(4) No occupier of a factory shall use or permit to be used therein an elevator, crane or hoist which an inspector— ibid., s. 325.

(*a*) considers dangerous;

and

(*b*) has given written notice to such occupier not to use.

Penalty: One hundred dollars.

PART XII.

DIVISION III.

Cleaning prohibited in dangerous circumstances.
cf. ibid., s. 348.

179. No occupier of a factory shall permit or suffer any person to, and no person shall, clean any part of a prime mover or of any transmission machinery while the prime mover or transmission machinery is in motion, or any part of any machine if the cleaning thereof would expose such person to risk of injury from any moving part either of that machine or of any adjacent machinery.

Penalty : One hundred dollars.

DIVISION IV.

DIVISION IV.—HEALTH AND WELFARE PROVISIONS.

Cleanliness and safety of factory or warehouse.
cf. ibid., s. 303.

180. The occupier of every factory or warehouse shall—

(*a*) keep the same clean and free from effluvia arising from any drain, sanitary convenience or nuisance ;

(*b*) keep all working areas clean and tidy at all times ;

(*c*) have all windows used for the lighting of workrooms kept clean so that natural light is not unduly restricted ;

(*d*) ensure that all floors are of sound construction and capable of bearing all loads and stresses that may at any time be imposed on them, and that no goods or other materials are stacked or stored so as to overload any floor ;

(*e*) ensure that every floor has an even, unbroken, slip-resistant surface which is free from holes, indentations, projections or other obstructions or defects which might create a hazard to persons walking thereon ;

(*f*) comply with the prescribed requirements regarding—

(i) the coverings that must be placed over specified types of floors on which employees stand while working ;

(ii) the type of material which must be used in the construction of floors and the drainage of floors where the process carried on or the cleaning thereof or the safety or health of the employees in that factory or warehouse makes such drainage desirable.

Overcrowding, ventilation, etc., of factories.
cf. ibid., s. 304.

181. (1) A factory and every portion thereof—

(*a*) shall not be so overcrowded while work is carried on therein as to be injurious to the health of the persons employed therein ;

(*b*) shall contain the prescribed amount of cubical space for each person employed ;

(*c*) shall be ventilated in the prescribed manner, and so as to render harmless, as far as practicable, all the gases, vapours, dust and impurities generated therein, and injurious to health ;

(*d*) wherein spray painting is carried on, shall comply with the prescribed requirements ;

(*e*) shall be provided with adequate artificial lighting where natural lighting is insufficient, in manner prescribed ;

and

(*f*) shall comply with the regulations concerning electrical wiring and equipment to ensure that it complies with the wiring rules of the Standards Association of Australia.

(2) A heating appliance in a factory, whether used for warming persons therein, or for a manufacturing process, shall, if so required by the regulations be provided with a flue of such size and construction as may be prescribed, unless the factory is of such open construction as to render such flue unnecessary.

(3) A factory in respect whereof there is a contravention of this section shall be deemed to be not kept in conformity with this Part of this Act.

Provision for meals.
cf. ibid., s. 360.

182. (1) No occupier of a factory or warehouse shall permit or suffer any person employed therein to take any meal in any room in the factory or warehouse—

(*a*) in which any manufacturing process or handicraft is then being carried on ;

or

(*b*) in which persons employed are then engaged in their employment :

But the Chief Inspector may exempt any occupier from compliance with this subsection if the Chief Inspector is satisfied that the nature and continual process of the work carried on necessitates any employee taking a meal during working hours in the vicinity of the work or process in which he is engaged.

(2) No occupier of a factory in which is carried on any manufacturing process, handicraft, or employment declared by regulation to be noxious shall permit or suffer any person to

take a meal in any room therein in which any such manufacturing process, handicraft or employment is then being carried on or in which persons employed in the factory are or have been in the course of the day engaged in their employment.

(3) An occupier of—

(*a*) a foundry ;

(*b*) a factory wherein is carried on any manufacturing process, handicraft or employment declared by regulation to be noxious ;

(*c*) a factory wherein is carried on any prescribed manufacturing process involving the use or handling of lead or a lead compound or alloy ;

or

(*d*) a factory or warehouse wherein are employed more than twenty-five persons,

shall provide a separate room or portion of the foundry, factory or warehouse as a dining room wherein the occupier shall provide and maintain adequate table and seating accommodation as prescribed and shall ensure that such dining room is kept clean and complies with regulations regarding floor area, lighting and the equipment and furniture which shall be provided therein. The Chief Inspector may, upon application duly made by an occupier of a foundry, factory or warehouse, not being one within the descriptions contained in paragraph (*a*), (*b*) or (*c*) of this subsection, exempt such occupier from complying with the requirements of this subsection.

(4) The Chief Inspector may, when in his opinion it is desirable to do so, require an occupier of a foundry, factory or warehouse, which is not within the descriptions contained in paragraph (*a*), (*b*), (*c*) or (*d*) of subsection (3) of this section, to comply with the requirements of that subsection and such occupier shall, within the time specified by the Chief Inspector, so comply.

Supply of drinking water.
cf. ibid., s. 360a.

183. The occupier of a factory, shop, office or warehouse shall provide and maintain at suitable places conveniently accessible to all persons employed in such factory, shop, office or warehouse an adequate supply of wholesome cool drinking water in the manner prescribed.

Washing facilities, change rooms, etc.
cf. ibid., ss. 360b, 360c and 360e.

184. (1) The occupier of a factory or warehouse shall provide and maintain such washing facilities, accommodation for clothing, change rooms, and, for females, rest rooms, as are prescribed and such furnishings of such change rooms and rest rooms as are prescribed.

(2) The occupier of a foundry, or factory wherein is carried on any manufacturing process involving the use or handling of lead or a lead compound or alloy, as prescribed by regulation, shall in addition to the washing facilities prescribed, provide and maintain such showering facilities for employees in that foundry or factory as may be prescribed. cf. ibid., s. 360b.

(3) The Chief Inspector may, when in his opinion the nature of the work in any other factory is such as to make it desirable that the employees should have showering facilities, give notice in writing to the occupier of such a factory to provide and maintain such facilities. The occupier shall comply with such notice within the time stated therein.

(4) The Chief Inspector may, when in his opinion it is desirable to do so, require the occupier of a shop or an office to comply with the requirements of subsection (1) of this section as regards accommodation for clothing not worn during working hours, and such occupier shall, within the time specified by the Chief Inspector, so comply.

185. (1) The occupier of a factory or warehouse shall provide and maintain for the use of females employed in the factory whose work is done standing such seating facilities as may be prescribed. Sitting accommodation for females. cf. ibid., s. 360d.

(2) The occupier of the factory or warehouse shall allow any such female employed as aforesaid to make use of the said facilities at all reasonable times when that use would not necessarily interfere with the proper discharge of her duties.

(3) Where work in a factory or warehouse is performed sitting down the occupier shall provide the prescribed type of seating for females.

186. (1) Sufficient and suitable sanitary conveniences for the persons employed in any factory, shop, office or warehouse shall be provided, maintained and kept clean, and effective provision shall be made for lighting them and, where persons of both sexes are, or are intended to be employed (except in the case of a factory, shop, office or warehouse where the only persons employed are members of the same family dwelling there) the conveniences shall afford separate accommodation for persons of each sex. Sanitary conveniences. ibid., s. 307.

(2) Regulations may be made determining for factories, shops, offices and warehouses what is sufficient and suitable provision for the purposes of this section.

(3) Any factory, shop, office or warehouse in which sufficient or suitable provision in accordance with this section is not made shall for the purposes of section 212 be deemed to be defective and the provisions of that section shall apply in relation to that factory, shop, office or warehouse and in its application shall be construed as if the word "owner" were substituted for the word "occupier" wherever the word "occupier" occurs therein.

Doors, etc., to be kept clear of obstructions.
cf. ibid., s. 311.

187. (1) The occupier of a factory, shop, office or warehouse shall—

(*a*) ensure that the prescribed means of ingress and egress, and the prescribed gangways, stairways and passages are provided ;

ibid., s. 308 (1).

(*b*) keep all doors, passages, passageways, gangways and stairways thereof clear and free from obstruction, and in such manner as to be always available as a means of escape ;

and

Fire prevention appliances to be kept ready for use.
ibid., s. 309 (1).

(*c*) keep all prescribed appliances for the prevention and extinction of fire in a constant state of repair and available for immediate use and shall take such other precautions for the prevention and extinction of fire as may be prescribed.

(2) The owner of a factory, shop, office or warehouse shall also comply with the requirements of paragraph (*c*) of subsection (1) of this section in the same manner as the occupier, but nothing contained in this subsection shall affect any liability as between the owner and the occupier.

ibid., s. 308 (2).

(3) No person shall in any way whatever obstruct or permit to be obstructed any such door, passage, passageway, gangway or stairway.

ibid., s. 311 (2).

(4) The occupier of a shop shall not permit or suffer the premises or any part thereof to be at any time so overcrowded as to be dangerous or injurious to the persons of either employees or customers therein.

Penalty for any offence that is a contravention of this section :

One hundred dollars.

Ventilation and lighting.
cf. ibid., s. 312.

188. (1) The occupier of every warehouse, office and shop shall—

(*a*) provide such amount of ventilation as may be prescribed ;

and

(*b*) comply with the regulations concerning artificial lighting where natural lighting is insufficient.

Penalty : One hundred dollars.

(2) The owner of a warehouse, office or shop shall also comply with the requirements of subsection (1) of this section in the same manner as the occupier, but nothing contained in this subsection shall affect any liability as between the owner and the occupier.

Penalty : One hundred dollars.

Employee with unsafe clothing or hair to be protected.

189. Where in the opinion of an inspector an employee in a factory or warehouse, who is required to work in close proximity to the moving parts of any machinery, is wearing apparel or accessories which are likely to become entangled in such moving parts or where in the opinion of the inspector such employee's hair is long and is not securely fixed and confined close to his or her head, the inspector may order that such employee shall not work or remain close to machinery until suitable apparel or adequate hair protection, or both, is worn by the employee.

A person who fails to comply with such an order shall be guilty of an offence against this Act.

Penalty : One hundred dollars.

Provision as to ventilation by fan in factories.
cf. ibid., s. 318.

190. (1) The Chief Inspector may order in writing that a fan or other properly constructed mechanical means for preventing inhalation of dust, vapours, gases or other impurities by the workers shall be provided by the occupier and continuously used in every factory, when—

(*a*) any process is carried on by which dust, vapours, gases or other impurities are inhaled or liable to be inhaled by any person working therein ;

and

(*b*) in the opinion of the Chief Inspector such inhalation, or the possibility of such inhalation, would be to a great extent thereby prevented.

(2) Such order shall specify the mechanical means to be provided, and the time allowed for providing the same.

(3) A factory in which such order is not complied with shall be deemed to be not kept in conformity with this Part of this Act.

DIVISION V.—RESTRICTIONS RELATING TO FEMALES AND MINORS, AND BAKING HOURS

DIVISION V.

Definition of employment.
cf. ibid., s. 332.

191. All females, of whatever age, and all males under eighteen years of age, who work in a factory, whether for wages

or not, at any kind of work whatsoever incidental to or connected with any manufacturing process or handicraft, or connected with the articles made or otherwise the subject of any manufacturing process or handicraft, shall be deemed to be employed by the occupier of the factory.

Restriction of employment of mirror and white lead making.
bid., s. 334.

192. (1) No occupier of a factory shall employ—

(*a*) a person under eighteen years of age in that part of the factory in which there is carried on the process of silvering of mirrors by the mercurial process, or the process of making white lead ;

Restriction of employment in glassworks.
cf. ibid., s. 335.

(*b*) a male under fifteen years of age, or a female under eighteen years of age, in any part of the factory in which the process of melting or annealing glass is carried on ;

or

Restriction of employment in brick and tile making.
ibid., s. 336.

(*c*) a female under the age of sixteen years on any process in the making or finishing of bricks or tiles, not being ornamental tiles.

Penalty : Fifty dollars.

Restriction on females lifting heavy weights.
cf. ibid., s. 347.

(2) No occupier of a factory, shop, office or warehouse shall require or knowingly permit any female person under the age of eighteen years to lift or carry by hand a greater weight than twenty-five pounds and no female person of any age shall be required or knowingly permitted by such occupier to lift or carry by hand a greater weight than thirty-five pounds.

Penalty : Fifty dollars.

Working hours for females and young persons.
ibid., s. 340.

193. (1) No occupier of a factory, shop, office or warehouse shall employ or permit to be employed therein any female person under the age of eighteen years or any male person under the age of sixteen years—

(*a*) for more than forty-eight hours in any one week ;

or

(*b*) for more than ten hours in any one day ;

or

(*c*) between the hours of ten o'clock in the evening on any one day and six o'clock in the morning on the following day,

unless the award applying to such occupier otherwise provides.

Penalty : Fifty dollars.

cf. ibid., s. 359.

(2) No occupier shall employ continuously in any factory, shop, office or warehouse for more than five hours without an interval of at least half an hour for a meal—

(*a*) any male person unless the award applying to such occupier permits this to be done ;

or

(*b*) any female person.

Penalty : Fifty dollars.

Regulation of the hours of baking of bread in the metropolitan area.
cf. Bakehouses Registration Act, 1945-1947 s. 8.

194. (1) No person carrying on or employed in the trade or calling of a baker within the metropolitan area shall make or bake, or assist at the making or baking of bread during any of the following periods :—

(*a*) Between six o'clock in the afternoon on any Friday and midnight on the following Sunday when the ensuing Monday is not a public holiday : But if any Friday is a public holiday this paragraph shall not apply to the making or baking, or the assisting at the making or baking of bread between six o'clock in the afternoon of that Friday and twelve o'clock noon on the following Saturday :

(*b*) Between twelve o'clock noon on any Saturday and midnight on the following Monday if that Monday is a public holiday :

(*c*) Between six o'clock in the afternoon on any day preceding any one or more consecutive public holidays and midnight on that public holiday or where there is more than one such public holiday on the last of those public holidays : But this paragraph shall not apply where any of the public holidays is a Friday or a Sunday :

(*d*) Between six o'clock in the afternoon on any day preceding a Friday which is a public holiday and six o'clock in the afternoon of that Friday being a public holiday :

(*e*) On any day or during any hours prohibited by regulation.

(2) This section shall not apply—

(*a*) to the preparation, mixing, or making of any dough, whether by hand or machinery ;

or

(*b*) to the firing of any oven by a doughmaker whilst waiting in attendance for the preparation, mixing, or making of dough ;

or

(*c*) to the baking of bread for supply to ships in accordance with a permit granted by the Secretary for Labour and Industry and in accordance with any terms and conditions fixed by the Secretary for Labour and Industry on the granting of the permit.

(3) The Secretary for Labour and Industry may grant any such permit as is referred to in paragraph (*c*) of subsection (2) of this section. The grant of any such permit shall be in the discretion of the Secretary for Labour and Industry and may be subject to such terms and conditions as he thinks fit. Any such permit may, at the discretion of the Secretary for Labour and Industry, be revoked at any time by him.

(4) Any person who commits any contravention of this section shall be guilty of an offence and liable to a penalty not exceeding fifty dollars.

DIVISION VI.

DIVISION VI.—FACTORY AND INDUSTRIAL WELFARE BOARD.

Factory and Industrial Welfare Board.

195. (1) There shall be constituted a Factory and Industrial Welfare Board (in this Division referred to as "the Board") which shall consist of six members appointed by the Governor.

(2) The Secretary for Labour and Industry shall be the chairman and the Chief Inspector shall be the deputy chairman of the Board. One member shall be appointed on the nomination of the South Australian Employers' Federation Incorporated, one on the nomination of the South Australian Chamber of Manufactures Incorporated, and two on the nomination of the United Trades and Labor Council of South Australia.

(3) Each member of the Board, other than the chairman and the deputy chairman, shall hold office for three years and shall be eligible for re-appointment from time to time on the expiration of his term of office.

(4) A member of the Board, other than the chairman or deputy chairman, may resign by writing under his hand, addressed and forwarded to the Minister or may be removed from the Board by the Governor on the ground that such member is seriously ill or is ill and that his illness will probably be prolonged, or is of unsound mind, or in prison, or has abandoned his residence in the State, or is not properly discharging his duties as a member of the Board.

(5) If at any time the person holding the office of Secretary for Labour and Industry or the person holding the office of Chief Inspector ceases to hold such office he shall, *ipso facto*, cease to be chairman, or deputy chairman, as the case may be.

(6) On the occurrence of a vacancy in the office of a member of the Board, the Governor may appoint a successor. In the case of a member who had been appointed upon nomination as provided in subsection (2) of this section, such successor shall be appointed on the nomination of the organization which nominated the person who has vacated the office, and he shall hold office for the unexpired term of the vacant office.

(7) The procedure for the calling of meetings of the Board and for the conduct of business at such meetings shall be as determined by the Board, or if not so determined, as determined by the chairman or in his absence by the deputy chairman.

(8) The members of the Board shall be entitled to receive such fees and expenses for their services as may be fixed from time to time by the Governor.

(9) The quorum for a meeting shall be three members of the Board, one of whom shall be either the chairman or the deputy chairman.

(10) The validity of acts done by the Board or by any member thereof shall not be called in question by reason of any error or defect in the appointment of any member or by reason of there being a vacancy in the number of members.

Duties and powers of Board.

196. (1) The Board shall investigate, report and make recommendations to the Minister on any matter referred to the Board by him in relation to the prevention of industrial accidents and to the safety, health or welfare of employees in any industry.

(2) In carrying out its investigations, the Board may collaborate with organizations of employers and of employees and authorities engaged in technical research, in relation to matters which have been referred to it by the Minister.

(3) The members of the Board, or any of them authorized in writing by the chairman so to do, may at any reasonable time enter and inspect any premises or place in which any industry is being carried on, and may inspect any work being carried on therein.

(4) No person shall hinder or obstruct any member of the Board in the exercise of the powers conferred by subsection (3) of this section.

Penalty: One hundred dollars.

(5) No member of the Board shall directly or indirectly communicate or divulge to a person other than the Minister, the chairman or the deputy chairman of the Board, any information relating to any employer or any employee that comes to his knowledge in consequence of his position as a member of the Board, nor shall he make use of any information that so comes to his knowledge except for the purpose of the performance of his duties as a member of the Board.

Penalty: One hundred dollars.

DIVISION VII.—EVIDENCE, PENALTIES, PROCEEDINGS AND REGULATIONS.

General provisions as to proceedings for offences.
cf. Industrial Code, 1920-1966, s. 361.

197. Without limiting the effect of section 124 of this Act, in all proceedings in respect of offences under this Part of this Act—

(*a*) it shall be sufficient to allege that a factory, shop, office or warehouse is a factory, shop, office or warehouse;

and

(*b*) the onus shall be on the defendant to prove—

(i) that the person, firm, or company named in a complaint as the occupier of a factory, shop, office or warehouse is not such occupier;

(ii) that the provisions of this Part of this Act relating to the registration of factories and warehouses have been complied with as to any particular factory or warehouse;

or

(iii) that articles wholly or partly prepared, manufactured or made are not wholly or partly prepared, manufactured or made for sale.

Penalty for not keeping factory, etc., in conformity with Act.
cf. ibid., s. 363.

198. (1) The occupier of a factory, shop, office or warehouse—

(*a*) which is not kept in conformity with this Part of this Act;

or

(*b*) in which there is a contravention of any of the provisions of this Part of this Act;

shall be guilty of an offence against this Act and shall, if no other penalty is provided, be liable—

(i) to a penalty not exceeding fifty dollars;

and

(ii) to a further penalty of ten dollars for every day during which such breach continues after the delivery by an inspector of a notice notifying such occupier that a breach of the provisions of this Part of this Act is taking place by reason of such factory, shop, office or warehouse not being kept in conformity with this Part of this Act, or by a contravention thereof otherwise occurring.

(2) The convicting court, in addition to or instead of imposing such penalty, may order such occupier to adopt means for the purpose of bringing his factory, shop, office or warehouse into conformity with this Part of this Act.

(3) Such order shall specify—

(*a*) the means to be adopted by such occupier ;

and

(*b*) the time within which such means shall be so adopted, which time may be extended by the court upon application.

(4) If, at the expiration of the time as originally specified or subsequently extended, the order is not complied with, such occupier shall be guilty of an offence against this Act and shall on conviction be liable to a penalty not exceeding ten dollars for every day during which such non-compliance exists.

Death or injury in consequence of neglect of occupier of factory.
cf. ibid., s. 364.

199. (1) If a person is killed or suffers bodily injury in consequence of the occupier of a factory or warehouse having neglected—

(*a*) to securely fence or safeguard machinery required by or in pursuance of this Part of this Act to be securely fenced or safeguarded ;

(*b*) to securely fence or safeguard any vat, pan, or other structure required by or in pursuance of this Part of this Act to be securely fenced or safeguarded ;

or

(*c*) to maintain any such fencing or safeguard,

such occupier shall be guilty of an offence against this Act and shall on conviction be liable to a penalty not less than one hundred dollars nor more than five hundred dollars.

(2) The whole or any part of such penalty may be applied for the benefit of the injured person or his family or otherwise, as the Minister determines.

(3) This section shall not deprive the injured person or his representatives of any right of action to recover damages.

Forgery and false entries and declarations.
cf. ibid., ss. 366 (1) and 387.

200. No person shall—

(*a*) forge or counterfeit any certificate for the purpose of this Part of this Act ;

(*b*) give or sign any such certificate knowing the same to be false in any material particular ;

(*c*) utter or make use of any certificate, knowing the same to be forged, counterfeited, or false ;

(*d*) knowingly utter or make use of as applying to any person a certificate which does not so apply ;

(*e*) impersonate any person named in such a certificate ;

(*f*) wilfully connive at such forging, counterfeiting, giving, signing, uttering, making use of, or impersonating ;

or

(*g*) falsely pretend to be an inspector under this Act.

Penalty : Five hundred dollars, or imprisonment for two years.

Penalty for offence for which no other penalty provided.
ibid., s, 369.

201. Every person guilty of an offence under this Part of this Act, or any regulation thereunder, for which no other penalty is provided, shall, on conviction, be liable to a penalty of not more than fifty dollars.

Fines may be recovered before two justices.
ibid., s. 371.

202. All fines and penalties for an offence under this Part of this Act and, notwithstanding anything in this Part of this Act, all amounts recoverable under or by virtue of this Part of this Act, may be recoverable before a special magistrate or two or more justices in a summary way.

Regulations.
cf. ibid., s. 374a.

203. (1) The Governor may make regulations prescribing such matters as are required or permitted to be prescribed for the purposes of this Act or are necessary or convenient to give effect to or facilitate the operation of this Act and without limiting the generality of the foregoing may make regulations—

cf. ibid., s. 360f.

(*a*) prescribing first aid arrangements, including the type of equipment which shall be provided and maintained by occupiers of factories, shops, offices and warehouses ;

cf. ibid., s. 305.

(*b*) regulating, restricting or prohibiting sleeping in factories ;

(*c*) prescribing any day or days during which, or any hour or hours during which, baking of bread shall be prohibited as provided by section 194 of this Act ;

(*d*) prescribing a penalty not exceeding fifty dollars for breach of any regulation.

(2) Any such regulations may be of general or special application or made to meet particular cases.

Moneys required for this Act to be provided by Parliament.
cf. ibid., s. 137.

204. The moneys required for the purposes of this Act shall be paid out of moneys provided by Parliament for those purposes.

PART XIII.

PART XIII.

INSPECTORS AND THEIR DUTIES, AND ANNUAL REPORT.

DIVISION I.—INSPECTORS AND THEIR DUTIES.

DIVISION I.

205. (1) The Governor may appoint a Chief Inspector of Factories and so many inspectors as may appear necessary.

Governor may appoint inspectors. ibid., s. 375.

(2) Every inspector shall be furnished with a certificate of his appointment, which he shall produce on request.

Certificate of appointment of inspectors. cf. ibid., s. 385.

(3) The persons who, immediately before the commencement of this Act, were holding the appointments of Chief Inspector and inspectors under the repealed Act shall be deemed to have been appointed as Chief Inspector of Factories and as inspectors, respectively, under this section and shall hold their appointments as such subject to this Act and the terms and conditions for the time being governing their respective appointments.

206. An inspector may enter, inspect and examine at all reasonable times any place which he has reasonable cause to believe to be a factory, shop, office or warehouse.

Power to inspect factory, etc. ibid., s. 378.

207. Every inspector as regards any premises or place or any ship or vessel of any kind whatsoever, wherein or in respect of which any industry is carried on or any work is being or has been done or commenced, or any matter or thing is taking or has taken place in relation to which any industrial matter exists, or any order of the Industrial Court or award or order of the commission or a committee has been made, or any offence against this Act is suspected, or as regards any factory, shop, office or warehouse, may—

Powers of inspectors. ibid., s. 379.

(*a*) enter, inspect and examine any such premises, place, ship, vessel, factory, shop, office or warehouse at any time when he has reasonable cause to believe that any person is employed therein ;

(*b*) take with him into any such premises, place, ship, vessel, factory, shop, office or warehouse a member of the police force when he has reasonable cause to suspect that he may be hindered or disturbed or may in any way be obstructed in the execution of his duties ;

(*c*) question, with respect to matters under this Act, every person whom he finds in or about any such premises, place, ship, vessel, factory, shop, office,

or warehouse, or whom he has reasonable cause to believe to be or to have been within the preceding two months employed therein, and require such person to answer the questions put and sign a declaration of the truth of his answers ;

(*d*) require the production of any book, notice, record, list, or document which is by this Act required to be kept or exhibited, or any indenture of apprenticeship, and inspect, examine, and copy the same ;

(*e*) require the production of, and inspect, examine, and copy all pay-sheets or books wherein an account is kept of the actual wages (whether by piece work or not) paid to any employee whose wages are fixed by the commission or a committee ;

(*f*) exercise such other powers and authorities as may be prescribed.

Inspector divulging contents of record.
cf. ibid., s. 293.

208. (1) No inspector shall divulge the contents of any record of persons employed in, or of the work done in or outside of, a factory, except to the Minister or the officers of his department, and no person authorized by an award or order who has inspected any record in accordance with the provisions of subsection (2) of section 169 of this Act shall divulge the contents of any record so inspected to any person other than the appropriate officials of his association or to a court or to the commission.

Penalty : Five hundred dollars.

(2) No person shall make use of his knowledge of the contents of any such record, except for the purpose of the compilation of general statistical information or for the purpose of proving an offence under this Act.

Penalty : Five hundred dollars.

Inspector may be accompanied by interpreter.
ibid., s. 380.

209. (1) An inspector entering, inspecting, and examining any premises, place, ship, vessel, factory, shop, office or warehouse may take with him an interpreter.

(2) Any question or requisition made on behalf of such inspector by such interpreter shall be deemed to have been put or made by the inspector, and the answer thereto made to the interpreter shall be deemed to have been made to the inspector.

Powers of inspection and inquiry.
ibid., s. 381.

210. An inspector may—

(*a*) inspect and examine any machinery (in operation if so required by such inspector) in any factory, shop, office, or warehouse ;

(*b*) make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act and of all health laws are complied with as regards any factory, shop, office or warehouse and the employees therein ;

(*c*) remove damaged equipment or take for analysis a sample of a substance that is in use or intended to be used in or in connection with any process or work carried on or intended to be carried on in a factory, shop, office or warehouse, being a substance in respect of which he suspects a contravention of any of the provisions of this Act or that in his opinion is likely to or may prove on analysis to be likely to cause bodily injury to or injury to the health of persons engaged in the factory, shop, office or warehouse ;

cf. Factories, Shops and Offices Act, 1958 (T), s. 11.

and

(*d*) report to the Central Board of Health any breaches of the health laws.

211. Every employer and every occupier of a factory, shop, office or warehouse shall at all reasonable times furnish the means required by an inspector necessary for the exercise of his duties and powers.

Occupiers to allow entry and inspection. Industrial Code 1920-1966, s. 382.

Penalty : One hundred dollars.

212. (1) Written notice shall be given by an inspector to the occupier of a—

Notice and removal of defects in factory, etc.

(*a*) factory, shop, office or warehouse which, or any part of which, or any machinery, or any grinding wheel driven by mechanical power wherein, in the opinion of the inspector, is defective because it—

cf. ibid., ss. 306 and 327.

(i) does not conform with this Act ;

(ii) is faulty or dilapidated ;

(iii) is unsafe or dangerous ;

or

(iv) is injurious to health ;

(*b*) factory or warehouse requiring him to fence or safeguard, and keep fenced or safeguarded any vat, pan, structure, stairway, staging or place, over, on, or near to which any person is likely to be or pass and which, in the opinion of the inspector, is or may be dangerous.

cf. ibid., s. 322.

(2) Every such notice shall—

(*a*) state the nature of the defect;

(*b*) specify the repairs, alterations, improvements, fencing or safeguarding required to be made;

and

(*c*) require the occupier either—

(i) to desist wholly from working or using such machinery, grinding wheel or premises, or part thereof, where in the opinion of the inspector it is unsafe or dangerous, immediately or after a date to be stated in the notice, until the repairs, alterations, improvements, fencing or safeguarding, stated in the notice, have been effected,

or

(ii) to have the repairs, alterations, improvements, fencing or safeguarding, stated in the notice, effected within the time specified in the notice.

(3) An occupier who fails to comply with the requirements of any notice given under this section shall be guilty of an offence and liable to a penalty of not less than one hundred dollars and not more than five hundred dollars.

(4) The giving of a notice by an inspector pursuant to this section shall not relieve an occupier of the obligation of complying with the provisions of sections 172, 173 and 174 of this Act.

Notices by inspector to board of health of sanitary defects in factory or warehouse.
cf. ibid., s. 328.

213. (1) Where it appears to an inspector that any act, neglect or default in relation to any drain, sanitary convenience, water supply, nuisance, or other matter in a factory or warehouse, is punishable or remediable under the health laws, but not under this Act, such inspector shall give notice in writing of such act, neglect, or default to the Central Board of Health.

(2) Such board shall thereupon make such inquiry and take such action as to such board may seem proper.

(3) An inspector may, for the purposes of this Part of this Act or the health laws, take with him into a factory or warehouse an officer of the Central Board of Health.

(4) Any officer of the Central Board of Health may, at all reasonable times, enter and inspect any factory or warehouse.

Duty of inspectors.
cf. ibid., s. 383.

214. Every inspector to whom such duties are assigned, shall ensure that the provisions of orders of the Industrial Court, awards and orders of the commission and of committees and of this Act are duly observed.

Orders, etc., to be in writing.
ibid., s. 384.

215. (1) Every order, requisition, or determination made by an inspector shall be in writing, and served on the employer or if made in relation to a factory, shop, office or warehouse, on the occupier.

(2) Every order, notice, requisition or determination made or given by an inspector and required by the provisions of this Act to be served, delivered or given to an employer, an employee or an occupier, shall be deemed to be properly served, delivered or given if served, delivered or given in manner prescribed.

Obstruction a breach of this Act.
ibid., s. 386.

216. No person shall—

(*a*) hinder, obstruct or disturb an inspector or interpreter in the execution of his duties or powers ;

(*b*) omit to comply with the requirements of section 211 of this Act, or of any direction which the inspector is authorized to give pursuant to this Act ;

(*c*) omit to truly answer or reply to any question which any inspector is authorized to ask under section 207 of this Act ;

(*d*) fail to produce any book, paysheet, notice, record, list, document or indenture of apprenticeship which, pursuant to section 207 of this Act, he is required by an inspector to produce ;

or

(*e*) directly or indirectly prevent any person from appearing before or being questioned by an inspector.

Penalty : One hundred dollars.

Protection of inspector.

217. No matter or thing done by an inspector *bona fide* in the execution of his duties under this Act shall subject the inspector or the Crown to any liability in respect thereof.

DIVISION II.

DIVISION II.—ANNUAL REPORT.

Annual report.
Ibid., s. 388.

218. (1) The Secretary for Labour and Industry shall forward an annual report to the Minister.

(2) Such report shall be of a general character and shall include such matters as the Minister may request for the purpose of informing Parliament of the activities of the Department of Labour and Industry, and not only of matters contained in this Act.

(3) Such report shall not divulge the contents of any record of persons employed, or of work done, except in the compilation of general statistical information.

PART XIV.

PART XIV

AMENDMENT OF BAKEHOUSES REGISTRATION ACT, 1945-1947

Amendment of Bakehouses Registration Act.

219. (1) The Bakehouses Registration Act, 1945-1947, as amended by this Part of this Act may be cited as the "Bakehouses Registration Act, 1945-1967".

(2) The Bakehouses Registration Act, 1945-1947, is in this Part referred to as "the Principal Act".

(3) Section 8 of the principal Act is repealed.

(4) Subsection (1) of section 9 of the principal Act is amended by striking out from paragraph (*b*1) the passage "or to grant a permit under section 8".

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. M. NAPIER, Governor's Deputy.

THE FIRST SCHEDULE.

Section 4 (1).

ACTS REPEALED.

Short Title of Act.

Industrial Code, 1920.
Industrial Code Amendment Act, 1921.
Industrial Code Amendment Act, 1924.
Industrial Code Amendment Act, 1925.
Industrial Code Amendment Act, 1935.
Industrial Code Amendment Act, 1943.
Industrial Code Amendment Act, 1947
Industrial Code Amendment Act, 1948.
Industrial Code Amendment Act, 1949.
Industrial Code Amendment Act, 1950.
Industrial Code Amendment Act (No. 2), 1950.
Industrial Code Amendment Act, 1951.
Industrial Code Amendment Act (No. 3), 1951.
Industrial Code Amendment Act, 1955.
Industrial Code Amendment Act (No. 2), 1955.
Industrial Code Amendment Act, 1958.
Industrial Code Amendment Act, 1963.
Industrial Code Amendment Act, 1966.
Country Factories Act, 1945.
Country Factories Act Amendment Act, 1965.

Section 161.

THE SECOND SCHEDULE.

Portions of the State within which Part XII of this Act applies pursuant to section 161 of this Act—

(1) The whole of the municipalities of Gawler and Elizabeth.

(2) The whole of the district council district of Munno Para and that portion of the municipality of Salisbury not included in the metropolitan area as defined in section 5 of this Act.

(3) The reclaimed area at Outer Harbor, comprising Harbors Board Blocks 30 and 49, hundred of Port Adelaide.

(4) The whole of Torrens Island, hundred of Port Adelaide.

(5) The whole of the district council districts of Noarlunga, Meadows, Stirling, Onkaparinga, East Torrens, Gumeracha, Barossa and Teatree Gully.

(6) The whole of the municipality of Port Lincoln and that portion of the district council district of Lincoln which lies within a radius of five miles of the post office at Port Lincoln.

(7) The whole of the municipalities of Port Augusta and Whyalla and the areas outside the boundaries of those municipalities which lie within a radius of ten miles of the post offices at Port Augusta and Whyalla respectively.

(8) The whole of the municipality of Port Pirie and that portion of the district council district of Pirie which lies within a radius of five miles of the post office at Port Pirie.

(9) The whole of the municipality of Clare and the area outside the boundaries of that municipality which lies within a radius of five miles of the post office at Clare.

(10) The whole of the municipalities of Kadina, Moonta and Wallaroo and the whole of the district council district of Kadina.

(11) The whole of the municipality of Kapunda and that portion of the district council district of Kapunda which lies within a radius of two miles of the post office at Kapunda.

(12) Those portions of the district council districts of Kapunda and Angaston, which lie within a radius of five miles of the post offices at Nuriootpa and Angaston respectively and those portions of the district council districts of Tanunda and Freeling which lie within a radius of five miles of the post office at Tanunda.

(13) That portion of the district council district of Freeling which lies within a radius of two miles of the post office at Freeling.

(14) The whole of the municipality of Murray Bridge and that portion of the district council district of Mobilong which lies within a radius of five miles of the post office at Murray Bridge.

(15) Those portions of the district council districts of Waikerie, Barmera, Berri, Loxton and Paringa which lie within a radius of five miles of the post offices at Waikerie, Barmera, Berri, Loxton and Renmark respectively.

(16) The whole of the municipality of Renmark.

(17) That portion of the district council district of Mannum which lies within a radius of two miles of the post office at Mannum.

(18) That portion of the district council district of Mount Barker which lies within a radius of five miles of the post office at Mount Barker.

(19) The whole of the municipality of Mount Gambier and the whole of the district council districts of Millicent, Penola, Tantanoola and Mount Gambier and that portion of the district council district of Beachport being the hundred of Riddoch.

(20) The whole of the municipality of Naracoorte and that portion of the district council district of Naracoorte which lies within a radius of five miles of the post office at Naracoorte.

ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

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No. 75 of 1967

An Act to amend the Mining (Petroleum) Act, 1940-1963.

[*Assented to 23rd November,* 1967]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short titles.

1. (1) This Act may be cited as the "Mining (Petroleum) Act Amendment Act, 1967".

(2) The Mining (Petroleum) Act, 1940-1963, as amended by this Act, may be cited as the "Petroleum Act, 1940-1967".

(3) The Mining (Petroleum) Act, 1940-1963, is hereinafter referred to as "the principal Act".

Commencement.

2. This Act shall come into operation on a day to be fixed by proclamation.

Incorporation

3. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment of principal Act, s. 3—Interpretation.

4. Section 3 of the principal Act is amended—

(*a*) by striking out the definitions of "casinghead petroleum spirit" and "crude oil" in subsection (1) thereof and inserting in lieu of those definitions, the following definition :—

"the Department" means the Department of Mines : ;

(*b*) by striking out the definition of "detailed survey" in subsection (1) thereof;

(*c*) by inserting after the definition of "drilling" in subsection (1) thereof, the following definition:—

"field" means an area approximately conterminous with a subterranean geological formation within which a pool or a number of pools lie: ;

(*d*) by striking out the definition of "licence" in subsection (1) thereof and inserting in lieu of that definition, the following definition:—

"licence" means a petroleum exploration licence or a petroleum production licence or a pipeline licence granted under this Act or an oil exploration licence in force by virtue of this Act: ;

(*e*) by striking out the definition of "mining operations" in subsection (1) thereof;

(*f*) by striking out the definition of "natural gas" in subsection (1) thereof and inserting in lieu of that definition, the following definitions:—

"natural gas" means petroleum that is or would be gaseous at Standard Temperature and Pressure:

"of economic quantity and quality" in relation to petroleum, means of such quantity and quality that the petroleum can, in ordinary circumstances, be recovered from the earth with profit: ;

(*g*) by striking out the definition of "petroleum" in subsection (1) thereof and inserting in lieu of that definition, the following definitions:—

"petroleum" means any naturally occurring hydrocarbon or mixture of hydrocarbons in gaseous, liquid or solid state whether occurring with or in combination with other substances or not but does not include coal or shale or any substance that may be derived from coal or shale by the application of heat or by a chemical process:

"pipeline" means a pipe or system of pipes for the conveyance of petroleum that has been recovered from a field, from or from the vicinity of the field to any other place and includes any tanks reservoirs machinery or

equipment appurtenant thereto or whereby the pipeline is operated but does not include a pipe or system of pipes used for or incidentally to operations for the recovery of petroleum or for the treatment, processing or refining of petroleum :

"pool" means a subterranean geological structure within which petroleum has or might have accumulated : ;

(*h*) by striking out the definitions of "reconnaissance survey" and "to prospect" in subsection (1) thereof and inserting in lieu thereof, the following definitions :—

"waste" means the loss, dissipation or destruction of petroleum whether before or after recovery from the earth, that might by the implementation of sound and economic measures or the exercise of reasonable precautions have been obviated :

"wasteful operations" include any one or more of the following :—

(*a*) the location, operation or use of a well or of any equipment or machinery in a manner that impairs the production of petroleum from a pool either by reducing the total quantity of petroleum that can be recovered therefrom or rendering the recovery of petroleum therefrom more difficult or expensive ;

(*b*) the use of any method that results in excessive surface loss or destruction of petroleum ;

(*c*) the inefficient use or dissipation of reservoir energy ;

(*d*) the failure to make timely use of any practicable measure by which the capacity of a well to produce petroleum might be increased ;

(*e*) the escape or effluxion of natural gas into the atmosphere, or the destruction or inefficient use of natural gas if by the implementation of sound and practicable measures it could be collected and stored or used efficiently in the course of operations for the recovery of petroleum or

operations (if any) for the treatment, processing or refining of petroleum conducted upon or in the vicinity of the field from which the natural gas could be recovered ;

(*f*) the inefficient storage of petroleum ; and

(*g*) the production of petroleum in a quantity in excess of that which can be stored and sold in an orderly manner. ;

and

(*i*) by inserting after subsection (1) thereof the following subsections :—

(1a) The provisions of this Act with the exception of subsection (1) of section 35 of this Act shall apply to and in relation to any naturally occurring subterranean accumulation of any of or any mixture of the following :—

(*a*) hydrogen sulphide ;

(*b*) nitrogen ;

(*c*) helium ;

(*d*) carbon dioxide ;

and

(*e*) any other substance that the Governor declares by proclamation (which he is hereby empowered to do) to be a substance to and in relation to which this Act applies,

in all respects as if the word "petroleum" denoted or included such substances.

(1b) The Minister may determine the rate at which royalty shall be paid upon any of the substances in subsection (1a) of this section mentioned or any substance declared by proclamation thereunder to be a substance to and in relation to which this Act applies, and such a determination shall, subject to the right of the Minister to vary or revoke the determination, have the force and effect of a provision of this Act.

Amendment of principal Act, s. 4—
Rights of Crown to petroleum.

5. Section 4 of the principal Act is amended—

(*a*) by striking out from subsection (1) thereof the words "and helium" wherever occurring in that subsection ;

(*b*) by striking out paragraph (*c*) of subsection (1) thereof ; and

(*c*) by striking out subsections (2) and (3) thereof and inserting in lieu thereof the following subsection :—

(2) Upon the extraction or effluxion of petroleum from a natural reservoir in which it has been contained, the petroleum shall become the property of the person by whom it has been extracted or released but the property in any petroleum that is returned or reverts to a natural reservoir, shall revert to the Crown.

Enactment of s. 4a of principal Act.

6. The following section is enacted and inserted in the principal Act after section 4 thereof :—

Transitional provisions.

4a. (1) Any oil exploration licence granted under the Mining (Petroleum) Act, 1940-1963, and in force immediately prior to the commencement of the Mining (Petroleum) Act Amendment Act, 1967, shall, (unless it is a condition of the licence that it shall determine upon the commencement of the Mining (Petroleum) Act Amendment Act, 1967, or, upon the expiration of some stipulated time thereafter) continue in force for the unexpired portion of the term for which it was granted or last renewed and be subject to the terms and conditions upon which it was held immediately prior to the commencement of the Mining (Petroleum) Act Amendment Act, 1967, and, notwithstanding the repeal or amendment of certain provisions of the Mining (Petroleum) Act, 1940-1963 by the Mining (Petroleum) Act Amendment Act, 1967, the provisions of the Mining (Petroleum) Act, 1940-1963, with the exception of the provisions of that Act whereby a licensee might be entitled to a renewal of the oil exploration licence or the grant of an oil prospecting licence or an oil mining licence, shall, by virtue of this subsection, continue in force in relation to such a licence and the holder of such a licence in all respects as if the Mining (Petroleum) Act Amendment Act, 1967, had not been enacted.

(2) When a licence, continued in force under subsection (1) of this section, expires, the Minister, if he is satisfied—

(*a*) that the licensee has adequately carried out the obligations of the licence ;

and

(*b*) that the licensee has adequate financial resources and is otherwise competent effectively to engage in exploration for petroleum in pursuance of a licence granted under this Act,

shall, upon the application of the licensee, grant to him a petroleum exploration licence which shall, for the purposes of this Act, be deemed to be a licence granted for an initial term under this Act and shall be subject to the

provisions (with the exception of subsection (1) of section 15) of this Act and shall comprise an area that the expired licence would have comprised if it had been renewed under the provisions of the Mining (Petroleum) Act, 1940-1963.

(3) Where the Minister has, pursuant to subsection (2) of section 40 of the Mining (Petroleum) Act, 1940-1963, covenanted that the powers conferred upon him by subsection (1) of that section shall not be exercised upon application for the renewal of an oil exploration licence during the period of the covenant, upon the expiry of the licence and the grant of a petroleum exploration licence under subsection (2) of this section and notwithstanding the repeal of section 40 of the Mining (Petroleum) Act, 1940-1963, by the Mining (Petroleum) Act Amendment Act 1967,—

(*a*) the area comprised in the petroleum exploration licence shall not, during the period of the covenant or thereafter, be reduced by virtue of subsection (1) of section 15 of this Act and shall not, during the period of the covenant be reduced by virtue of section 18 of this Act;

(*b*) the licensee shall not, during the period of the covenant, be subject to the provisions of section 16 of this Act;

(*c*) the licensee shall not, during the period of the covenant be subject to the provisions of section 17 or section 18a of this Act but any conditions upon which the licence was held immediately before the commencement of the Mining (Petroleum) Act Amendment Act, 1967, and whereby the licensee was required to expend moneys upon exploration for petroleum and the extent of such expenditure was prescribed shall endure throughout the period of the covenant;

(*d*) the provisions of this Act shall, except as provided by this subsection, apply to and in relation to the licence and the licensee;

(*e*) the licensee may from time to time during the period of the covenant apply for the renewal of the licence and such renewal shall, subject to subsection (1) of section 18 of this Act, be granted but upon the licence being renewed for the last time within the period of the covenant, it shall be a term of such renewal that the licence shall expire simultaneously with the period of the covenant;

and

(*f*) upon the simultaneous expiry of the licence and the

period of the covenant, the licensee may apply for the renewal of the licence and such renewal shall, subject to subsection (1) of section 18 of this Act, be granted and, upon that renewal, the area comprised in the licence shall not be reduced by virtue of section 18 of this Act but the provisions of sections 17, 18 and 18a of this Act shall apply thereafter in all respects as if that renewal were the grant of a petroleum exploration licence for an initial term under this Act.

(4) A licensee who holds an oil exploration licence that continues in force by virtue of this section shall have the same rights to apply for and be granted a petroleum production licence as a licensee who holds a petroleum exploration licence under this Act.

Enactment of s. 4b of principal Act.

7. The following section is enacted and inserted in the principal Act after the heading—

PART II.
LICENCES.

therein :—

Application of this Part.

4b. The provisions of Part II and Part IIA of this Act shall, except as provided in section 80h of this Act, apply to or in relation to petroleum exploration licences and petroleum production licences only.

Amendment of principal Act, s. 5—Prohibition of petroleum exploration and production without licence.

8. Subsection (1) of section 5 of the principal Act is amended by striking out the passage "prospect or mine for petroleum or helium except in pursuance of a licence issued under this Act" and inserting in lieu thereof the passage "engage in petroleum exploration or production except in pursuance of a licence issued by the Minister under this Act".

Amendment of principal Act, s. 6—Issue of licences.

9. Section 6 of the principal Act is amended—

(*a*) by striking out from subsection (1) thereof the passage "an oil exploration licence, an oil prospecting licence or an oil mining licence" and inserting in lieu thereof, the passage "a petroleum exploration licence or a petroleum production licence";

and

(*b*) by striking out subsection (2) thereof and inserting in lieu thereof the following subsection :—

(2) Notice of the grant of a licence specifying the area comprised in the licence and the date upon which the licence will expire shall be published in the *Gazette*.

Amendment of principal Act, s. 7— Mode of applying for licences.

10. Section 7 of the principal Act is amended—

(*a*) by striking out from subsection (2) thereof the passage "twenty-five pounds" and inserting in lieu thereof the passage "one hundred dollars";

and

(*b*) by striking out from subsection (2) thereof the passage "twenty pounds" and inserting in lieu thereof the passage "seventy-five dollars".

Repeal and re-enactment of s. 11 of principal Act.

11. Section 11 of the principal Act is repealed and the following section is enacted and inserted in the principal Act in lieu thereof:—

Exclusive rights.

11. Subject to this Act, a licensee shall have the exclusive right to engage in petroleum exploration or production on the land comprised in the licence.

Amendment of principal Act, s. 13— Bond and security.

12. Subsection (1) of section 13 of the principal Act is amended—

(*a*) by striking out the passage "one thousand pounds" therein and inserting in lieu thereof the passage "two thousand dollars";

and

(*b*) by inserting after the passage "lodged with the Minister" therein the passage "and the Minister may require security to be given sufficient to ensure satisfaction of the bond".

Repeal of ss. 15, 16, 17 and 18 and enactment of ss. 15, 15a, 16, 17, 18a, 18b, 18c and 18d of principal Act—

13. The heading "*Oil Exploration Licences*" is struck out and sections 15 to 18 (inclusive) of the principal Act are repealed and the following heading and new sections are enacted and inserted in lieu thereof:—

Petroleum Exploration Licences

Area to be comprised in petroleum exploration licence and term thereof.

15. (1) The area comprised in a petroleum exploration licence shall not exceed ten thousand square miles.

(2) The term of a petroleum exploration licence shall be five years.

Approval of works by Minister.

16. (1) The licensee holding a petroleum exploration licence shall submit to the Minister a programme of the works that he proposes to carry out during the term of the licence or such lesser period as the Minister may allow and the Minister may approve such works either wholly or in part.

(2) The licensee may, at any time, submit to the Minister a programme of works that he proposes to carry out in substitution for works approved by the Minister under subsection (1) of this section and the Minister may approve

such works either wholly or in part and their substitution for any works previously approved by him.

Duties of licensee who holds initial licence.

17. (1) Every licensee who holds a petroleum exploration licence shall during the initial term thereof, diligently carry out or cause to be carried out a programme of exploration such that the minimum expenditure on works approved by the Minister shall be—

(*a*) during the first two years of the term of the licence, a sum of twenty dollars for every square mile of the area comprised in the licence ;

and

(*b*) during each subsequent year of the term of the licence, a sum of thirty dollars for every square mile of the area comprised in the licence,

but for the purposes of this Act, an amount expended upon approved works in excess of the minimum expenditure required by this subsection during the first two years or any subsequent year of the term of the licence, shall be deemed to have been expended during the year next ensuing.

(2) Notwithstanding subsection (1) of this section, the Minister may agree with an applicant for a licence that the licence will be granted upon condition that the licensee shall undertake an expenditure upon approved works in excess of that prescribed in that subsection and such a condition shall be as valid and effectual as if it were a provision of this Act.

(3) The Minister, if satisfied that circumstances exist that justify him in so doing, may exempt a licensee from compliance with the provisions of subsection (1) of this section or with any condition imposed upon the licensee under subsection (2) of this section and may in lieu thereof require the licensee to satisfy such other more lenient conditions as he may, in his discretion, determine.

Renewal of petroleum exploration licence.

18. (1) A licensee may from time to time apply for the renewal of a petroleum exploration licence and the Minister, if satisfied that the licensee has adequately carried out the obligations of the licence and this Act and has sufficient financial resources and is otherwise competent to carry out the obligations of the licence and this Act for the next ensuing period of five years, shall renew the licence for a further term.

(2) Upon each renewal of the licence an area comprising or areas comprising in aggregate not less than one quarter of the area in respect of which the licence was originally granted shall be excised therefrom and the licence shall be renewed only in respect of the residue.

(3) The licensee may select the area or areas to be excised pursuant to subsection (2) of this section and shall notify the Minister in writing of the area or areas selected by him not less than three months before the term of the licence expires and if he fails so to notify the Minister, the Minister may select such area or areas.

(4) The area or areas to be excised, whether selected by the licensee or the Minister, shall be bounded, as nearly as practicable, by a combination of any of the following—

(*a*) boundaries of the area comprised in the licence ;

(*b*) parallels of latitude ;

and

(*c*) meridians of longitude.

(5) Each separate area excised under this section shall comprise not less than eight hundred square miles or the total area to be excised whichever is the lesser.

Expenditure provision.

18a. (1) Upon renewal of a petroleum exploration licence, the licensee shall diligently carry out or cause to be carried out a programme of exploration such that the minimum annual expenditure on works approved by the Minister shall be—

(*a*) upon the first renewal, a sum of forty dollars for every square mile of the area comprised in the licence ;

(*b*) upon the second renewal, a sum of fifty dollars for every square mile of the area comprised in the licence ;

and

(*c*) upon the third renewal, a sum of sixty dollars for every square mile of the area comprised in the licence,

but for the purposes of this Act, an amount expended upon approved works in excess of the minimum expenditure required by this subsection during any one year shall be deemed to have been expended during the year next ensuing.

(2) Notwithstanding subsection (1) of this section, the Minister may agree with an applicant for a licence that the licence will be granted upon condition that, if the licence is renewed, the licensee shall undertake an expenditure upon approved works in excess of that prescribed in that subsection and such a condition shall be as valid and effectual as if it were a provision of this Act.

(3) The Minister, if satisfied that circumstances exist that justify him in so doing, may exempt a licensee from compliance with the provisions of subsection (1) of this section or with any condition imposed upon the licensee of a kind referred to in subsection (2) of this section and may, in lieu thereof, require the licensee to satisfy such other more lenient conditions as the Minister may, in his discretion, determine.

Obligations of licensee upon discovery of petroleum.

18b. (1) If a licensee discovers petroleum within the area comprised in a petroleum exploration licence, he shall—

(*a*) forthwith furnish the Minister with a report of the discovery ;

(*b*) as soon as practicable, take all necessary steps for the ascertainment of the quantity and quality of the petroleum ;

and

(*c*) furnish the Minister with particulars of the quantity and quality of the petroleum and with such other information as the Minister may, by notice in writing served personally or by post upon the licensee, require within such time as the Minister may specify in the notice.

(2) Except with the approval of the Minister, no person shall dispose of any petroleum recovered from any land comprised in a petroleum exploration licence until a petroleum production licence has been obtained in respect of the land.

Fees.

18c. A licensee who holds a petroleum exploration licence shall pay to the Minister annually and in advance the following fees—

(*a*) during the initial term of the licence a sum of ten cents for every square mile of the area comprised in the licence ;

(*b*) if the licence has been once renewed, a sum of fifteen cents for every square mile of the area comprised in the licence ;

(*c*) if the licence has been twice renewed, a sum of twenty cents for every square mile of the area comprised in the licence ;

and

(*d*) if the licence has been three or more times renewed, a sum of twenty-five cents for every square mile of the area comprised in the licence.

Repeal of ss. 19 to 26 of principal Act.

14. The heading "*Oil Prospecting Licences*" is struck out and sections 19 to 26 (inclusive) of the principal Act are repealed.

Repeal of s. 27 and enactment of ss. 27a and 27b of principal Act—

15. The heading "*Oil Mining Licences*" is struck out, section 27 of the principal Act is repealed and the following heading and new sections are enacted and inserted in the principal Act in lieu thereof :—

Petroleum Production Licences

Right to petroleum production licence.

27. (1) A licensee who holds a petroleum exploration licence that comprises an area within which petroleum has been discovered, shall, if he is not in default of his obligations under the licence or this Act at the time of such discovery, be entitled, subject to this Act, to be granted a petroleum production licence in respect of the area within which petroleum has been discovered.

(2) If, at the time of such discovery, the licensee is in default of his obligations under the licence or this Act, the Minister shall stipulate a reasonable period within which the licensee may remedy his default and if at the expiration of that period the licensee has remedied his default, he shall be entitled, subject to this Act, to be granted a petroleum production licence in respect of the area within which petroleum has been discovered.

(3) If at the expiration of the period stipulated by the Minister under subsection (2) of this section, the licensee has failed to remedy any default under the licence or this Act, the Minister may excise from the area comprised in the petroleum exploration licence the area of the field in which petroleum has been discovered and grant to any person a petroleum production licence in respect of the field.

Consequences of failure to obtain production licence when petroleum is of economic quantity and quality.

27a. The Minister may, by notice in writing served personally or by post upon a licensee who holds a petroleum exploration licence, declare that any petroleum discovered within the area comprised in the petroleum exploration licence is, in his opinion, of economic quantity and quality and, if within twelve months or such longer period as the Minister may stipulate, of the service of such notice, the licensee has not made application for a petroleum production licence, the Minister may excise from the area comprised in the petroleum exploration licence the area of the field in which petroleum has been discovered and grant to any person a petroleum production licence in respect of the field.

16. Section 28 of the principal Act is amended by striking out the passage "An oil mining licence" and inserting in lieu thereof the passage "A petroleum production licence". Amendment of principal Act, s. 28—Size of area of petroleum production licence.

17. The following section is enacted and inserted in the principal Act after section 28 thereof:— Enactment of s. 28a of principal Act—

28a. Where two or more fields are so situated that they may be comprised within a single undivided area not exceeding one hundred square miles in extent, the Minister may grant a single petroleum production licence in respect of such area. Licence in respect of area comprising two or more fields.

18. Section 30 of the principal Act is repealed and the following section is enacted and inserted in the principal Act in lieu thereof:— Repeal and re-enactment of s. 30 of principal Act—

30. Each area in respect of which a petroleum production licence is granted shall, as far as practicable, be bounded by parallels of latitude and meridians of longitude. Shape of area.

19. Section 31 of the principal Act is repealed. Repeal of s. 31 of principal Act.

20. Sections 32 to 37 (inclusive) of the principal Act are repealed and the following sections are enacted and inserted in the principal Act in lieu thereof:— Repeal and re-enactment of ss. 32 to 37 of principal Act—

32. (1) The term of a petroleum production licence shall be twenty-one years. Term and renewal of petroleum production licence.

(2) An application for the renewal of a petroleum production licence shall—

(*a*) be made in the manner and form prescribed;

(*b*) be made not less than three months before the expiry of the licence;

and

(*c*) be accompanied by a fee of one hundred dollars.

(3) Upon application by a licensee, the Minister shall, if satisfied that the licensee has adequately carried out the obligations of the licence and this Act, from time to time renew the licence for a further term of twenty-one years.

33. A petroleum production licence shall confer on the licensee the exclusive right to conduct operations for the production of petroleum within the area comprised in the licence together with a right to construct and maintain on that land such works, buildings, plant, waterways, roads, Rights conferred by petroleum production licence.

pipelines, dams, reservoirs, tanks, pumping stations, tramways, railways, telephone lines, wireless stations and other structures and equipment as are necessary for the full enjoyment of the licence or the fulfilment of the licensee's obligations thereunder.

Fees.

34. A licensee who holds a petroleum production licence shall pay to the Minister annually and in advance a fee of ten cents for every acre of the area comprised in the licence.

Royalty.

35. (1) Subject to subsection (2) of this section, a licensee who holds a petroleum production licence shall pay to the Minister a royalty of ten per centum of the value at the well-head of all petroleum recovered from the land comprised in the licence.

(2) Royalty shall not be payable in respect of—

(*a*) any petroleum that is returned to the pool or is destroyed or dissipated in accordance with sound petroleum production practices ;

or

(*b*) any petroleum used by the licensee in the course of operations for the recovery of petroleum and for any purposes incidental thereto (including the heating and lighting of any houses or buildings upon the petroleum field used by the employees of the licensee).

(3) Any annual fee paid to the Minister under section 34 of this Act shall be set off against the amount of royalty payable during the year in respect of which the fee was paid.

(4) The licensee shall in each month furnish the Minister with a statement in the prescribed form, in relation to the last preceding month, of the quantity of petroleum recovered, the quantity of any petroleum or derivatives therefrom which has or have been sold and the amount realized upon such sale and with such other information as the Minister may, by notice in writing served personally or by post upon the licensee, require.

(5) The licensee shall, at the request of the Director of Mines or of any person authorized by him to make the request on his behalf, produce to the Director or to the person authorized as aforesaid, all books, accounts and other records in his possession or power relating to transactions or dealings with petroleum recovered by the licensee and shall permit the Director or the person authorized as aforesaid, to inspect and make copies of those books, accounts and records.

(6) For the purposes of this section the value at the well-head of petroleum shall be an amount calculated by subtracting from the amount that the petroleum might reasonably be expected to realize upon sale to a *bona fide* purchaser all expenses actually incurred or to be incurred by the licensee in treating, processing or refining the petroleum prior to delivery or in conveying the petroleum to the point of delivery to the purchaser.

(7) The Minister shall, in accordance with subsection (6) of this section, determine the value at the well-head of petroleum produced by the licensee and a value so determined shall, in any proceedings before a court or other tribunal, be taken as the value at the well-head of the petroleum, unless the contrary is proved.

Schedule and programme to be submitted to Minister.

36. (1) Within six months of the grant of a petroleum production licence or within such longer period as the Minister may in his discretion allow, the licensee shall submit for the approval of the Minister—

(*a*) a schedule in which shall be set forth the rate at which the licensee proposes to produce petroleum from each of the wells within the area comprised in the petroleum production licence ;

and

(*b*) a programme of drilling whereby the licensee proposes to develop any field that lies within the area comprised in the petroleum production licence.

(2) The Minister may at any time approve the variation of a schedule or programme submitted pursuant to subsection (1) of this section.

(3) The licensee shall diligently carry out or cause to be carried out operations for the recovery of petroleum and operations for the development of any field within the area comprised in the licence in accordance with good petroleum field practice and with the schedule or programme approved by the Minister.

(4) Where, in the opinion of the Minister, petroleum of economic quantity and quality exists within the area comprised in a petroleum production licence, the Minister may, by notice in writing served personally or by post upon the licensee, require the licensee to continue operations for the recovery of petroleum until such time as he satisfies the Minister that further production of petroleum from the area is no longer practical or economic.

(5) The Minister may at any time authorize a temporary suspension of any operations that the licensee is required to undertake under this section.

Plans, etc. to be furnished.

37. (1) A licensee who holds a petroleum production licence shall, not later than the thirtieth day of September in each year furnish the Director of Mines with—

(*a*) a plan showing the location of all wells within the area comprised in the licence ;

(*b*) a description of all development works executed by him in accordance with the programme approved by the Minister during the period of twelve months ended on the thirtieth day of June in that year ;

and

(*c*) a statement of the quantity and quality of all petroleum produced during the period of twelve months ended on the thirtieth day of June in that year.

(2) A licensee who holds a petroleum production licence shall—

(*a*) keep accurate geological plans maps and records relating to the land comprised in the licence and furnish the Minister with such copies of the plans, maps and records and such information in relation thereto as the Minister may from time to time by notice in writing served personally or by post upon the licensee, require ;

and

(*b*) furnish the Minister with such plans and information in relation to the progress of operations on the land comprised in the licence as the Minister may from time to time, by notice in writing served personally or by post upon the licensee, require.

Repeal of ss. 39 and 40 of principal Act.

21. Sections 39 and 40 of the principal Act are repealed.

Amendment of principal Act, s. 42— Consent to dealings with licences

22. Section 42 of the principal Act is amended—

(*a*) by striking out the passage "ten pounds" in subsection (3) thereof and inserting in lieu thereof the passage "twenty dollars";

and

(*b*) by inserting after subsection (3) thereof the following subsection :—

(4) The Minister may require any person who acquires any interest whether legal or equitable in a licence by virtue of a transaction to which the Minister has consented under subsection (1) of this

section, to enter into a bond in such sum and to give such security for the satisfaction of the bond as he may stipulate.

Amendment of principal Act, s. 45—Reservations in favour of the Crown.

23. Section 45 of the principal Act is amended by striking out paragraph (*b*) thereof.

Amendment of principal Act, s. 48—Operations on or under roads or streets.

24. Section 48 of the principal Act is amended by striking out the passage "to carry on mining operations on or under any road or street" therein and inserting in lieu thereof the passage "to engage in petroleum exploration or petroleum production operations on or under any road or street without the prior approval of the Minister".

Amendment of principal Act s. 49—Restrictions on rights of licensee over certain lands.

25. Subsection (1) of section 49 of the principal Act is amended by striking out the passage "fifty pounds" in paragraph (*e*) thereof and inserting in lieu thereof the passage "one hundred dollars".

Amendment of principal Act, s. 51—Notice of entry to be given to occupiers.

26. Section 51 of the principal Act is amended—

(*a*) by inserting after subsection (3) thereof the following subsection :—

(3a) Every notice under this section shall set forth the provisions of sections 75 to 80 of this Act.

and

(*b*) by striking out the passage "any mining operations" in subsection (4) thereof and inserting in lieu thereof the passage "any operations in connection with the exploration for or production of petroleum".

Amendment of principal Act, s. 52—Use and occupation of private land.

27. Section 52 of the principal Act is amended by striking out subsection (1) therein and inserting in lieu thereof the following subsection :—

(1) A licensee may enclose with a fence or define in any other manner approved by the Minister such land as he requires for the purpose of his operations and, if so requested by the owner or occupier of the land, shall fence such land.

Amendment of principal Act, s. 53—Restriction on interference with other operations.

28. Section 53 of the principal Act is amended by striking out the passage "injury from being caused by such operations to any land not actually occupied for mining purposes" in paragraph (*b*) thereof and inserting in lieu thereof the passage "unnecessary injury to any land".

Repeal of ss. 54 and 56 of principal Act.

29. Sections 54 and 56 of the principal Act are repealed.

Amendment of principal Act, s. 60—Methods of working.

30. Section 60 of the principal Act is amended by striking out the passage "mining operations on that land in a proper and workmanlike manner in accordance with methods and practice customarily used in good oil-field practice" therein and inserting in lieu thereof the passage "operations on that land in a proper and workmanlike manner in accordance with methods and practice customarily used in good petroleum field practice".

Amendment of principal Act, s. 63—Storage of petroleum.

31. Subsection (1) of section 63 of the principal Act is amended by striking out the passage "oil field" therein and inserting in lieu thereof the passage "petroleum field".

Amendment of principal Act, s. 65—Abandonment and plugging of wells.

32. Section 65 of the principal Act is amended—

(*a*) by striking out the passage "fourteen days' notice" in subsection (1) thereof and inserting in lieu thereof the passage "twenty-four hours' notice";

(*b*) by striking out the passage "cemented string or other permanent form of casing" in subsection (1) thereof and inserting in lieu thereof the passage "casing or reinforcing structure";

(*c*) by inserting after subsection (1) thereof the following subsection :—

(1a) The Minister may refuse his consent to the withdrawal of any casing or reinforcing structure from a well if it appears to him that the well might be advantageously used as a source of water or for any other purpose whatsoever and, in the event of such refusal—

(*a*) the Minister shall give to the licensee written notice of his refusal ;

(*b*) the Minister shall cause the value *in situ* of the casing or reinforcing structure to be ascertained ;

and

(*c*) no person shall use the well for any purpose whatsoever unless—

(i) he has paid to the licensee a sum equal to the value of the casing or reinforcing structure as ascertained under paragraph (*b*) of this subsection in which event the property in the casing or reinforcing structure shall be vested in him ;

(ii) he obtains the written consent of the licensee which may be granted upon such terms as

may be mutually agreed upon by the licensee and the person who desires the use of the well and approved by the Minister;

or

(iii) he obtains the consent of the Minister which may be granted if the licensee, having been a body corporate has been dissolved or is defunct or if, in the opinion of the Minister, there is some other reason that justifies the granting of his consent notwithstanding that the licensee has refused his consent or it is impracticable to obtain his consent and the Minister may grant his consent upon terms that the person who desires the use of the well make such compensation to the licensee as the Minister deems just and reasonable.;

(*d*) by inserting after the passage "from or through the well" in subsection (2) thereof the passage "and, if the Minister has refused his consent to the withdrawal of casing or reinforcing structure from the well, the licensee shall plug the well in a manner that will ensure that any future use of the well as a source of water or for any other purpose will not be impaired";

and

(*e*) by striking out the word "Minister" in subsection (3) thereof and inserting in lieu thereof the words "Director of Mines".

Repeal of ss. 69 and 72 of principal Act.

33. Sections 69 and 72 of the principal Act are repealed.

Amendment of principal Act, s. 76—Determination of compensation.

34. Subsection (4) of section 76 of the principal Act is amended by striking out the passage "seven hundred and fifty pounds" therein and inserting in lieu thereof the passage "one thousand five hundred dollars".

Enactment of Parts IIA, IIB and IIC, ss. 80A to 80V, of principal Act—

35. The following new Parts, headings and sections are enacted and inserted in the principal Act after section 80 thereof:—

PART IIA.

CONSERVATION AND PREVENTION OF WASTE.

Regulations in relation to waste, etc.

80a. The Governor may make such regulations as he deems necessary to ensure the proper conduct of operations in connection with the exploration for or production of petroleum and, without limiting the generality of the foregoing, may make regulations in relation to—

(*a*) the avoidance of waste and wasteful operations ;

(*b*) the proper drilling and completion of wells ;

(*c*) the number and position of wells that a licensee may drill or cause to be drilled upon any portion of the area comprised in the licence ;

(*d*) the rate at which petroleum may be recovered or allowed to issue from any well ;

(*e*) the implementation and conduct of operations designed to increase the capacity of a well or a pool to produce petroleum ;

(*f*) the prevention of the contamination of any water-bearing formation ;

(*g*) the prevention of the contamination of any petroleum-bearing formation ;

(*h*) the suspension of drilling operations and the abandonment of wells ;

and

(*i*) the disposal of water, brine, sediment or other petroleum field waste.

Orders of Minister.

80b. The Minister may by order in writing served personally or by post upon a licensee, require him to do any act or thing, not inconsistent with the regulations, in relation to any matter that the Governor is empowered to regulate under section 80a of this Act and, in addition thereto, may—

(*a*) require the licensee to undertake any operations that might, in the opinion of the Minister, increase the capacity of a well or a pool to produce petroleum.

(*b*) require the suspension of drilling operations in respect of any well or in any area specified in the order ;

and

(*c*) require the abandonment, plugging and sealing of any well specified in the order.

Unit development.

80c. (1) Where the Minister is satisfied that the area comprised in a petroleum production licence forms part of a field extending beyond that area and it is desirable for the purpose of securing economy and efficiency and the avoidance of waste that the field be worked as one unit, the Minister—

(*a*) if the field does not extend into an area comprised in a petroleum exploration licence or petroleum production licence held by another licensee, may vary the terms of the licence by including therein additional land to which the field extends ;

or

(*b*) if the field does extend into an area comprised in a petroleum exploration licence or petroleum production licence held by another licensee, may, by notice in writing, served personally or by post upon the licensees, require the licensees to prepare and furnish him with a scheme for working and developing the field as one unit.

(2) A notice under paragraph (*b*) of subsection (1) of this section shall specify the land in respect of which and the time within which the Minister requires the scheme to be furnished.

(3) If a scheme is not furnished within the time so specified, or if the Minister does not approve a scheme furnished to him, the Minister may prepare a scheme and supply particulars thereof to each of the licensees who shall be bound by the terms of the scheme in all respects as if such terms were conditions of their respective licences.

PART IIB.

PIPELINE LICENCES.

Pipelines not to be constructed except in pursuance of licence.

80d. (1) A person shall not—

(*a*) construct or cause to be constructed a pipeline or any part of a pipeline ;

or

(*b*) operate a pipeline,

except in pursuance of a pipeline licence granted under this Act.

(2) A person shall not carry out or cause to be carried out any survey in connection with a proposed pipeline except with the authority of the Minister or in pursuance of a pipeline licence granted under this Act.

Mode of application for licence.

80e. (1) An application for a pipeline licence shall be made in the prescribed manner and form and shall be accompanied by such maps plans and other documents as are necessary to show—

(*a*) the proposed route of the pipeline ;

(*b*) the proposed size and capacity of the pipeline ;

and

(*c*) the nature and location of all machinery and appurtenances that the applicant proposes to use for the operation of or in conjunction with the pipeline.

(2) An applicant shall furnish the Minister with such further or other documents and information as he may require.

Notification to be given by applicant if Minister so requires.

80f. The Minister may require an applicant for a pipeline licence to give notice of the application to such persons and in such manner as he may, by notice in writing served personally or by post upon the applicant, specify.

Factors relevant to the grant of a licence.

80g. (1) The Minister, in considering an application for a pipeline licence shall take into consideration all matters and circumstances that appear to him to be relevant and, in particular, but without limiting the generality of the foregoing—

(*a*) the financial resources of the applicant ;

(*b*) the interests of any person who does or might require the use of the pipeline ;

and

(*c*) any public or private interest that might be affected by the grant of the licence.

(2) If two or more applicants apply for licences in respect of pipelines which are to traverse such substantially similar routes that it would, in the opinion of the Minister, be inexpedient to grant licences in respect of all the applications, the Minister may refer the applications to the Petroleum Advisory Committee and when applications have been so referred, the Committee shall consider the respective merits of the applications and advise the Minister as to which it would be most expedient to grant.

Conditions of licence.

80h. (1) The Minister may grant a pipeline licence upon such conditions as he may think fit to impose.

(2) A licensee who holds a pipeline licence may at any time apply to the Minister for variation of the conditions of the licence or approval of any variation in the nature or route of a proposed pipeline and the Minister may make or approve such variation accordingly.

(3) Sections 8, 10, 13, 14, 62 and 66 of this Act shall apply to and in relation to pipeline licences.

Term of licence.

80i. (1) The term of a pipeline licence shall be twenty-one years.

(2) The licensee may from time to time apply for the renewal of a pipeline licence and the Minister shall, if satisfied that the licensee has complied with the provisions of this Act and fulfilled the obligations of the licence during the preceding term of the licence, renew the licence for a further term of twenty-one years.

Acquisition of land.

80j (1) A licensee shall, as soon as practicable, make all proper endeavours to acquire by agreement with the owners or occupiers all land that he requires for the purposes of the construction or operation of the pipeline.

(2) Notwithstanding anything contained in any Act or in the memorandum and articles or constitution of any body corporate, it shall be lawful for the body corporate, on such terms as may be agreed upon by the body corporate and the licensee to transfer to the licensee any land which he requires for the construction or operation of the pipeline.

(3) If, after diligent endeavours, the licensee fails to acquire the land that he requires for the construction or operation of the pipeline by agreement, the licensee may apply to the Minister for his approval of the compulsory acquisition of the land and if he receives such approval, he may, subject to this Act, proceed compulsorily to acquire the land.

(4) The Compulsory Acquisition of Land Act, 1925-1966 (excepting section 49 thereof) is hereby incorporated with this Act and shall apply to the compulsory acquisition of land by a licensee under this Act as if—

(*a*) this Act were the special Act referred to in that Act;

(*b*) the purpose for which land may be taken or acquired under this Act were a work or undertaking of a public nature whose execution were authorized by such special Act;

(*c*) the licensee were the promoters of an undertaking;

and

(*d*) land required by the licensee for the purpose of the construction or operation of a pipeline were land required for the purposes of this Act.

(5) In this section "land" includes any estate or interest in land and any easement, right, power or privilege in, under, over or affecting land.

Power of Governor over unalienated Crown lands.

80k. The Governor may, upon such terms as may be recommended by the Minister of Lands, grant to the licensee any right to, over or affecting Crown lands which the licensee requires for the purpose of the construction or operation of the pipeline.

Minister may require pipeline operator to convey petroleum produced by petroleum producer.

80l. The Minister may, by notice in writing served personally or by post upon a licensee, require a licensee who holds a pipeline licence to convey petroleum produced by a licensee who holds a petroleum production licence upon such terms as may be mutually agreed upon by the licensees or, in default of agreement, as may be determined by the Minister.

Alteration of pipeline.

80m. A licensee shall not extend alter or modify a pipeline without the authority of the Minister except as may be necessary for—

(*a*) the repair or maintenance of the pipeline ;

or

(*b*) the preservation of life or property in an emergency.

Pipeline not to endanger health or safety.

80n. A licensee shall operate, repair and maintain the pipeline in such manner as will ensure that the safety or health of any person is not endangered.

Fees.

80o. A licensee shall pay to the Minister annually and in advance a fee of twenty dollars for every mile which the pipeline does or is to traverse.

Licensee to furnish information and accounts, etc.

80p. (1) A licensee shall furnish the Minister with such information relating to the construction or operation of a pipeline as may be prescribed.

(2) A licensee shall furnish the Minister with such statement and accounts relating to the expenditure and receipt of moneys in connection with the operation of the pipeline as may be prescribed.

Inspection of pipeline.

80q. The Director of Mines or any person authorized by him may at any time enter upon any land and inspect or test any pipeline in order to ascertain whether its construction or operation complies with the provisions of this Act and the conditions of the licence.

PART IIc.

PETROLEUM ADVISORY COMMITTEE.

Establishment of Petroleum Advisory Committee.

80r. (1) The Governor shall establish a committee to be entitled the "Petroleum Advisory Committee".

(2) The Committee shall consist of three members who shall be appointed by the Governor and one of whom the Governor shall appoint to be chairman.

(3) A person who holds any office in the Department or who has any direct or indirect interest in any licence granted, applied for or in force under this Act shall not be a member of the Committee.

(4) The members of the Committee shall hold office for such term and upon such terms and conditions as the Governor may determine.

(5) The Governor shall make such appointments as are necessary to fill any vacancy occurring in the membership of the Committee and may appoint any person to be a deputy of a member if such member is unable to perform his duties as a member because of illness or any other cause or if it is otherwise expedient so to do and a person so appointed to be a deputy of the chairman shall be deemed to be the chairman whilst so appointed.

(6) The members of the Committee shall be entitled to such remuneration expenses and allowances as may be determined by the Governor and this subsection shall, without any further appropriation, be sufficient authority for the payment of any remuneration expenses or allowances so determined from the general revenue of the State.

(7) The Public Service Act, 1936-1966, shall not apply to or in relation to the appointment of a member of the Committee and a member shall not, as such, be subject to that Act.

(8) The office of a member of the Committee may be held in conjunction with any other appointment or office in the Public Service of the State.

Quorum, etc.

80s. (1) Two members shall form a quorum of the Committee.

(2) A decision concurred in by any two members of the Committee shall be the decision of the Committee.

Right of objection.

80t. (1) Any person who believes that he has been improperly or unfairly prejudiced by a decision, valuation, instruction or order of the Minister under this Act, may,

by notice in writing served personally or by post upon the Minister within one month of the date on which the decision, valuation, instruction or order becomes effective, and not otherwise object thereto.

(2) The Minister shall, unless the objection is, in his opinion, frivolous or vexatious, refer the objection to the Committee for a recommendation as to whether he should vary or revoke the decision, valuation, instruction or order and the Committee shall consider the objection and make a recommendation accordingly.

(3) The person by whom the objection has been made, the Director of Mines and any person who, in the opinion of the Minister, might be adversely affected by the decision, valuation, instruction or order or by the revocation or any variation thereof, shall be entitled to appear before the Committee personally or by counsel or representative and be heard upon the objection.

Minister not to be bound by recommendation of Committee.

80u. The Minister shall consider any recommendation of the Committee but shall not be bound thereby.

Powers of Committee.

80v. (1) For the purposes of this Act the Committee may—

(*a*) by summons under the hand of the chairman or a member require any person to attend before the Committee ;

(*b*) require any person to give oral or written answers to any questions relating to any matters before the Committee ;

(*c*) by summons under the hand of the chairman or a member require any person to produce any books, maps, plans, papers and documents in his possession or power relating to any matter before the Committee ;

(*d*) examine witnesses on oath or affirmation which may be administered by the chairman or a member ;

(*e*) require any information given to the Committee to be verified by statutory declaration ;

and

(*f*) enter upon any land and make any inspection pertinent to the determination of any matter in dispute.

(2) If any person—

(*a*) who has been duly served with a summons to attend before the Committee, neglects or fails to attend in obedience to such summons ;

or

(*b*) wilfully insults the Committee or any member thereof;

or

(*c*) misbehaves himself before the Committee;

or

(*d*) obstructs the Committee or interrupts the proceedings of the Committee;

or

(*e*) being called or examined as a witness before the Committee, refuses to be sworn or to affirm or to produce documents specified in a summons served upon him or any of them,

he shall be guilty of an offence and liable to a penalty of two hundred dollars.

(3) The Committee shall not be bound to observe any rule or practice in taking evidence but may inform itself in any manner that it thinks fit.

Amendment of principal Act, s. 84—Restriction on use of certain statements.

36. Subsection (2) of section 84 of the principal Act is amended by striking out the passage "mining for oil" therein and inserting in lieu thereof the passage "petroleum exploration or production".

Amendment of principal Act, s. 85—Assistance to certain companies.

37. Subsection (1) of section 85 of the principal Act is amended by striking out the passage "mining operations" therein and inserting in lieu thereof the passage "petroleum exploration or production".

Amendment of principal Act, s. 86—Regulations.

38. Section 86 of the principal Act is amended by striking out the passage "the search for and mining of oil, and in particular prescribing penalties recoverable summarily not exceeding one hundred pounds for offences against the regulation" therein and inserting in lieu thereof the passage "petroleum exploration and production and the construction and use of pipelines".

Repeal of s. 87 and enactment of ss. 87a and 87b of principal Act—Offences.

39. Section 87 of the principal Act is repealed and the following sections are enacted and inserted in the principal Act in lieu thereof:—

87. (1) A person who—

(*a*) contravenes or fails to comply with any provision of this Act that is applicable to him;

or

(*b*) being a licensee, contravenes or fails to comply with any provision of this Act that is applicable to him or a term of the licence or an order or lawful instruction of the Minister made or given under this Act,

shall be guilty of an offence and where no other penalty is prescribed, shall be liable to a penalty of not less than one hundred dollars and not more than one thousand dollars.

(2) Where a person commits a continuing offence, he shall be liable to a penalty of not less than one hundred dollars and not more than one thousand dollars for the first day upon which the offence has been committed and a penalty of not less than fifty dollars and not more than five hundred dollars for each subsequent day during which the offence continues.

(3) Proceedings in respect of offences under this Act shall be disposed of summarily.

Cancellation of licences.

87a. (1) Where a licensee contravenes or fails to comply with a provision of this Act that is applicable to him or a term of the licence or an order or lawful instruction of the Minister made or given under this Act, in addition to any other penalty prescribed by this Act, the Minister may—

(*a*) suspend the licence until the licensee has, in the opinion of the Minister, made good the contravention or default;

or

(*b*) cancel the licence.

(2) Where a licensee contravenes or fails to comply with a provision of this Act that is applicable to him or a term of the licence or an order or lawful instruction of the Minister made or given under this Act, the Minister may request the Petroleum Advisory Committee to enquire into the circumstances of the contravention or default and to make a recommendation to him as to whether the licence should be suspended or cancelled and the Committee, upon receiving such a request, shall make such enquiry and recommendation accordingly.

Proof of Ministerial act.

87b. In any proceedings, a valuation, order, instruction or action of the Minister under this Act may be proved, by the production of an apparently genuine document purporting to be signed by the Minister certifying that the valuation or order has been made, the instruction given or the action performed.

Repeal of s. 89 of principal Act.

40. Section 89 of the principal Act is repealed.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. M. NAPIER, Governor's Deputy.

ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

****

No. 76 of 1967

An Act to amend the Planning and Development Act, 1966-1967.

[*Assented to 23rd November,* 1967]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short titles and commencement.

1. (1) This Act may be cited as the "Planning and Development Act Amendment Act, 1967" and shall come into operation on the day on which the Real Property Act Amendment (Strata Titles) Act, 1967, comes into operation.

(2) The Planning and Development Act, 1966-1967, as amended by this Act, may be cited as the "Planning and Development Act, 1966-1967".

(3) The Planning and Development Act, 1966-1967. is hereinafter referred to as "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment of principal Act, s. 5—Interpretation.

3. Subsection (1) of section 5 of the principal Act is amended by inserting after the passage "and includes" immediately following paragraph (*b*) of the definition of "allotment" therein the passage "a unit within the meaning of Part XIXB of the Real Property Act, 1886-1967, in respect of which a certificate of title is in force under that Act and".

Amendment of principal Act, s. 44—
Land not to be sold, etc. except in allotments.

4. Section 44 of the principal Act is amended—

(*a*) by striking out subsection (4) thereof and inserting in lieu thereof the following subsection :—

(4) Subsection (1) of this section shall not apply to any land that constitutes a building or portion of a building designed, held and dealt with as a unit for separate occupation within a building unit scheme laid out in an allotment and comprising two or more of such units where—

(*a*) the predominant rights to the exclusive use and occupation of each of those units are, under or by virtue of a lease, underlease or tenancy or other agreement or the ownership of shares in a company, vested in a person who is or in persons who are, in consequence or in pursuance of such lease, underlease, agreement or ownership of shares, either in possession of the units or entitled to the rents and profits thereof;

and

(*b*) the plans and specifications for that building unit scheme have been approved, by the council within whose area the allotment is situated, under the provisions of the Building Act, 1923-1965, and the regulations made thereunder, not earlier than the first day of January, 1940, and not later than the day of the commencement of the Real Property Act Amendment (Strata Titles) Act, 1967.;

and

(*b*) by inserting after the word "extent" in subsection (5) thereof the passage "being a portion of an allotment of land separately owned, where the remaining portion of the allotment so owned is also over twenty acres in extent".

Amendment of principal Act, s. 59—
Penalty for dividing land otherwise than in accordance with plans.

5. Section 59 of the principal Act is amended—

(*a*) by striking out from subsection (1) thereof the passage—

"—

(*a*) shown on a plan of subdivision which has been deposited, at any time before or after the

commencement of this Act, in the Lands Titles Registration Office or the General Registry Office ; or

(*b*) shown on a plan of re-subdivision which has been, at any time before or after the commencement of this Act, duly lodged in the Lands Titles Registration Office or the General Registry Office or which has been duly approved,";

(*b*) by striking out subsection (2) thereof and inserting in lieu thereof the following subsection :—

(2) For the purposes of subsection (1) of this section, a person shall be deemed to divide an allotment if, being the owner of the allotment, he, without the approval in writing of the Director, sells, agrees or offers to sell, conveys, transfers, mortgages or otherwise disposes of a part only of that allotment, or he, without the approval in writing of the Director, leases or grants a licence to use or occupy for a term exceeding five years (whether expressed as the term of the lease or licence or by way of option to renew the term of the lease or licence or otherwise) a part only of that allotment where, in either case, that part of the allotment does not constitute a building or portion of a building designed, held and dealt with as a unit for separate occupation within a building unit scheme laid out in an allotment and comprising two or more of such units and—

(*a*) the predominant rights to the exclusive use and occupation of those units are, under or by virtue of leases, underleases or tenancy or other agreements or the ownership of shares in a company, vested in a person who is or in persons who are, in consequence or in pursuance of such leases, underleases, agreements or ownership of shares, either in possession of the units or entitled to the rents and profits thereof ;

and

(*b*) the plans and specifications for the building unit scheme have been

approved, by the council within whose area the allotment is situated, under the provisions of the Building Act, 1923-1965, and the regulations made thereunder, not earlier than the first day of January, 1940, and not later than the day of the commencement of the Real Property Act Amendment (Strata Titles) Act, 1967.;

and

(*c*) by inserting after the word "approved" being the last word in subsection (4) thereof the passage ", or if the agreement, offer, lease or licence referred to in subsection (2) of this section contains a provision that such agreement, offer, lease or licence, as the case may be, is subject to the approval in writing of the Director".

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. M. NAPIER, Governor's Deputy.

ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

****

No. 77 of 1967

An Act to consolidate and amend the law relating to the Public Service and for other purposes.

[*Assented to 30th November,* 1967]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

PART I.
PRELIMINARY.

1. This Act may be cited as the "Public Service Act, 1967". Short title.

2. This Act shall come into force on a day to be fixed by proclamation. Commencement.

3. This Act is divided into Parts and Divisions as follows :— Parts, etc.

PART I.—PRELIMINARY, ss. 1-8.

PART II.—THE PUBLIC SERVICE BOARD, ss. 9-24.

PART III.—THE PUBLIC SERVICE—

DIVISION I.—DEPARTMENTS AND PERMANENT HEADS, ss. 25-28 :

DIVISION II.—CREATION AND ABOLITION OF OFFICES, s. 29 :

DIVISION III.—CLASSIFICATION, SALARIES, ALLOWANCES AND DEDUCTIONS, ETC., ss. 30-38 :

DIVISION IV.—FIRST APPOINTMENT OF OFFICERS, ss. 39-45 :

DIVISION V.—FILLING OF VACANT OFFICES, ss. 46-57 :

DIVISION VI.—DISCIPLINE, ss. 58-76 :

DIVISION VII.—COMPULSORY TRANSFER, RETIREMENT, ETC., ss. 77-80 :

DIVISION VIII.—LEAVE OF ABSENCE, ss. 81-101 :

DIVISION IX.—COMMONWEALTH AND STATE OFFICERS, ss. 102-105 :

DIVISION X.—RETIREMENT OF OFFICERS, ss. 106-107.

PART IV.—TEMPORARY OFFICERS, ss. 108-113.

PART V.—MISCELLANEOUS, ss. 114-131.

Definitions.

4. In this Act, unless the contrary intention appears—

"appellant" means an Officer who appeals under subsection (2) of section 48 of this Act :

"classification" means the arrangement of Offices or positions in classes and includes the allotment to Offices or positions of salaries or limits of salary and the expression "classify" bears a like meaning :

"Commissioner" means a Commissioner appointed under section 9 of this Act and includes the Commissioner nominated as Chairman of the Board and a deputy of a Commissioner while acting as such :

"Department" means any Department of the Public Service specified in the second schedule to this Act and includes any Department at any time declared by the Governor under section 25 of this Act either in addition to or in lieu of any of those Departments but does not include any Department which is discontinued by the Governor under that section or in lieu of which another Department is declared :

"financial year" means any period of twelve months ending on the thirtieth day of June :

"Minister" means the Minister of the Crown for the time being administering the Department—

(*a*) in which the Officer, temporary Officer or person in connection with whom the expression is used, is employed or seeks to be employed ;

or

(*b*) in which is created the Office, in connection with which the expression is used :

"nominated Officer" means an Officer nominated by the Board, under section 47 of this Act, for appointment to a vacant Office:

"Office" means an office created or deemed to be created under section 29 of this Act and not abolished under that section:

"Officer" means a person appointed to an Office and includes a person who, immediately before the commencement of this Act, was appointed or deemed to be appointed in a permanent capacity to the public service as defined by section 6 of the Public Service Act, 1936-1966:

"Permanent Head" means—

(*a*) the Officer who occupies an Office specified in the second column of the second schedule to this Act;

or

(*b*) a person referred to in the first column of the third schedule to this Act exercising the powers and functions of a Permanent Head conferred on him by section 26 of this Act,

and in relation to an Officer or temporary Officer means the Permanent Head of the Department in which that Officer or temporary Officer is employed:

"public holiday" means a public holiday within the meaning of the Holidays Act, 1910-1959:

"recognized organization" means an organization for the time being recognized by the Board under section 115 of this Act and includes the Public Service Association of South Australia Incorporated:

"recreation leave" means leave to which an Officer is entitled under section 82 of this Act:

"temporary Officer" means a person employed or deemed to be employed under Part IV of this Act:

"the Board" means the Public Service Board constituted by section 9 of this Act:

"the Committee" means the Appointments Appeal Committee constituted by section 50 of this Act:

"the Public Service" means the Public Service as defined by section 8 of this Act.

"the Tribunal" means the Tribunal appointed under section 67 of this Act:

Repeal and Savings

5. (1) The Acts and portions of the Acts mentioned in the first schedule to this Act are hereby repealed.

(2) Notwithstanding the repeal effected by subsection (1) of this section—

(*a*) all persons, appointed permanently to the public service within the meaning of the Public Service Act, 1936-1966, or continued in office in that public service under an Act repealed by this Act and holding office at the commencement of this Act, shall remain in office as if this Act had been in force at the time when they were appointed and they had been appointed hereunder and this Act shall apply to them accordingly;

(*b*) all persons who, at the commencement of this Act, are temporarily employed under or by virtue of any Act repealed by this Act, shall remain in such employment subject to the provisions of this Act;

and

(*c*) all regulations, proclamations, determinations and returns made or published under any Act repealed by this Act which are in force at the commencement of this Act shall, except in so far as they are inconsistent with this Act and subject to this Act, be deemed to have been made or published under this Act and any references in any such regulations, proclamations, determinations or returns to any enactment repealed by this Act shall be construed as a reference to the corresponding provisions of this Act.

Reading of references to Public Service Commissioner, etc.

6. Any reference in an Act (other than this Act), regulation, rule, law, order of a court or commission, instrument, agreement or document of any kind to—

(*a*) the Public Service Commissioner shall be read as reference to the Board;

(*b*) The Public Service Board constituted by the Public Service Act, 1936-1966 shall be read as a reference to the Board;

and

(*c*) the Public Service Act, 1936 as amended by any Act shall be read as a reference to this Act.

Vacation of office of Chairman and members of former Public Service Board.

7. The Chairman and members of The Public Service Board constituted by the Public Service Act, 1936-1966 in office immediately before the commencement of this Act shall upon that commencement vacate their respective offices.

8. (1) The Public Service comprises all persons employed in any capacity in the service of the State other than—

(*a*) the Judges of the Supreme Court;

(*b*) the Judge in Insolvency;

(*c*) the President of the Industrial Court;

(*d*) the Agent-General;

(*e*) the Auditor-General;

(*f*) any officer of either House of Parliament or any person under the separate control of the President of the Legislative Council or the Speaker of the House of Assembly or under their joint control;

(*g*) the South Australian Railways Commissioner and all persons in the railway service within the meaning of the South Australian Railways Commissioner's Act, 1936-1965;

(*h*) any teacher appointed under the Education Act, 1915 or any Act amending or in substitution for that Act;

(*i*) any member of the police force;

(*j*) any person acting in an honorary capacity;

(*k*) any person remunerated by fees, allowances or commission only;

(*l*) any person employed at hourly, daily or weekly wages or at piecework rates of payment;

(*m*) any person whose salary or remuneration is fixed by Act of Parliament;

(*n*) any person or class of persons in respect of whom it is provided by any Act that this Act shall not apply;

(*o*) any person employed by a Department in respect of which it is provided by any Act that this Act shall not apply;

(*p*) any person or class of persons to whom the Governor declares by proclamation that this Act shall not apply;

and

(*q*) a person employed by a Department to which the Governor declares by proclamation that this Act shall not apply.

(2) Except so far as is inconsistent with any Act for the time being in force, the Governor may by proclamation declare that this Act or any specified provision of this Act shall from the time specified in that behalf—

(*a*) apply to any of the persons or class of person mentioned or specified in this section;

or

(*b*) cease to apply to any person or class of person to whom by reason of a proclamation under this section this Act or any specified provision of this Act, as the case may be, applies or apply,

and every such proclamation shall have effect according to its tenor.

PART II.
THE PUBLIC SERVICE BOARD.

The Public Service Board.

9. (1) For the purposes of this Act there shall be constituted a board to be called the "Public Service Board".

(2) The Board shall consist of three Commissioners appointed by the Governor and the Governor shall from time to time nominate one of them to be the Chairman of the Board and on the happening of a vacancy in the office of Commissioner, the Governor shall appoint a person to that vacant office.

(3) Subject to subsection (5) of this section an appointment of a Commissioner shall be for a term not exceeding five years.

(4) A person who is appointed a Commissioner shall, on the expiration of his term of office, be eligible for re-appointment.

(5) Nothing in this Act contained shall be taken as authorizing a term of appointment which would result in a Commissioner remaining in office after attaining the age of sixty-five years.

Former Public Service Commissioner to be first Chairman of the Board.

10. For the purposes of this Act the person appointed Public Service Commissioner under the Public Service Act, 1936-1966, and in office immediately before the commencement of this Act shall be deemed to have been appointed a Commissioner and nominated as Chairman of the Board under subsection (2) of section 9 of this Act for the balance of the term for which he was appointed Public Service Commissioner or for a term of five years whichever is the shorter.

Terms and conditions of appointment of Commissioner.

11. Subject to this Part, the terms and conditions of appointment of a Commissioner shall be as determined by the Governor.

Appointment of Officer as Commissioner.

12. (1) If an Officer is appointed a Commissioner, his service as a Commissioner shall, for the purpose of determining all his existing and accruing rights, be counted as service in the Public Service.

(2) An Officer referred to in subsection (1) of this section shall, at the conclusion of his term or terms of office as a Commissioner if he has not then attained the age of sixty-five years, be entitled to be appointed to an Office which is, in the opinion of the Board, of a classification not less than the equivalent of the classification of the Office he previously occupied.

Appointment of deputy of Commissioner.

13. (1) In the case of illness, suspension or absence of any Commissioner, the Governor may appoint a person to act as the deputy of that Commissioner during that illness, suspension or absence, as the case may be, and the deputy shall, subject to subsection (3) of this section, whilst so acting, have all the powers and functions of that Commissioner.

(2) A deputy while so acting shall receive such remuneration for his services as the Governor determines, and where the deputy is an Officer, the remuneration so determined shall, if the Governor so directs, be in addition to his salary as an Officer.

(3) Where a deputy is appointed under subsection (1) of this section in the place of the Commissioner who is for the time being nominated or deemed to be nominated under subsection (2) of section 9 of this Act as Chairman of the Board the Governor may nominate a Commissioner other than the deputy so appointed to act as Chairman for the duration of the illness, suspension or absence as the case may be, and in that case the deputy so appointed shall not exercise the powers and functions of the Chairman of the Board as such.

Quorum and differences in opinion.

14. (1) Subject to subsection (2) of this section any two Commissioners shall form a quorum and shall have all the powers and functions conferred on the Board by this Act.

(2) If at a meeting of the Board at which two Commissioners only are present the Commissioners differ in opinion on a matter the determination of that matter shall be postponed to a meeting of the Board at which all three Commissioners are present.

Salaries and expenses of Commissioners.

15. (1) The salary of the Commissioner nominated Chairman of the Board shall be at the rate of thirteen thousand dollars a year and the salary of each of the other Commissioners shall be at the rate of eleven thousand dollars a year.

(2) The salaries fixed by subsection (1) of this section shall be a charge upon and be payable out of the general revenue of the State, which is hereby, to the necessary extent, appropriated accordingly.

(3) There shall be paid to each Commissioner, on account of his expenses in discharging the duties of his office such sums as are considered reasonable by the Governor.

Removal or suspension of Commissioner.

16. (1) The Governor may remove a Commissioner from office on an address praying for the removal of that Commissioner being presented to the Governor from both Houses of Parliament during one session of Parliament, or from one House during one session and from the other House during the next succeeding session, which sessions however need not be both during the same Parliament.

(2) Where a Commissioner is removed from office under subsection (1) of this section that office shall thereupon become vacant.

(3) The Governor may suspend a Commissioner from office for misbehaviour, incompetence or incapacity.

(4) A statement of the cause of a suspension under subsection (3) of this section shall be laid before both Houses of Parliament within seven days of that suspension, if the Parliament is then sitting, or, if the Parliament is not then sitting, then within seven days after the next meeting of the Parliament and unless within one month after the day when and during the same session as that statement is laid before Parliament an address from either House of Parliament praying for the removal from office of the Commissioner is presented to the Governor that Commissioner shall be restored to office but if such an address is so presented the Governor may remove that Commissioner from office and that office shall thereupon become vacant.

Vacation of office by Commissioner.

17. The office of a Commissioner shall become vacant if that Commissioner—

(*a*) except with the consent of the Governor engages in any paid employment outside the duties of his office;

(*b*) is adjudicated bankrupt, makes a composition for the benefit of his creditors for less than one hundred cents in the dollar, applies to take the benefit of any law in force in the State for the relief of bankrupt or insolvent debtors or makes an assignment of his salary for the benefit of his creditors;

(*c*) without leave being granted by the Governor, absents himself from duty for a period of twenty-eight days whether consecutive or not in any period of twelve months;

(*d*) dies or resigns his office by writing addressed to the Governor;

(*e*) becomes a member of either House of Parliament of the State or the Commonwealth;

or

(*f*) for any reason becomes, in the opinion of the Governor, incapable of performing his duties.

Vacancy in the office of Commissioner.

18. Subject to the provisions of section 14 and section 24 of this Act the powers and functions of the Board may be exercised notwithstanding a vacancy in the office of one Commissioner.

General powers and functions of Board.

19. (1) In addition to the powers and functions elsewhere in this Act conferred on it, the Board shall have the following powers and functions :—

(*a*) to devise means for effecting economies and promoting efficiency in the management and working of Departments by—

(i) improved organization and procedures ;

(ii) closer supervision of operations ;

(iii) the simplification of operations and the abolition of unnecessary operations ;

(iv) the co-ordination of operations ;

(v) the limitation of the staff of Departments to actual requirements and the use of that staff to the best advantage ;

(vi) the improvement of training of Officers ;

and

(vii) the avoidance of unnecessary expenditure ;

(*b*) to examine the business of each Department to ascertain whether any inefficiency or lack of economy exists ;

(*c*) to maintain a continuous system of checking to ensure the economical and efficient working of Departments and to standardize the carrying out of recurring operations ;

and

(*d*) such other powers and functions in relation to the Public Service as are prescribed.

(2) In relation to all the matters specified in paragraphs (*a*) to (*c*) inclusive of subsection (1) of this section, the Board shall in the first place advise the Permanent Head of the Department concerned of its suggestions or proposals.

(3) If the Permanent Head does not concur in or adopt the suggestions or proposals he shall, within a reasonable time, inform the Board of his reasons therefor.

(4) Thereupon the Board may, if it thinks fit, report the matter to the Minister and if the Board's suggestions or proposals are not approved or adopted by the Minister within a reasonable time, the Board may report the matter to both Houses of Parliament either in a special report or in its report furnished under subsection (2) of section 23 of this Act.

Powers of entry and inspection, etc.

20. (1) The Board may at any time—

(*a*) enter the premises of any Department for the purpose of carrying out its duties ;

(*b*) summon any person whose evidence appears to be material to the determining of any subject of inspection, inquiry or investigation being conducted by the Board ;

and

(*c*) require the production of documents.

(2) The Board may examine any person, summoned under subsection (1) of this section, upon oath or otherwise touching the matter of any inspection, inquiry or investigation being conducted by the Board.

(3) If without reasonable cause (the proof of which shall lie upon him) a person summoned under this section, after being paid or tendered his reasonable expenses—

(*a*) fails to appear in accordance with the summons ;

(*b*) fails or refuses to be sworn or to answer any question put to him by the Board ;

or

(*c*) fails to produce any book, document or writing pursuant to that summons,

he shall be guilty of an offence.

Penalty : One hundred dollars.

(4) Nothing in this section shall be construed as compelling a person to answer any question which would tend to incriminate him.

Proceedings before the Board.

21. (1) In the exercise of the powers and functions conferred on it by this Act the Board may hear and consider evidence, argument or representations and shall, so far as is practicable, before making any decision which will affect a significant number of members of a recognized organization—

(*a*) notify that organization ;

and

(*b*) hear any evidence, argument or representations from that organization,

but nothing in this subsection shall be construed as limiting or restricting the exercise or performance of any power or function of the Board conferred on it by this or any other Act.

(2) In its consideration of the matters referred to in subsection (1) of this section, the Board shall not be bound by rules or practice as to evidence but may inform itself on any matter in such manner as it thinks fit.

(3) Proceedings before the Board may be in public or in private or partly in public and partly in private as the Board thinks fit.

Records of Officers.

22. (1) The Board shall cause to be kept a record of all Officers showing with regard to each Officer—

(*a*) the date of his birth and of his appointment to the Public Service;

(*b*) the Office he holds and the Offices, if any, he has held; and

(*c*) the classification of those Offices.

(2) The Board shall at least once in every period of two years forward to the Governor a list of all Officers employed on the thirtieth day of June next preceding the day on which the list is forwarded together with the particulars referred to in subsection (1) of this section other than the particulars relating to Offices which each Officer has held.

(3) A copy of the list referred to in subsection (2) of this section shall be laid before Parliament within fourteen days of it being forwarded to the Governor, or if Parliament is not then sitting, within fourteen days after the commencement of the next sitting of Parliament.

Reports.

23. (1) The Board shall submit for the consideration of the Governor reports as to any matters which by this Act are required to be, or may be, dealt with by the Governor.

(2) The Board shall furnish to the Governor for presentation to the Parliament at least once in each year a report on the condition and efficiency of the Public Service and in that report there shall be set forth any changes and measures which the Board considers necessary.

(3) The Board shall in a report made in accordance with subsection (2) of this section draw attention to such breaches or evasions of this Act which may have come under its notice which it considers are of sufficient importance to require being brought to the attention of Parliament.

Delegation by Board.

24. (1) The Board may, by writing under the hand of each Commissioner, delegate to any Commissioner, Officer, temporary Officer or person any of the powers or functions of the Board under this Act (except this power of delegation) so that the delegated powers or functions may be exercised by the delegate with respect to the matters or class of matters specified, or the place or locality defined, in the instrument of delegation.

(2) A delegation under subsection (1) of this section shall be revocable in writing at will, and no delegation shall prevent the exercise of any power or function of the Board.

(3) If, in pursuance of a delegation given to him under subsection (1) of this section, the delegate does any act, a Permanent Head of a Department affected by that act may request the delegate to refer the matter to the Board and in that event the act shall not be deemed to be an act of the Board until the action of the delegate has been endorsed by at least two Commissioners.

PART III.

THE PUBLIC SERVICE.

DIVISION I.—DEPARTMENTS AND PERMANENT HEADS.

Departments and Permanent Heads.

25. (1) Notwithstanding anything in any other Act contained the Departments of the Public Service shall be those specified in the first column of the second schedule to this Act.

(2) Subject to subsection (5) of this section the Officer for the time being holding the Office, if any, specified in the second column of that second schedule shall be the Permanent Head of the Department specified in that first column opposite the description of that Office.

(3) Subject to subsection (6) of this section the Governor may by proclamation and upon the recommendation of the Board—

(*a*) declare an additional Department and create an additional Office of Permanent Head in respect of that Department;

(*b*) discontinue an existing Department and abolish the Office of Permanent Head of that Department;

or

(*c*) change the name of an existing Department or the title of the Office of Permanent Head of that Department.

(4) An additional Department so declared may be formed by the severance thereof from an existing Department or Departments or by the amalgamation of existing Departments or parts thereof or otherwise as the Governor thinks proper.

(5) Upon the publication of a proclamation referred to in subsection (3) of this section the second schedule to this Act shall be amended—

(*a*) by the addition of the name of the Department, if any, thereby declared and the addition of the Office, if any, thereby created;

(*b*) by the omission of the name of the Department, if any, thereby discontinued and by the omission of the name of the Office, if any, thereby abolished;

and

(*c*) by the alteration of the name of the Department, if any, thereby altered and by the alteration of the title of the Office, if any, thereby altered.

(6) In a proclamation under subsection (3) of this section or in a subsequent proclamation the Governor may provide for—

(*a*) the reading of a reference in any Act to a Department affected by a proclamation under that subsection as a reference to—

(i) a Department declared or renamed under that proclamation;

or

(ii) a Department assuming the functions of a Department abolished by that proclamation;

or

(*b*) the reading of a reference in an Act to an Office of Permanent Head affected by a proclamation under that subsection as a reference to—

(i) an office of Permanent Head created or the title of which is changed by that proclamation;

or

(ii) a reference to a Permanent Head assuming the functions of the Office abolished by that proclamation.

Vesting of powers of Permanent Head in certain persons.

26. (1) Each person holding an office specified in the first column of the third schedule to this Act shall for the purposes of this Act have all the powers and functions of a Permanent Head under this Act in relation to the Department specified in the second column of that schedule opposite that office specified in that first column.

(2) The Governor may by proclamation revoke, amend or vary the third schedule to this Act and that schedule shall be revoked, amended or varied accordingly.

Duties of Permanent Head.

27. Subject to section 19 of this Act the Permanent Head of a Department shall be responsible for its general working and for all the business thereof and shall advise the Minister on all matters relating to that Department and shall in addition to those duties perform such other duties in his capacity as Permanent Head as the Governor or the Minister directs.

Delegation by Permanent Head.

28. (1) A Permanent Head may, with the approval of the Board, by writing under his hand delegate to an Officer or temporary Officer all or any of his powers and functions under this Act (except this power of delegation) so that the delegated

powers and functions may be exercised by the delegate with respect to the matters or class of matters specified or the place or locality defined in the instrument of delegation.

(2) A delegation under subsection (1) of this section shall be revocable in writing at will, and no delegation shall prevent the exercise of any power or function by the Permanent Head.

DIVISION II.—CREATION AND ABOLITION OF OFFICES.

DIVISION II.

Creation and abolition of Offices.

29. (1) The Governor may on the recommendation of the Board—

(*a*) create an Office in a Department;

or

(*b*) abolish an Office in a Department.

(2) All offices and positions in the public service as defined by section 6 of the Public Service Act, 1936-1966, in existence immediately before the commencement of this Act shall be deemed to have been created as Offices under subsection (1) of this section.

DIVISION III.—CLASSIFICATION, SALARIES, ALLOWANCES AND DEDUCTIONS, ETC.

DIVISION III.

Salaries of Permanent Head.

30. (1) Every Permanent Head shall be paid such salary as is determined, in accordance with this section, by the Governor on the recommendation of the Board.

(2) A recommendation made under subsection (1) of this section shall be published in the *Gazette* and the Governor shall not determine a salary so recommended until the expiration of fourteen days from the date of that publication.

(3) A Permanent Head to whom a recommendation under this section relates may, within the time specified in subsection (2) of this section request in writing the Board to reconsider its recommendation, on the grounds stated in the request, and the Board shall reconsider its recommendation accordingly.

(4) A recommendation under this section may provide that the salary recommended be payable from a day earlier than the day on which that salary is determined in accordance with this section and the Governor may determine accordingly.

Returns by Board.

31. (1) Subject to this section, for every Office other than the Office of Permanent Head the Board may make returns—

(*a*) classifying each Office by specifying—

(i) the limits of annual salary and the amount of annual increment of salary of each Office or class of Offices;

and

(ii) the level of salary beyond which the occupant of that Office or class of Offices may not advance until he has complied with requirements specified in the return;

(*b*) altering the description of an Office;

(*c*) fixing any special payment or allowance for any special circumstances connected with the work of any Office;

(*d*) determining the conditions upon which Officers shall be entitled to increments of salary;

and

(*e*) varying or adding to any return previously made by the Board or rescinding any such return and making a new return in lieu thereof.

(2) Every Officer occupying an Office referred to in subsection (1) of this section shall be paid not less than the minimum salary specified or deemed to be specified by the Board under this section.

(3) A return made under subsection (1) of this section shall be published in the *Gazette* and shall, subject to this section and to section 32 of this Act, take effect on publication.

(4) The Board shall, before it publishes a return in accordance with subsection (3) of this section, transmit a copy of that return to the Chief Secretary.

(5) The Chief Secretary may, in relation to a return transmitted to him under subsection (4) of this section and within twenty-one days after that transmission, make a submission to the Board.

(6) The Board shall consider a submission made under subsection (5) of this section and advise the Chief Secretary of its decision thereon.

(7) An Officer aggrieved by the application of a return under this section to his Office may within thirty days after the publication of that return appeal to the Board by notice in writing in the prescribed form setting out the grounds of his appeal.

(8) The Board shall hear and determine an appeal made under subsection (7) of this section and any return made in consequence of determination under this subsection shall be expressed to

take effect on the day on which the return, in relation to which the appeal was made, took effect.

(9) In determining an appeal pursuant to subsection (8) of this section the Board shall hear any representation from the Officer appealing or made on his behalf by an officer of a recognized organization of which that Officer is a member.

Retrospective operation of returns.

32. (1) Subject to this section, the Board may, where a return under subsection (1) of section 31 of this Act raises the salary attributable to an Office, direct that the return shall have effect from a day earlier than the day of publication of the return.

(2) Where a return referred to in subsection (1) of this section is made in consequence of an application made to the Board, the Board shall not direct that the return shall have effect from a day earlier than the day on which that application was made.

Increments.

33. (1) Subject to this Division every Officer in relation to whose Office there is for the time being specified under subparagraph (i) of paragraph (*a*) of subsection (1) of section 31 of this Act an annual increment of salary, and who has complied with any requirement specified under subparagraph (ii) of that paragraph in relation to that Office, shall be entitled to receive such increment of salary until that Officer is receiving the maximum salary fixed by the Board in respect of that Office.

(2) Notwithstanding anything in subsection (1) of this section, an Officer otherwise entitled to receive an increment shall not receive that increment when the Board is satisfied, on a report from the Permanent Head, that the conduct or diligence of the Officer has not been satisfactory.

(3) On receiving a report referred to in subsection (2) of this section the Board may deprive the Officer concerned of any increment he would otherwise be entitled to receive until it is satisfied, on a report from the Permanent Head, that the conduct and diligence of the Officer is satisfactory.

Accelerated incremental advance.

34. If an officer is appointed to an Office or is appointed to act temporarily in an Office, the Board may direct that the Officer shall be entitled to receive an increment of salary from such time as is fixed by the Board, notwithstanding the fact that the Officer concerned has not held that Office for a year.

Other duties allowance.

35. (1) The Board may transfer temporarily any Officer from one Office to another.

(2) Subject to subsection (3) of this section, where an Officer performs for more than one week, duties other than duties on which his classification is based, the Board may authorize payment of such allowance to that Officer in respect of those

duties as the Board determines and where the duties so performed constitute the whole or substantially the whole of another Office the allowance so authorized shall be not less than the difference, if any, between the salary of the Officer and the minimum salary payable in respect of that other Office.

(3) Nothing in subsection (2) of this section shall be deemed to entitle an Officer to payment of an allowance under that subsection in respect of any duties performed in consequence of the absence of an Officer on recreation leave.

Allowances and deductions.

36. (1) The Board may—

(*a*) fix all or any of the following allowances which may be paid to an Officer—

(i) travelling allowance ;

(ii) allowance in lieu of quarters ;

(iii) meal allowance ;

(iv) living away from home allowance ;

(v) locality allowance ;

(vi) allowance in lieu of overtime ;

(vii) shift work allowance ;

(viii) allowances for work on public holidays or weekends ;

and

(ix) allowances in respect of any other prescribed matter,

and determine the circumstances or conditions in or under which any such allowance shall be payable ;

and

(*b*) fix the charges payable by, or deductible from the salary or wages of, an Officer for the following items—

(i) board ;

(ii) lodging ;

(iii) meals ;

(iv) fuel ;

(v) light ;

(vi) water ;

(vii) power ;

(viii) rations ;

and

(ix) any other prescribed goods or services,

provided by the Government of the State.

(2) An allowance or charge fixed under this section may be expressed to take effect from the day on which it is fixed, from a day before that day or from a day subsequent to that day and shall take effect accordingly.

Buildings occupied as residences.

37. (1) The Board may, in respect of any building or part of a building belonging to or leased by the Crown which is occupied by an Officer as a residence whether as lessee or otherwise, from time to time fix the rent or other payment to be paid by that Officer in respect of that occupation and the Board may direct that any rent or other payment for the time being so fixed shall be deducted from the salary or wages of that Officer.

(2) For the purposes of subsection (1) of this section a rent or other payment fixed under subsection (2) of section 32a of the Public Service Act, 1936-1966, shall be deemed to be a rent or other payment fixed under subsection (1) of this section.

Saving of former determinations, returns, etc.

38. (1) Any determination by the Governor under section 28 of the Public Service Act, 1936-1966, and in force immediately before the commencement of this Act, shall have effect as if it was a determination under section 30 of this Act.

(2) Any return made under section 29 or continued in operation under subsection (5) of section 30 of the Public Service Act, 1936-1966, and in force immediately before the commencement of this Act shall, so far as it is within the powers conferred on the Board by subsection (1) of section 31 of this Act, have effect as if it were a return made by the Board under section 31 of this Act.

DIVISION IV.—FIRST APPOINTMENT OF OFFICERS.

DIVISION IV.

First appointment.

39. The Governor shall not appoint a person to an office in the Public Service unless that person—

(*a*) is a British subject;

(*b*) has satisfied the Board by medical examination or otherwise as to his health and physical fitness;

and

(*c*) has attained any educational or vocational standard prescribed either generally or in relation to an Office or class of Offices.

Admission on probation.

40. (1) Except as otherwise provided in this Act, every person appointed to the Public Service shall be appointed, in the first instance on probation for a period of six months or such other period, not exceeding in all two years, as the Board may in any particular case from time to time fix.

(2) The services of a person appointed on probation in accordance with subsection (1) of this section may be dispensed with by the Governor at any time during his period of probation.

(3) At the conclusion of the period of probation referred to in subsection (1) of this section the Governor shall—

(*a*) confirm the appointment;

or

(*b*) annul the appointment,

of the person concerned.

Annulment of appointment.

41. No person whose appointment has been annulled under paragraph (*b*) of subsection (3) of section 40 of this Act shall be eligible for appointment as a probationer at any time within twelve months from the date of that annulment.

Appointment without examination or probation.

42. (1) If in any particular case it appears to the Board that it is desirable or expedient in the public interest to appoint a person to an Office in the Public Service without probation, then the Governor may so appoint that person.

(2) Without limiting the generality of the powers conferred by subsection (1) of this section a person may be appointed under that subsection if—

(*a*) being a person not in the employ of the Government of the State, the Board is of the opinion that he has sufficient superiority of qualifications and aptitude for the position to be filled to justify his appointment in preference to any Officer who is available for the position;

(*b*) he is a person employed in the service of the State otherwise than as an Officer;

or

(*c*) he is a person who before or after the commencement of this Act was employed in the service of the State.

Re-appointment of former Officers of the State.

43. Where a person was at any time whether before or after the commencement of this Act appointed or transferred to the employment of the Commonwealth and was at the time of that appointment or transfer, as the case may be, employed permanently in the service of the State, he shall, subject to anything prescribed, be eligible for appointment to an Office without probation.

Re-appointment of persons who have resigned from the Public Service to become candidates at elections.

44. (1) Where the Board is satisfied that—

(*a*) a person who was an Officer—

(i) resigned from the Public Service in order to become a candidate for election as a member of a House of Parliament of the State or Commonwealth;

(ii) was a candidate at the election;

and

(iii) failed to be elected;

and

(*b*) the resignation took effect not earlier than one month before the date on which nominations for the election closed,

the Governor may, on application by that person within two months after the declaration of the results of that election re-appoint that person to the Public Service on the same salary as he had immediately before his resignation.

(2) A person may be re-appointed under this section whether or not he is within the appropriate age limits (if any) prescribed for appointment or possesses the prescribed educational requirement, if any.

(3) A person may be re-appointed under this section without probation.

(4) A person re-appointed under this section shall be deemed to have continued in the Public Service as if he had not resigned but had been on leave of absence without pay granted under section 98 of this Act during the period from the day on which his resignation became effective to and including the day immediately preceding the day on which he was so re-appointed.

Appointment to Office to be in accordance with this Act.

45. Notwithstanding anything in any other Act, every appointment to an Office shall be made as provided for in this Act and not by any other person or authority.

DIVISION V.—FILLING OF VACANT OFFICES.

Vacancy in an Office of Permanent Head.

46. (1) When a vacancy occurs in the Office of a Permanent Head the Board may, in the prescribed manner, call for applications for appointment to that vacant Office.

(2) The Governor may, from amongst the Officers making application for appointment to the vacant Office referred to in subsection (1) of this section, appoint an Officer to that vacant Office.

Vacancy in other office.

47. (1) When a vacancy occurs in an Office other than an Office of Permanent Head the Board may, in the prescribed manner, call for applications for appointment to that vacant Office.

(2) The Board may from amongst the Officers making application for appointment to the vacant Office referred to in subsection (1) of this section, having regard to the relative efficiency of the Officers, nominate an Officer for appointment to the vacant Office.

(3) For the purposes of this Division—

(*a*) "efficiency" means special qualifications and aptitude for the discharge of the duties of the Office to be filled and, in addition in the case of Offices specified when applications are called for, special qualifications and aptitude for the discharge of the duties of Offices of a higher status than the Office to be filled together in each case with merit and good and diligent conduct;

(*b*) "Officer" includes any officer of either House of Parliament or any person under the separate control of the President of the Legislative Council or the Speaker of the House of Assembly or under their joint control, who immediately before his first appointment as such an officer or his first employment as such a person was—

(*a*) an officer within the meaning of the Public Service Act, 1936-1966;

or

(*b*) an Officer within the meaning of this Act.

Appeals.

48. (1) A nomination made under subsection (2) of section 47 of this Act shall be notified in the prescribed manner and shall be subject to the right of appeal to the Committee.

(2) An appeal under this section shall be made in such form and in such manner and within such time as is prescribed and may be made by any Officer who applied for appointment to the vacant Office and who considers that he is more entitled to appointment to the vacant Office than the Officer nominated under subsection (2) of section 47 of this Act.

Action when no appeal made.

49. Where no appeal is made within the time prescribed under subsection (2) of section 48 of this Act then the Governor may appoint the nominated Officer to the vacant Office.

Appointments Appeal Committee.

50. (1) For the purposes of this Act, there shall be an Appointments Appeal Committee which shall consist of a Chairman and two members.

(2) The Chairman, who shall be a special magistrate and one member of the Committee, who shall be an Officer, shall be appointed by the Governor.

(3) The other member of the Committee shall—

(*a*) be selected by the appellant from amongst the Officers comprising the panel referred to in section 51 of this Act;

or

(*b*) where there is more than one appellant and those appellants do not agree on the selection of an Officer in accordance with paragraph (*a*) of this subsection, be appointed by the Governor from amongst the Officers comprising that panel.

(4) The Chairman and members of the Committee shall receive such allowances as the Governor determines.

Constitution of panel.

51. (1) For the purposes of section 50 of this Act, there shall be constituted a panel consisting of the Officers nominated, in accordance with this section, by each of the recognized organizations.

(2) Each recognized organization may nominate one Officer and in addition, one Officer for each twenty per centum of the number of Officers for the time being in the Public Service, who are members of the organization.

Proceedings before Committee.

52. (1) When an appeal has been made in accordance with subsection (2) of section 48 of this Act the Committee shall—

(*a*) give or cause to be given to the appellant, the Board and the nominated Officer notice of the time and place where the appeal will be heard;

(*b*) hear and consider any relevant evidence, information or argument submitted by or on behalf of the appellant, the Board, the Permanent Head of the Department in which the vacancy occurs and the nominated Officer;

and

(*c*) determine the appeal in such manner as it deems just having regard to the relative efficiency of the appellant and the nominated Officer.

(2) An officer of a recognized organization, of which a nominated Officer or appellant is a member, may present evidence or argument on behalf of that nominated Officer or appellant, as the case may be, and an Officer may perform a like function on behalf of the Board or Permanent Head.

Determination of appeal, etc.

53. (1) At the conclusion of the hearing of an appeal under this Division the Committee shall report to the Board that—

(*a*) it upholds the appeal and recommends the appointment of the successful appellant named in the report;

or

(*b*) it dismisses the appeal.

(2) When a report is made in accordance with subsection (1) of this section the Governor may appoint to the vacant Office the nominated Officer or the successful appellant as the case requires.

Right of Officers to decline nomination, etc.

54. Any Officer may decline an offer of nomination for appointment without prejudice to his right of future nomination for appointment.

Early vacation of Office.

55. Where an Officer is absent on leave granted under this Act and the Board is satisfied that, at the conclusion of that leave, the Officer will not resume duty in his Office then the Board may by writing declare that for the purposes of this Act that Office shall be deemed to be vacant and upon that declaration this Act shall apply as if that Office was a vacant Office.

Preservation of the powers of the Governor to make appointments otherwise than under this Division.

56. Nothing in this Division shall be construed or held to abrogate or restrict any right or power of the Governor to make an appointment to an Office in the Public Service otherwise than under this Division.

Order for appointment.

57. (1) The Governor may by order appoint an Officer to an Office classified at not less than the salary or limits of salary applicable to the Office occupied by that Officer immediately before the making of that order.

(2) An Officer shall not refuse or fail to comply with an order made under subsection (1) of this section.

(3) Notwithstanding anything in this Division contained no appeal under this Division shall lie in respect of an appointment made under subsection (1) of this section.

DIVISION VI.

DIVISION VI.—DISCIPLINE.

Offences.

58. If any Officer—

(*a*) commits a breach of the provisions of this Act or the provisions of any Act which is applicable to the Public Service, to the special position of that Officer or to the duties of that Officer;

(*b*) wilfully disobeys or disregards any lawful order made or given by any person having authority to make or give the order;

(*c*) by word or conduct displays insubordination;

(*d*) is negligent, careless or indolent in the discharge of his duties;

(*e*) is inefficient or incompetent through causes which are within his own control;

(*f*) uses intoxicating liquor or drugs to excess;

(*g*) conducts himself in a disgraceful, improper or unbecoming manner in his official capacity or otherwise;

(*h*) is absent from duty without leave of absence or without reasonable cause (proof of which shall lie upon him);

(*i*) otherwise than in the discharge of his duties, directly or indirectly discloses to any person information acquired in the course of his duties except by the direction or with the permission of the Minister;

or

(*j*) without the permission of the Minister directly or indirectly and whether anonymously or otherwise, makes any communication or contribution or supplies any information to any newspaper or publication of a similar nature on any matter affecting the Public Service or any Department thereof or the business or the Officers of the Public Service or any Department thereof or on his own Office or his own acts or duties as an Officer,

he shall be guilty of an offence and shall be liable to such punishment as may be determined under section 59 or section 64 of this Act.

Admonition.

59. (1) If the Permanent Head has reason to believe that an Officer may have committed an offence under section 58 of this Act but that the nature of that offence does not require more than an admonition to the Officer concerned, the Permanent Head may call upon that Officer for an explanation and if, after consideration of that explanation, he is of the opinion that the Officer has committed the offence he may admonish the Officer.

(2) An admonition given under subsection (1) of this section shall thereupon be reported in writing to the Board.

(3) Where the Officer concerned is dissatisfied with an action of the Permanent Head under subsection (1) of this section that Officer may, within seven days of being informed of that action, appeal in writing to the Board stating the

ground of his dissatisfaction and the Board shall inquire into and consider that appeal and the Board shall—

(*a*) confirm that admonition;

or

(*b*) annul that admonition,

and the decision of the Board shall be final.

(4) Notwithstanding anything in this section, where the Board is of the opinion that the offence in respect of which an admonition was administered under this section should not, in all the circumstances, have been dealt with by way of admonition the Board may—

(*a*) annul that admonition;

and

(*b*) direct the Permanent Head to charge, in accordance with section 60 of this Act, the Officer concerned.

Charges.

60. (1) Where there is reason to believe that an Officer other than a Permanent Head may have committed an offence under section 58 of this Act and the nature of that offence is such that in the opinion of the Permanent Head it should not be dealt with under section 59 of this Act, or the Board has made a direction under paragraph (*b*) of subsection (4) of section 59 of this Act, then the Permanent Head shall charge the Officer concerned by serving that Officer with a written statement of the particulars of the alleged offence.

(2) Upon being served with a statement in accordance with subsection (1) of this section the Officer concerned may, within seven days of such service, reply in writing stating whether he admits or denies the truth of the charge and giving any explanation he desires in relation thereto.

(3) If a reply referred to in subsection (2) of this section is not made in accordance with that subsection the Officer concerned shall be deemed to have denied the truth of the charge.

Suspension.

61. (1) Where, in the opinion of the Permanent Head the nature or circumstances of the offence alleged to have been committed are such that the Officer concerned should not continue in the performance of his duties, the Permanent Head may suspend the Officer concerned from Office by serving that Officer with written notice of suspension.

(2) A suspension effected under subsection (1) of this section may be imposed prior to, at the time of or subsequent to the charging of the Officer concerned and may be removed at any time by the Permanent Head.

(3) Unless the Board otherwise directs, an Officer suspended under this section shall be entitled to his salary, wages or allowances in respect of that period of suspension.

(4) Notwithstanding anything in this section on a charge being found or reported not to have been proved, a suspension imposed under this section in respect of that charge shall thereupon be removed and the Officer concerned shall, where the Board has made a direction under subsection (3) of this section, be entitled to receive the salary, wages or allowances that he would have been entitled to receive but for that direction.

Consideration by Permanent Head.

62. After considering the charge made in accordance with subsection (1) of section 60 of this Act and the reply and explanation, if any, given by the Officer concerned under subsection (2) of that section and after making such further inquiries and investigation as he considers necessary, the Permanent Head shall—

(*a*) if the Officer concerned admits the truth of the charge, report the facts relating thereto, to the Board ;

(*b*) if he is of the opinion that though the Officer denies the truth of the charge on the face of the matter a case has been made against the Officer concerned, report the facts relating thereto to the Board ;

or

(*c*) if he is of the opinion that the charge has not been proved, report the fact to the Board.

Action by the Board on receipt of a report.

63. The Board may—

(*a*) on receiving a report under paragraph (*a*) of section 62 of this Act deal with the Officer concerned under section 64 of this Act ;

and

(*b*) on receiving a report under paragraph (*b*) of section 62 of this Act by hearing determine whether or not the charge is proved and if it finds the charge proved deal with the Officer concerned under section 64 of this Act.

Imposition of penalties.

64. (1) Subject to section 66 of this Act, where—

(*a*) the officer concerned admits the truth of the charge ;

or

(*b*) the Board finds the charge is proved,

then the Board may impose all or any of the following penalties—

(i) deprive the Officer concerned of his recreation or other leave of absence during, or in respect of a specified period ;

(ii) if the Officer concerned is already suspended under section 61 of this Act, further suspend that Officer for such period as it thinks fit or in any other case suspend the Officer concerned for such period as it thinks fit and in either case such further suspension or suspension shall have effect to deprive the Officer concerned of his salary, wages or allowances in respect of the period of further suspension or suspension, as the case may be;

(iii) recommend to the Governor that the Officer concerned be reduced to an Office having a lower salary or limits of salary than the Office he occupies or recommend to the Governor that the Officer concerned be transferred to an Office in another location or recommend that the Officer concerned be so reduced and transferred;

or

(iv) recommend to the Governor that the Officer concerned be dismissed from the Public Service.

(2) On receiving a recommendation made under paragraph (iii) or paragraph (iv) of subsection (1) of this section the Governor may, subject to section 66 of this Act reduce, transfer or dismiss, as the case requires, the Officer concerned.

Alleged offences by Permanent Head.

65. Where there is reason to believe that an Officer being a Permanent Head may have committed an offence against section 58 of this Act then sections 59, 60, 61, 62, 63 and 64 of this Act shall have effect as if the words "the Minister" were substituted for the words "the Permanent Head" and *mutatis mutandis* the words "Permanent Head" were substituted for the word "Officer".

Appeal to Tribunal.

66. An Officer aggrieved by a decision of the Board under this Division may within the prescribed time and in the prescribed manner appeal to a Tribunal constituted under section 67 of this Act.

Appointment of a Tribunal.

67. For the purposes of this Division there shall be a Tribunal consisting of—

(*a*) a judge or a special magistrate who shall be Chairman;

(*b*) a member, being an Officer and not of the Department in which the Officer concerned is or, being suspended, was employed;

and

(*c*) a member being a person nominated by the Officer concerned from the persons constituting the panel provided for under section 69 of this Act,

appointed by the Governor, for the purpose of the appeal.

Remuneration for members of Tribunal.

68. A member of the Tribunal shall receive such remuneration for his services as the Governor determines, and where the member is an Officer the remuneration so determined shall, if the Governor so directs, be in addition to his salary as an Officer.

Constitution of panel.

69. (1) For the purposes of this Division, there shall be a panel consisting of the Officers nominated, in accordance with this section, by each recognized organization.

(2) Each recognized organization may nominate one Officer and in addition, one Officer for each twenty per centum of the number of Officers for the time being in the Public Service, who are members of the organization.

Inquiry, etc., by Tribunal.

70. (1) Where an appeal is made in accordance with section 66 of this Act the Tribunal shall—

(*a*) fix a time and place for the hearing of the appeal;

and

(*b*) at the time and place fixed under paragraph (*a*) of this subsection or at such other time and place to which it may from time to time adjourn make such inquiry and investigation as it considers necessary and shall determine that—

(i) the appeal is upheld;

or

(ii) the appeal is dismissed,

and shall make such order as to it seems just and shall, at the request of a party to the proceedings, give reasons for its decision.

(2) Without limiting the generality of the power to make an order under subsection (1) of this section where the appeal is against the severity of the punishment imposed by the Board under section 64 of this Act the order may vary the punishment imposed by the Board under that section by substituting for the punishment imposed any other punishment that the Board is empowered to impose under that section.

Effect of order.

71. On an order being made under section 70 of this Act the decision of Board appealed from shall be deemed to be varied in the manner specified in the order.

Representation.

72. (1) The Officer concerned may be represented before the hearing of the Board, or Tribunal, as the case may be, by counsel, solicitor or agent and on a finding that the charge is not proved may be reimbursed with such expenses necessarily incurred as the Governor may, on the recommendation of the Board or Tribunal, approve.

(2) The charging authority may be represented by counsel, solicitor or agent.

(3) In this section the "charging authority" means, the Permanent Head or Minister, as the case requires.

Criminal offences by Officers.

73. (1) Subject to subsection (2) of this section where an Officer is charged with a criminal offence, any proceedings which have been commenced under this Division in connection with the facts constituting that offence shall be stayed.

(2) Nothing in subsection (1) of this section shall be deemed to affect any suspension that may have been imposed on an Officer under subsection (1) of section 61 of this Act and a final order or finding of a court other than a finding of guilty shall have effect as a finding or report referred to in subsection (4) of that section.

Convicted Officer may be dismissed, etc. from the Service.

74. (1) Where an Officer is convicted of a criminal offence, the Board may, if it is of the opinion that it is not in the public interest that the Officer concerned should continue in the Public Service or should not continue in the Office he occupied before he was so convicted, report accordingly to the Governor.

(2) On receiving a report under subsection (1) of this section the Governor may dismiss that Officer from the Public Service or transfer him to another Office.

(3) Where an Officer has been dismissed or transferred under subsection (2) of this section and the conviction referred to in subsection (1) of this section has been subsequently quashed or he has received a pardon or the conviction has been otherwise nullified or he has been released from prison as a result of an inquiry into the conviction, he may be appointed by the Governor, without examination and without probation, to the Public Service at the same classification as he had immediately before that dismissal or transfer.

Hearing in absence of Officer.

75. (1) Nothing in this Division contained shall be deemed to prevent the Permanent Head or Board as the case may be, from proceeding in the absence of the Officer concerned when after due inquiry the Permanent Head, or Board as the case

may be, is of the opinion that that absence arises out of the fault of the Officer concerned and an imposition, finding or report, as the case may be, shall not be invalid by reason of the fact that the proceedings took place in the absence of the Officer.

(2) Notwithstanding anything in subsection (1) of this section contained the Tribunal on good cause being shown by the Officer concerned may vary an imposition, finding or report made in accordance with that subsection.

Saving of right of Crown to dispense with services of Officers.

76. Nothing in this Act shall be construed or held to abrogate or restrict the right or power of the Crown, under any other Act or at common law, to dispense with the services of any Officer or temporary Officer.

DIVISION VII.—COMPULSORY TRANSFER, RETIREMENT, ETC.

DIVISION VII.

Excess Officers.

77. Where the Board finds that there are more Officers engaged in work than is necessary for the efficient and economical performance of that work it shall, in relation to each of those Officers it considers to be in excess of the number required for that performance and who is referred to for the purpose of this section as an "excess Officer"—

(*a*) recommend to the Governor that the excess Officer be transferred to another Office having a classification equal to the classification of the Office occupied by him and if no such Office is available so recommend that he be transferred to an Office being available having a lower classification than the classification of the Office occupied by him ;

or

(*b*) in any other case, so recommend that the excess Officer be retired from the Public Service.

Incapacity, etc., of Officer.

78. (1) Where it appears to the Board that an Officer is—

(*a*) inefficient or incompetent in the discharge of the duties of his Office ;

(*b*) unfit to discharge those duties ;

or

(*c*) otherwise incapable of discharging those duties,

the Board, after making such inquiry as seems to it desirable, may—

(i) recommend to the Governor that the Officer be retired from the Public Service ;

or

(ii) so recommend that the Officer be transferred to an Office having a classification equal to or lower than the classification of the Office he occupied.

(2) Where a retirement is effected under paragraph (i) of subsection (1) of this section on the ground of injury or illness the date of that retirement may, with the consent of the Officer concerned, be fixed at a date earlier than the recommendation of the Board to retire that Officer.

Power of Governor to transfer or retire.

79. The Governor on receiving a recommendation under and in accordance with this Division may in accordance with the recommendation transfer or retire the Officer to whom the recommendation relates.

Transfer under this Division to take effect forthwith.

80. Notwithstanding anything in Division V of this Part contained an appeal under that Division shall not lie in respect of a transfer under and in accordance with this Division.

DIVISION VIII.

DIVISION VIII.—LEAVE OF ABSENCE.

Definition of "working week", etc.

81. For the purposes of this Division—

"working week" means the number of working days occurring in a calendar week :

and

"working day" means a day on which an Officer is normally required to work.

Entitlement of Officer to a grant of recreation leave.

82. (1) Subject to section 64 of this Act, an Officer is entitled to a grant of recreation leave in accordance with this Division at the rate of three working weeks for each year of his service and that entitlement shall accrue from whole month to whole month.

(2) Where, in the opinion of the Board, special circumstances exist in relation to the work of an Officer, the Board may increase the entitlement to recreation leave under subsection (1) of this section of that Officer by such amount not exceeding one working week as the Board directs.

Grant of leave.

83. (1) Subject to section 84 of this Act, the Permanent Head shall grant to an Officer—

(*a*) the recreation leave to which he is entitled in respect of the first year of his service before the expiration of the financial year next following the expiration of that year of service;

and

(*b*) the recreation leave to which he is or may become entitled in respect of each subsequent year of service during the financial year within which that subsequent year of service expires.

(2) Where leave is granted under paragraph (*b*) of subsection (1) of this section before the expiry of the year of service in respect of which the Officer is entitled to that leave and the Officer terminates or has his service terminated before the expiry of that year of service, the Board may require that Officer to pay to the Treasurer of the State a sum calculated by the Board as being the monetary value of leave granted in respect of which service has not been performed by that Officer.

(3) Where an Officer who is entitled in accordance with subsection (1) of section 82 of this Act to recreation leave terminates or has his service terminated before he is granted that leave he shall, unless the Board in a particular case otherwise directs, be paid a sum calculated by the Board as being the monetary value of that leave.

(4) An Officer shall not refuse or fail to take the leave granted to him in accordance with this section.

Accumulation of leave.

84. Where in the opinion of the Board the interests of Department or some other special circumstances justify it, the Board may approve the granting of leave to an Officer otherwise than in accordance with subsection (1) of section 83 of this Act in which case the Permanent Head shall grant recreation leave to that Officer in accordance with the directions of the Board.

Effect of leave without pay.

85. A period of leave without pay granted under this Act exceeding one month at any one time shall not, unless the Board otherwise directs, count as service for the purposes of subsection (1) of section 82 of this Act.

Closure of Offices, etc.

86. The Governor may, by notice published in the *Gazette* in relation to Departments specified in the notice, direct—

(*a*) that all or any of the offices of a Department shall be closed to the public;

or

(*b*) that all or any of the offices of a Department shall provide a limited service to the public, on the days specified in the notice.

Leave on account of sickness, etc.

87. (1) In the case of illness or other pressing necessity the Permanent Head may grant to an Officer in accordance with the prescribed conditions leave of absence with pay in an amount not exceeding the leave standing to the credit of that Officer.

(2) For the purposes of this section, the leave standing to the credit of an Officer, appointed before the commencement of this Act, shall be determined by—

(*a*) adding to the leave standing to his credit, immediately before the commencement of this Act, pursuant to subsection (2) of section 74 of the Public Service Act, 1936-1966, an accumulation of two working weeks and two working days for each first day of July which occurs after the commencement of this Act;

and

(*b*) deducting from the total so obtained the number of working days in respect of which leave has been taken under this section.

(3) For the purposes of this section, the leave standing to the credit of an Officer, appointed after the commencement of this Act, shall be determined by—

(*a*) in a case where the Officer is appointed after the thirtieth day of June in a year and before the first day of January in the next succeeding year by crediting that Officer with—

(i) one working week and one working day on appointment;

and

(ii) one working week and one working day on the first day of January next succeeding his day of appointment,

and thereafter two working weeks and two working days for each first day of July which occurs during his period of service;

and

(*b*) in a case where an Officer is appointed after the thirty-first day of December in a year and before the first

day of July in the next succeeding year, by crediting that Officer with one working week and one working day on appointment and thereafter two working weeks and two working days for each first day of July which occurs during his period of service,

and in each case deducting from the total so obtained the number of working days in respect of which leave has been taken under this section.

Limitation on grant of leave in certain cases.

88. Notwithstanding anything in section 87 of this Act, an Officer shall—

(*a*) during his first six months of service not be entitled to a grant of leave under subsection (1) of that section exceeding in the aggregate one working week and one working day ;

and

(*b*) during the first twelve months of that service not be entitled to such a grant exceeding in the aggregate two working weeks and two working days.

Absent on leave without pay.

89. In the case of an Officer who was absent on leave without pay in the financial year preceding the first day of July in any year of his service, for a period in the aggregate exceeding one month the amount of leave which shall be credited to him on that first day of July under section 87 of this Act shall be reduced by the proportion that the number of months' absence bears to twelve.

Long service leave.

90. (1) Subject to section 64 of this Act and this section, an Officer who has had not less than ten years continuous service whether or not portion of that service occurred before the commencement of this Act is entitled to the following leave of absence by way of long service leave—

(*a*) in respect of the first ten years of continuous service ninety days leave on full pay or one hundred and eighty days leave on half pay ;

and

(*b*) in respect of each continuous year's service thereafter nine days' leave on full pay or eighteen days leave on half pay.

(2) The Board shall not grant to an Officer leave under this section in respect of any service in excess of ten years except—

(*a*) immediately before the Officer resigns or retires from the Public Service ;

(*b*) after the Officer has completed fifteen years of continuous service ;

(*c*) immediately after the Officer has taken any leave under this section granted in respect of that first ten years of his service ;

or

(*d*) where the Board in any particular case approves.

(3) For the purposes of this section the expression continuous service includes, where portion of that service occurred before the commencement of this Act, all service regarded or which would be regarded as continuous service for the purposes of section 75 of the Public Service Act, 1936-1966.

(4) Every day occurring after the commencement of leave granted under this section and before the expiration of the period of that leave shall count as a day of such leave.

(5) Where an Officer who is entitled to leave under this section—

(*a*) is retired under section 77 of this Act ;

(*b*) is retired under section 78 of this Act ;

(*c*) retires or is retired under Division X of this Part ;

or

(*d*) resigns,

before he has been granted that leave, the Board shall authorize payment to the Officer of the amount of salary he would have received in respect of that leave if he had been granted that leave on the day his resignation or retirement took effect.

Pro rata long leave on retirement, etc.

91. (1) Where an Officer who has not less than five years' effective service—

(*a*) is retired under section 77 of this Act ;

(*b*) is retired under section 78 of this Act by reason of injury or illness ;

(*c*) retires or is retired under Division X of this Part ;

(*d*) being a female, resigns on account of her pregnancy ;

(*e*) resigns for reasons which, in the opinion of the Board, arise from circumstances beyond his control,

before he or she is entitled to leave under section 90 of this Act, then the Board may authorize payment to that Officer of the monetary equivalent of his or her salary for nine consecutive calendar days for each year of effective service served by that Officer.

(2) For the purpose of this section and section 92 of this Act "effective service" means service which would under this Act count towards a grant of leave under section 90 of this Act.

Payment for *pro rata* long leave on death.

92. (1) Where an Officer who has not less than five years' effective service, dies before he is entitled to leave under section 90 of this Act then the Board shall authorize payment to the dependants or personal representatives of that Officer, as the case may be, of the monetary equivalent of the Officer's salary for nine consecutive calendar days for each year of effective service served by that Officer.

(2) Section 97 of this Act shall apply to and in relation to a payment required to be made under subsection (1) of this section as if that payment was a payment that the Board was authorized to make under subsection (1) of that section.

Re-employment of certain pensioners

93. Where a person before or after the commencement of this Act retires on a pension under section 40 or section 47 of the Superannuation Act, 1926-1967 and is subsequently appointed an Officer his continuous service before that retirement and his continuous service as an Officer shall be aggregated and be regarded as continuous service for the purposes of subsection (1) of section 90 of this Act but where, in respect of the continuous service before his retirement, the Officer has been granted, or received pay in lieu of, leave of a type similar to that provided for by section 90 of this Act, that Officer shall not be entitled to leave under that section in respect of that continuous service before his retirement.

Resumption of service within two years of termination.

94. Where—

(*a*) before the commencement of this Act the service of an officer within the meaning of the Public Service Act, 1936-1966, was terminated otherwise than by resignation, dismissal for misconduct or mental or physical incapacity ;

or

(*b*) after that commencement the service of an Officer is terminated under section 77 or section 78 of this Act,

and he is subsequently appointed an Officer within two years of that termination then his continuous service before that termination in respect of which he has not been granted, or received payment in lieu of, leave of a type similar to that provided for by section 90 of this Act and his continuous service after that appointment shall be aggregated and regarded as continuous service for the purposes of subsection (1) of section 90 of this Act.

Resumption of service after two years of termination.

95. Where—

(*a*) before the commencement of this Act the service of an officer within the meaning of the Public Service Act, 1936-1966, was terminated otherwise than by resignation, dismissal for misconduct or mental or physical incapacity ;

or

(*b*) after that commencement the service of an Officer is terminated under section 77 or section 78 of this Act,

and that officer was again appointed an officer within the meaning of the Public Service Act, 1936-1966, or is appointed an Officer or that Officer is again appointed an Officer and the period between the termination was two years or more and the Board certifies that the appointment was sought and obtained as soon as was, in all the circumstances, reasonable after that termination and that the person concerned has completed not less than ten years continuous service either before that termination or after that appointment then the continuous service of that person before that termination in respect of which he has not been granted, or received payment in lieu of, leave of a type similar to that provided for by section 90 of this Act and after that appointment shall be aggregated and regarded as continuous service for the purposes of subsection (1) of section 90 of this Act.

Part time Officers.

96. Where an Officer pursuant to an arrangement with his Department does not work on every working day but normally works on at least two days in every week or four days in every fortnight then for the purpose of subsection (1) of section 90 of this Act he shall be deemed to have had—

(*a*) in respect of the period commencing on the nineteenth day of May, 1930, and concluding on the fourteenth day of May, 1945, one week's service for each six days on which he actually worked ;

and

(*b*) in respect of the period commencing on the fifteenth day of May, 1945, one week's service for each five days on which he actually worked.

Payment in respect of dependants of deceased Officers.

97. (1) If an Officer entitled to leave under section 90 of this Act dies—

(*a*) before the commencement or during the currency of that leave ;

or

(*b*) before the grant of that leave,

then the Board may in respect of that leave or the unexpired portion of that leave, as the case may be, authorize payment to the dependants of that deceased Officer of the amount of salary that would otherwise have been payable to that Officer if he had resigned on the date of his death.

(2) If the Officer referred to in subsection (1) of this section died without leaving dependants, the Board may authorize payment of the amount of salary referred to in that subsection to his personal representatives.

(3) A question as to—

(*a*) whether or not there are any dependants in a particular case, or who are the dependants ;

or

(*b*) what dependant or dependants shall be entitled to the benefit of a payment under subsection (1) of this section and if there is more than one dependant what proportion of that payment shall be made to each dependant,

shall be settled by the Board as it seems fit.

(4) In this section the expression—

"dependants" means members of the family of the Officer who were wholly or in part dependant on the earnings of that Officer at the time of his death :

"members of the family" includes wife or husband, parents, grandparents, step-parents, children, grandchildren, step-children, brothers, sisters, half-brothers and half sisters.

Special leave.

98. (1) The Board may, if it is of the opinion that special circumstances justify it so doing, grant to an Officer special leave with pay for a period not exceeding three working weeks in any one year or special leave without pay for a period determined by the Board.

(2) Where a grant of leave under subsection (1) of this section is made on account of sickness which, in the opinion of the Board, was caused by war service the limitation of three weeks expressed in that subsection shall not apply to and in relation to that leave.

(3) The Board may in the case of special leave without pay granted in accordance with subsection (1) of this section determine for what purposes, if any, that leave shall count as service.

Rights of transferred Officers.

99. (1) Where a person becomes an Officer and his service, whether before or after the commencement of this Act, as such is continuous with his service as—

(*a*) an officer of the Public Service of the Commonwealth ;

(*b*) an officer of the Public Service of another State or a Territory of the Commonwealth ;

(*c*) an employee of the Council of the South Australian Institute of Technology ;

(*d*) an employee of the State otherwise than as an Officer ; or

(*e*) an employee of an organization specified by proclamation, which the Governor is hereby empowered to make for the purposes of this paragraph,

for the purposes of section 82, section 87 and section 90 of this Act his service in the capacity referred to in this subsection to the extent directed by the Board, shall be regarded as service as an Officer.

(2) In giving a direction under subsection (1) of this section the Board shall take into account—

(*a*) the length of the service in the capacity referred to in that subsection ;

(*b*) the amount of leave similar to that provided for in section 82, section 87 or section 90 of this Act, as the case may be, taken by the Officer during the service referred to ;

and

(*c*) the amount of leave that would have been attributable to the service referred to if he had remained in that service for such period as would have entitled him to be granted leave of absence of a kind similar to that referred to in section 82, section 87 or section 90 of this Act.

Employees of Group Laundry and Central Linen Service.

100. For the purposes of section 99 of this Act an employee of a hospital approved by the Minister for the purposes of section 76aa of the Public Service Act, 1936-1966, or by the Board for the purposes of this section who, on or after the first day of November, 1965, became an employee of the Government of the State at the Group Laundry and Central Linen Service of the Hospitals Department and whose service as such an employee was continuous with his service as an employee of that hospital shall be deemed to be an Officer having service with an organization prescribed under paragraph (*e*) of that section.

101. For the purposes of this Division the continuity of service of an Officer shall not be deemed to be broken by absence on leave with pay or, unless the Board otherwise directs, by absence on leave without pay.

Continuity of Service.

DIVISION IX.—COMMONWEALTH AND STATE OFFICERS.

Service in the Commonwealth not to disqualify for State service.

102. The fact that any person is an officer of the Public Service of the Commonwealth shall not thereby disqualify him from performing the duties of an Office in the Public Service.

Discharge of State functions by Commonwealth Officer.

103. (1) The Governor may arrange with the Governor-General of the Commonwealth for the performance, by an officer of the Public Service of the Commonwealth, of any work or service, or for the executing of duties of any Office in the Public Service.

(2) In the case of an arrangement under subsection (1) of this section the Governor may by agreement with the Governor-General or otherwise make arrangements for determining—

(*a*) the rate of payment to be made by the Government of the State to the Government of the Commonwealth in respect of the service performed or the work done ;

and

(*b*) any matters which may require to be adjusted with respect to the performance of those services or the execution of that work.

Discharge of Commonwealth functions by Officer.

104. Where an Officer performs duties for the Commonwealth Government, the Governor may, by agreement with the Governor-General of the Commonwealth or otherwise, make arrangements for determining—

(*a*) the rate of payment to be made by the Government of the Commonwealth to the Government of the State for the performance of those duties ;

and

(*b*) any matters which may require to be adjusted with regard to the performance of those duties.

Arrangements for the performance of work or services for the Commonwealth.

105. The Governor may, at the request of the Governor-General of the Commonwealth, authorize and cause any work or service to be performed for the Government of the Commonwealth and the Governor by agreement with the Governor-General or otherwise, may make arrangements for determining—

(*a*) the rate of payment to be made by the Government of the Commonwealth for the performance of that work or service;

and

(*b*) any matters which may require to be adjusted with regard to the performance of that work or service.

DIVISION X.

DIVISION X.—RETIREMENT OF OFFICERS.

Retirement of Officers.

106. Every Officer—

(*a*) in the case of a male Officer, having attained the age of sixty years shall be entitled to retire from the Public Service but may, subject to this Act, continue in the Public Service until he attains the age of sixty-five years;

or

(*b*) in the case of a female Officer, having attained the age of fifty-five years shall be entitled to retire from the Public Service but may, subject to this Act continue in the Public Service until she attains the age of sixty years.

Continuation of Officer's service.

107. (1) Where an Officer being a male attains the age of sixty-five years or being a female attains the age of sixty years and in the opinion of the Board it is in the interests of the State that the Officer should continue in the performance of the duties of his Office and the Officer is able and willing to do so, the Board may approve the Officer continuing in Office for a period not exceeding twelve months otherwise every Officer on attaining the age of sixty-five years being a male or sixty years being a female, as the case may be, shall retire from the Public Service.

(2) Notwithstanding anything in this Act, where by proclamation under section 127 of this Act all or any of the provisions of this Division are applied to a Clerk of the Legislative Council or a Clerk of the House of Assembly then the reference to the Board in subsection (1) of this section shall be read as reference to—

(*a*) in the case of the application to a Clerk of the Legislative Council, the President of the Legislative Council;

and

(*b*) in the case of the application to a Clerk of the House of Assembly, the Speaker of the House of Assembly.

PART IV.
TEMPORARY OFFICERS.

Temporary employment.

108. (1) Whenever in the opinion of the Board the prompt dispatch of business of a Department renders assistance necessary, and the Board is unable to arrange for such assistance from other Departments the Board may engage temporarily such temporary Officers as appear to it to be best qualified for the work.

(2) Subject to any determination of the Board under section 110 of this Act the services of a temporary Officer may be dispensed with at any time by the Permanent Head or the Board.

Limitation on period of employment.

109. The continuous employment of a temporary Officer employed or deemed to be employed under section 108 of this Act whether in one Department or in more than one Department shall not extend beyond the end of the first or any succeeding year of that employment unless the Board certifies that the continued employment of that temporary Officer beyond the end of that first or succeeding year is necessary.

Terms and conditions of employment.

110. (1) Subject to this section the terms and conditions of employment including rates of pay of a temporary Officer shall be as determined by the Board.

(2) A determination under subsection (1) of this section may apply all or portion of this Act to a temporary Officer as if that temporary Officer was an Officer and this Act or that portion shall have effect accordingly.

(3) Division VIII of Part III of the Act shall apply to and in relation to a temporary Officer as if he was an Officer.

Persons temporarily employed under previous Act.

111. A person who, immediately before the commencement of this Act was employed under section 49 of the Public Service Act, 1936-1966, in the public service as defined by that Act shall be deemed to be employed as a temporary Officer.

Temporary employment of over-age persons.

112. (1) Notwithstanding anything in this or any other Act, the Board may engage as a temporary Officer a person who—

(*a*) being a male has attained the age of sixty-five years ;

or

(*b*) being a female has attained the age of sixty years.

(2) Subject to this section, this Part shall apply to and in relation to a temporary Officer employed in accordance with subsection (1) of this section.

(3) A temporary Officer employed in accordance with subsection (1) of this section—

(*a*) shall not be eligible to be granted leave under section 90 of this Act;

(*b*) shall not continue to be employed under this Part after attaining—

(i) in the case of a male, the age of seventy years;

or

(ii) in the case of a female, the age of sixty-five years;

(*c*) shall, if receiving a pension under the Superannuation Act, 1926-1967 subject to that Act continue to receive that pension during his or her employment.

(4) A person who, immediately before the commencement of this Act, was employed under section 49a of the Public Service Act, 1936-1966 in the public service as defined by that Act shall be deemed to have been employed as a temporary Officer under this Part in accordance with this section.

No delay in filling of vacancies.

113. The powers conferred on the Board by this Part shall not be exercised so as to prevent or delay the making of permanent appointments to Offices.

PART V.
MISCELLANEOUS.

Application of War Service (Preference in Employment) Act, 1943.

114. Nothing in this Act shall be read or construed as affecting the operation of the War Service (Preference in Employment) Act, 1943.

Recognized organization.

115. (1) Where the Board is of the opinion that an organization being an association registered under Division VI of Part II of the Industrial Code, 1920-1966 represents the interests of a significant number of Officers, then the Board may by notice published in the *Gazette* declare that organization to be a recognized organization for the purposes of this Act.

(2) Where the Board is of the opinion that an organization declared by notice under subsection (1) of this section no longer represents the interests of a significant number of Officers it may by a like notice declare that organization not to be a recognized organization for the purposes of this Act and thereupon that organization shall cease to be a recognized organization for the purposes of this Act and a member of a panel constituted under section 51 of this Act or a panel constituted under section 69 of this Act nominated by that organization shall thereupon cease to be such a member.

(3) Any recognized organization shall have the right to make submissions to the Board on any matter arising out of or in relation to the exercise or performance of any power or function of the Board under this Act and the Board shall consider any submission so made.

(4) For the purposes of this Act, the Public Service Association of South Australia Incorporated shall be deemed to be a recognized organization.

Performance of duties, etc. of Officer in his absence.

116. Where in or by any Act, order-in-Council, proclamation, rule, regulation, by-law, contract or agreement any duty, obligation, right or power is imposed or conferred upon any Officer as such that duty, obligation, right or power may during the temporary absence or incapacity of that Officer be performed by any Officer directed by the Governor, Board or Permanent Head as the case requires to perform and exercise the duties, obligation, rights and powers of that absent or incapacitated Officer in the same manner and to the same extent in all respects as they might have been respectively performed by that absent or incapacitated Officer and everything done under the provisions of this section shall be good and effectual for all purposes and against all persons whatsoever as if done by the absent or incapacitated Officer.

Grievances.

117. (1) An Officer having any grievance relating to his employment, or affected by any report or recommendation made by a Permanent Head may, where no other remedy is

provided in this Act or in any other Act, and in such manner and within such time as are prescribed appeal to the Board.

(2) An appeal under this section shall be considered as prescribed by the Board and the Board shall thereupon give its decision on the appeal.

(3) An officer of a recognized organization, of which the Officer referred to in subsection (1) of this section is a member, may present evidence or argument on behalf of the Officer.

No compensation in consequence of operation of Act.

118. No Officer shall be deemed to be entitled to any compensation by reason of any reduction of his salary or other remuneration or any alteration of the limits of his salary or any alteration in the scale of his allowances or expenses made by or under the Acts repealed by this Act or by this Act or any Act amending this Act.

Officer not to engage in duties unconnected with his Office.

119. (1) Except pursuant to an arrangement authorized by Division IX of Part III of this Act or with the permission of the Board which permission may at any time be withdrawn, no Officer shall—

(*a*) accept or continue to hold office in or under the Government of the Commonwealth ;

(*b*) accept or continue to hold or discharge the duties or to be employed in a paid office in connection with any banking, insurance, mining, mercantile or other commercial business whether the same is carried on by a corporation, company, firm or individual ;

(*c*) engage in or undertake any such business whether as principal or agent ;

(*d*) engage or continue in the private practice of any profession, trade or business or enter into any employment whether remunerative or not with any person, company or firm who or which is so engaged ;

or

(*e*) accept or engage in any remunerative employment other than in connection with the duties of his Office or Offices.

(2) Nothing in subsection (1) of this section contained shall be deemed to prevent an Officer from becoming a member or shareholder only of an incorporated company, or of any company or society of persons registered under an Act of this State or elsewhere.

(3) For the purposes of this section, the permission of a Minister given under and in accordance with the provisions of section 72 of the Public Service Act, 1936-1966 shall be deemed to be the permission of the Board given under subsection (1) of this section.

Disclosures regarding bankruptcy to be made to the Board.

120. Where an officer is adjudicated bankrupt, makes a composition for the benefit of his creditors for less than one hundred cents in the dollar, applies to take the benefit of any law in force in the State for the relief of bankrupt or insolvent debtors or makes any assignment of his salary for the benefit of his creditors, he shall make full disclosure of those facts to the Board.

Interests in contracts to be disclosed to Board.

121. Where an Officer becomes in any way interested whether financially or otherwise, otherwise than in the course of his duty, in any contract or agreement made by or on behalf of the State he shall make full disclosure of that interest to the Board.

No action to lie in respect of discharge of the Act, etc.

122. (1) No action or suit shall be brought or maintained against any person or body for a misfeasance or non-feasance in connection with the carrying out or attempted carrying out of any provisions of this Act or of an Act repealed by this Act.

(2) Except in so far as expressly provided in this Act no action, suit or other proceeding shall lie nor shall any costs be payable in respect of any proceeding before the Board or delegate thereof, the Permanent Head or delegate thereof, Tribunal or Committee.

Operation of Industrial Code not affected.

123. (1) Any decision of the Board under this Act relating to salaries or conditions of service shall be subject to—

(*a*) any award of the Industrial Commission of South Australia ;

and

(*b*) any agreement filed under the Industrial Code, 1920-1966.

(2) Nothing in this Act contained shall be construed as affecting the operation of the Industrial Code, 1920-1966.

Holidays in the Public Service.

124. (1) All public holidays shall be observed as holidays in the Public Service.

(2) The Governor may by proclamation at any time declare any day or part of a day to be a holiday in the Public Service, in addition to the days mentioned in subsection (1) of this section.

(3) The Board may require a Department or a part of a Department to be kept open in the public interest for the whole or part of a holiday in the Public Service and the Permanent Head may require the attendance and service of an Officer on that day.

Notice to Officers whose address is unknown.

125. (1) In the event of the address for the time being of an Officer being unknown to the Board, Permanent Head or Minister, as the case may be, all notices, orders, communications to or for that Officer may be posted to the last known address of that Officer and a notification of that posting published in the *Gazette*.

(2) Compliance with subsection (1) of this section shall, for the purposes of this Act, be deemed a sufficient service of the notice, order or communication on that Officer.

Application of long service leave provisions to all persons in employ of State.

126. Notwithstanding anything in or under this or any other Act, so much of the provisions of Division VIII of Part III of this Act as relates to and in relation to a grant of long service leave under section 90 of this Act shall apply to and in relation to all persons in the employ of the State otherwise than as Officers or temporary Officers as if their service in that employment was service as an Officer unless in the conditions of their employment leave of a type similar to long service leave under that section is provided for.

Application of section 106 of this Act.

127. (1) Notwithstanding anything in or under this or any other Act, the Governor may by proclamation apply all or portion of Division X of Part III of this Act to a person or class of persons in the employ of the State otherwise than as Officers and thereupon that section shall apply to the employment of that person or those persons as if that employment was as an Officer.

(2) Notwithstanding anything in subsection (1) of this section the Board may approve the employment of a person who—

(*a*) has been retired ;

or

(*b*) would have been retired,

in consequence of a proclamation under that subsection, on such conditions as may be specified in the approval.

Employment of overage persons in the temporary employment of the State.

128. (1) Notwithstanding anything in this or any other Act, the—

(*a*) South Australian Railways Commissioner ;

or

(*b*) the Minister of Education,

may employ temporarily any person who—

(*c*) being a male, has attained the age of sixty-five years ;

or

(*d*) being a female, has attained the age of sixty years,

in the service of the South Australian Railways or as a teacher in the Education Department as the case may be.

(2) A person employed under subsection (1) of this section—

(*a*) shall be paid at the rates determined from time to time by the South Australian Railways Commissioner or the Minister of Education, as the case may be, as being applicable to the class of work performed;

(*b*) shall not in the case of a person employed in the service of the South Australian Railways Commissioner be eligible for a grant of leave under section 90 of this Act;

(*c*) shall if receiving a pension under the Superannuation Act, 1926-1967 subject to that Act continue to receive that pension during that employment;

(*d*) shall if employed as a teacher in the Education Department not be employed in a position higher than that of temporary assistant;

and

(*e*) shall not continue in that employment after attaining—

(i) in the case of a male, the age of seventy years;

or

(ii) in the case of a female, the age of sixty-five years.

(3) The powers conferred by this section shall not be used so as to prevent or delay the making of appointments to vacancies occurring in offices and positions in the service of the Railways Commissioner or the Education Department as the case may be.

Power of Governor or Minister in relation to certain salaries.

129. Where the Governor or a Minister has power (express or implied) under this or any Act to fix the remuneration of any person employed in the service of the State, the Governor or the Minister shall also have power unless the Act expressly provides to the contrary—

(*a*) to vary the remuneration so fixed;

and

(*b*) to declare that the rate of remuneration so fixed or varied shall come into operation on the day on which it is so fixed or varied or on any day before or after that day.

Regulations.

130. (1) The Governor may, on the recommendation of the Board, make such regulations as may be necessary or convenient for carrying into effect the provisions and objects of this Act

including (but without limiting the generality of the foregoing) regulations for the purpose of—

(*a*) prescribing the powers and functions of the Board in relation to the Public Service and regulating the performance by the Board of its powers and functions ;

(*b*) regulating the appointment of Officers ;

(*c*) facilitating the working of the Public Service ;

(*d*) prescribing the conditions under which Officers may be appointed to prescribed Offices or prescribed classes of Offices ;

(*e*) prescribing the form of and regulating exemptions from, medical examinations ;

(*f*) for regulating the holding and control of examinations and the payment of examiners ;

(*g*) for regulating the duties of Officers and the mode in which those duties shall be performed and for regulating the conduct of such Officers ;

(*h*) for prescribing the mode of registering applicants for temporary employment and of selecting persons for appointment from applicants so registered ;

(*i*) for regulating the hours of attendance of Officers and the keeping and signing of records of attendances or prescribing other methods of recording attendance ;

(*j*) for regulating any matter connected with the employment of Officers ;

(*k*) for regulating the granting of leave of absence ;

(*l*) for regulating the performance by and payment to Officers for extra services ;

(*m*) for fixing the maximum or minimum ages of persons who may be appointed to a specified Office or class of Office ;

(*n*) for determining the dates, times, or periods of time at or within which shall be done any things and acts required or permitted by this Act to be done and in respect of which no dates, times or periods of time are specifically provided ;

(*o*) for notifying vacancies and the method of applying for appointment to fill vacancies ;

(*p*) for prescribing the allowances to be paid to witnesses for their attendances and expenses ;

(q) for regulating all matters in connection with proceedings before the Board, the Tribunal or the Committee;

(r) for prescribing where there is no provision in this Act, or no sufficient provision, in respect of any matter or thing necessary to give effect to this Act, in what manner or form the want or insufficiency of provision shall be met;

and

(s) for the continuing in force of regulations made under an Act repealed by this Act to the extent that those regulations are not inconsistent with this Act.

(2) A regulation made under this Act shall not be invalid on the ground that it relates to events, things or circumstances which occurred before the passing of this Act.

(3) Any regulation made under this Act may be made to apply either generally or with respect to any particular case or class of cases, or any particular Office or Officer or class of Office or Officers, or the Officers in any particular place.

Moneys required for purposes of Act.

131. The moneys required for the purposes of this Act shall, except where express provision is made in this Act for any such moneys, be paid out of moneys provided by Parliament for such purposes.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. M. NAPIER, Governor's Deputy.

THE SCHEDULES.

Section 5.

FIRST SCHEDULE.

Public Service Act, 1936.
Public Service Act Amendment Act, 1937.
Public Service Act Amendment Act (No. 2), 1937.
Public Service Act Amendment Act, 1938.
Public Service Act Amendment Act, 1940.
Public Service Act Amendment Act, 1941.
Public Service Act Amendment Act, 1942.
Public Service Act Amendment Act, 1945.
Public Service Act Amendment Act, 1946.
Public Service Act Amendment Act, 1947.
Public Service Act Amendment Act, 1948.
Public Service Act Amendment Act, 1949.
Public Service Act Amendment Act, 1950.
Public Service Act Amendment Act, 1951.
Public Service Act Amendment Act, 1952.
Public Service Act Amendment Act, 1953.
Public Service Act Amendment Act, 1954.
Public Service Act Amendment Act (No. 2), 1954.
Section 10 and section 11 of the Statutes Amendment (Public Salaries) Act, 1955.
Section 5 of the Statutes Amendment (Public Salaries) Act, 1957.
Section 3 of the Statutes Amendment (Long Service Leave) Act, 1958.
Public Service Act Amendment Act, 1958.
Section 6 of the Statutes Amendment (Public Salaries) Act, 1959.
Section 6 of the Statutes Amendment (Public Salaries) Act (No. 2), 1960.
Section 7 of the Statutes Amendment (Public Salaries) Act, 1965.
Public Service Act Amendment Act, 1965-1966.
Section 6 of the Statutes Amendment (Public Salaries) Act, 1967.

Section 25 (1).

THE SECOND SCHEDULE.

First Column.	Second Column.
Electoral Department	Returning Officer for the State
Government Reporting Department	Director
Chief Secretary's Department	Under Secretary
Department of the Public Actuary	Public Actuary
Audit Department	—
Government Printing Department	Government Printer
Police Department	—
Prisons Department	Comptroller of Prisons
Hospitals Department	Director General of Medical Services
Department of Public Health	Director General of Public Health
Department of the Public Service Board.	—
Attorney-General's Department	Secretary
Crown Solicitor's Department	Crown Solicitor
Parliamentary Draftsman's Department	Parliamentary Draftsman
Public Trustee Department	Public Trustee
Supreme Court Department	Master
Local Courts Department	Local Court Judge
Adelaide Magistrate's Court Department	Chief Summary Magistrate
Registrar-General of Deeds Department	Registrar-General of Deeds
Department of Aboriginal Affairs	Director of Aboriginal Affairs
Department of Social Welfare	Director of Social Welfare
Premier's Department	Secretary
Treasury Department	Under Treasurer

THE SECOND SCHEDULE—*continued.*

First Column.	Second Column.
Superannuation Department	—
Motor Vehicles Department	Registrar of Motor Vehicles
Agent-General in England Department .	—
Land Tax Department	Commissioner of Land Tax
Stamp and Succession Duties Department	Commissioner of Stamps and Succession Duties
Immigration, Publicity and Tourist Bureau Department	Director
Department of Lands	Director of Lands
Botanic Garden Department	Director
Minister of Works Department	Secretary
Engineering and Water Supply Department	Director and Engineer-in-Chief
Public Buildings Department	Director
Public Stores Department	Chief Storekeeper
Minister of Education Department	Secretary
Education Department	Director-General of Education
Libraries Department	State Librarian
Museum Department.....	Director
Art Gallery Department	Director
Department of Labour and Industry ...	Secretary for Labour and Industry
Minister of Agriculture Department	Secretary
Agriculture Department	Director of Agriculture
Agricultural College Department.....	Principal
Produce Department	General Manager
Woods and Forests Department	Conservator of Forests
Department of Fisheries and Fauna Conservation	Director of Fauna Conservation and Director and Chief Inspector of Fisheries
Chemistry Department	Director of Chemistry
Mines Department	Director of Mines
Department of Marine and Harbors	Director of Marine and Harbors
Department of Minister of Transport ...	Secretary
Department of Minister of Local Government and Roads	Secretary
Highways and Local Government Department	—

THE THIRD SCHEDULE.

Section 26 (1).

First Column.	Second Column.
Auditor-General	Audit Department
Commissioner of Police	Police Department
Chairman of the Public Service Board ..	Department of the Public Service Board
President of the South Australian Superannuation Fund Board	Superannuation Department
Agent-General	Agent-General in England Department
Commissioner of Highways and Director of Local Government	Highways and Local Government Department

ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

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No. 78 of 1967

An Act relating to the Exploration for, and the Exploitation of, the Petroleum Resources, and certain other Resources of certain Submerged Lands adjacent to the Coasts of the State, to amend the Mining (Petroleum) Act 1940-1963 and for other purposes.

[*Assented to 30th November,* 1967]

Preamble.

WHEREAS in accordance with international law Australia as a coastal State has sovereign rights over the continental shelf beyond the limits of Australian territorial waters for the purpose of exploring it and exploiting its natural resources:

AND WHEREAS Australia is a party to the Convention on the Continental Shelf signed at Geneva on the twenty-ninth day of April, One thousand nine hundred and fifty-eight, in which those rights are defined:

AND WHEREAS the exploration for and exploitation of the petroleum resources of submerged lands adjacent to the Australian coast would be encouraged by the adoption of legislative measures applying uniformly to the continental shelf and to the sea-bed and subsoil beneath territorial waters:

AND WHEREAS the Governments of the Commonwealth and of the States have decided, in the national interest, that, without raising questions concerning, and without derogating from, their respective constitutional powers, they should co-operate for the purpose of ensuring the legal effectiveness of authorities to explore for or to exploit the petroleum resources of those submerged lands:

AND WHEREAS the Governments of the Commonwealth and of the States have accordingly agreed to submit to their respective Parliaments legislation relating both to the continental shelf and to the sea-bed and subsoil beneath territorial waters and have also agreed to co-operate in the administration of that legislation:

BE IT THEREFORE enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:—

PART I.

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the Petroleum (Submerged Lands) Act, 1967.

Commencement.

2. The several provisions of this Act shall come into operation on a day or the respective days to be fixed by proclamation or successive proclamations.

Parts.

3. This Act is divided into Parts, as follows:—

PART I.—PRELIMINARY, ss. 1-13.

PART II.—APPLICATION OF LAWS, ss. 14-15.

PART III.—MINING FOR PETROLEUM—

DIVISION I.—PRELIMINARY, ss. 16-18:

DIVISION II.—EXPLORATION PERMITS FOR PETROLEUM, ss. 19-38:

DIVISION III.—PRODUCTION LICENCES FOR PETROLEUM, ss. 39-59:

DIVISION IV.—PIPELINE LICENCES, ss. 60-75:

DIVISION V.—REGISTRATION OF INSTRUMENTS, ss. 76-92:

DIVISION VI.—GENERAL, ss. 93-136:

DIVISION VII.—TRANSITIONAL PROVISIONS, ss. 137-140:

DIVISION VIII.—FEES AND ROYALTIES, ss.141-154:

PART IV.—REGULATIONS, s. 155.

Interpretation.

4. In this Act, unless the contrary intention appears—

"access authority" means an access authority under Part III :

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

"application for a primary licence" means an application under sub-section (1) or (2) of section 40 of this Act and "primary licence" means a licence granted on such an application :

"application for a secondary licence" means an application under sub-section (3) of section 40 of this Act and "secondary licence" means a licence granted on such an application :

"approved" means approved by the Designated Authority :

"block" means a block constituted as provided by section 17 or 140 of this Act :

"construct" includes "place" and "construction" has a corresponding meaning :

"document" includes any map, book, record or writing :

"good oil-field practice" means all those things that are generally accepted as good and safe in the carrying on of exploration for petroleum, or in operations for the recovery of petroleum, as the case may be :

"graticular section" means a section referred to in section 17 of this Act :

"inspector" means a person appointed under section 125 of this Act :

"internal waters" includes (without limiting its significance in any respect) the waters of Spencer Gulf and the Gulf of St. Vincent :

"licence" means a production licence for petroleum under Part III :

"licence area" means the area constituted by the blocks that are the subject of a licence :

"licensee" means the registered holder of a licence :

"location" means a block or blocks in respect of which a declaration under section 37 of this Act is in force :

"natural resources" has the same meaning as in the Convention :

"partly cancelled" means—

(*a*) in relation to a permit or licence cancelled as to one or more but not all of the blocks the subject of the permit or licence ;

and

(*b*) in relation to a pipeline licence—cancelled as to a part of the pipeline the subject of the licence :

"partly determined", in relation to a permit, means determined as to one or more but not all of the blocks the subject of the permit :

"permit" means an exploration permit for petroleum under Part III :

"permit area" means the area constituted by the blocks that are the subject of a permit :

"permittee" means the registered holder of a permit :

"petroleum" means—

(*a*) any naturally occurring hydrocarbon, whether in a gaseous, liquid or solid state ;

(*b*) any naturally occurring mixture of hydrocarbons, whether in a gaseous, liquid or solid state ;

or

(*c*) any naturally occurring mixture of one or more hydrocarbons, whether in a gaseous, liquid or solid state, and one or more of the following, that is to say, hydrogen sulphide, nitrogen, helium and carbon dioxide,

and includes any petroleum as defined by paragraph (*a*), (*b*) or (*c*) of this definition that has been returned to a natural reservoir in the adjacent area :

"petroleum pool" means a naturally occurring discrete accumulation of petroleum :

"pipeline" means a pipe or system of pipes in the adjacent area for conveying petroleum but does not include a pipe or system of pipes—

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

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

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

or

(*d*) for conveying petroleum from a well to a terminal station without passing through another terminal station, whether the terminal station to which the petroleum is conveyed is in the adjacent area or not :

"pipeline licence" means a licence under Part III to construct or operate a pipeline :

"pipeline licensee" means the registered holder of a pipeline licence :

"primary entitlement", in relation to a permittee, means the number of blocks forming part of a location in the permit area in respect of which that permittee may make an application under subsection (1) of section 40 of this Act :

"pumping station" means equipment for pumping petroleum or water and includes any structure associated with that equipment :

"Register" means the register kept in pursuance of Division V of Part III :

"registered holder", in relation to a permit, licence, pipeline licence or access authority, means the person whose name is for the time being shown in the Register as being the holder of the permit, licence, pipeline licence or access authority :

"royalty period" in relation to a permit or licence, means—

(*a*) a period from and including the date from which the permit or licence has effect to the end of the month of the year during which that day occurs,

and

(*b*) each month thereafter :

"secondary line" means a pipe or system of pipes for any purpose referred to in paragraphs (*a*), (*b*), (*c*) and (*d*) of the definition of "pipeline":

"special prospecting authority" means a special prospecting authority under Part III :

"tank station" means a tank or system of tanks for holding or storing petroleum and includes any structure associated with that tank or system of tanks :

"terminal station" means a pumping station, a tank station or a valve station declared to be a terminal station under section 63 of this Act or under the corresponding provisions of the law of another State or of the law in force in a Territory of the Commonwealth :

"the applied provisions" means the provisions applied in accordance with section 14 of this Act :

"the Commonwealth Act" means the Act or Acts of the Parliament of the Commonwealth passed to give effect to the Agreement referred to in the preamble of this Act or any Act amending any such Act or Acts :

"the continental shelf" means the continental shelf, within the meaning of the Convention, adjacent to the coast of Australia or of a Territory not forming part of the Commonwealth :

"the Convention" means the Convention entitled "Convention on the Continental Shelf" signed at Geneva on the twenty-ninth day of April, One thousand nine hundred and fifty-eight, being the Convention a copy of which in the English language is set out in the First Schedule to this Act :

"the relinquished area" means—

(*a*) in relation to a permit or licence that has expired —the area constituted by the blocks in respect of which the permit or licence was in force but has not been renewed ;

(*b*) in relation to a permit or licence that has been wholly determined or partly determined—the area constituted by the blocks as to which the permit was so determined ;

(*c*) in relation to a permit or licence that has been wholly cancelled or partly cancelled—the area constituted by the blocks as to which the permit or licence was so cancelled ;

(*d*) in relation to a pipeline licence that is no longer in force—the part of the adjacent area in which the pipeline was constructed;

(*e*) in relation to a pipeline licence that has been wholly cancelled or partly cancelled—the part of the adjacent area in which the pipeline or the party of the pipeline, as the case may be, was constructed ;

and

(*f*) in relation to a special prospecting authority or access authority that has been surrendered or cancelled, or has expired—the area constituted by the blocks in respect of which that authority was in force :

"valve station" means equipment for regulating the flow of petroleum and includes any structure associated with that equipment :

"vessel" means a vessel used in navigation other than air navigation and includes a barge, lighter or other floating vessel:

"water line" means a pipe or system of pipes for conveying water in connection with petroleum exploration operations or operations for the recovery of petroleum:

"well" means a hole in the sea-bed or subsoil made by drilling, boring or any other means in connection with exploration for petroleum or operations for the recovery of petroleum, but does not include a seismic shot hole:

"wholly cancelled", in relation to a permit, licence or pipeline licence, means cancelled as to all the blocks, or as to the whole of the pipeline, the subject of the permit, licence or pipeline licence:

"wholly determined", in relation to a permit means determined as to all the blocks the subject of the permit.

References.

5. (1) In this Act, a reference to the term of a permit, licence, pipeline licence, special prospecting authority or access authority is a reference to the period during which the permit, licence, pipeline licence, special prospecting authority or access authority remains in force and a reference to the date of expiration of a permit, licence, pipeline licence, special prospecting authority or access authority is a reference to the day on which the permit, licence, pipeline licence, special prospecting authority or access authority ceases to have effect.

(2) In this Act, a reference to the renewal, or to the grant of a renewal, of a permit is a reference to the grant of a permit in respect of all or some of the blocks specified in the first-mentioned permit to commence on the day after the date of expiration of the first-mentioned permit or on the day after the date of expiration of the permit granted upon a previous renewal of the first-mentioned permit.

(3) In this Act, a reference to a year of the term of a permit, licence, or pipeline licence is a reference to a period of one year commencing on the date from and including which the permit, licence or pipeline licence as the case may be, has effect or on any anniversary of that date.

(4) In this Act, a reference to the renewal, or to the grant of a renewal, of a licence in respect of the blocks specified in the licence is a reference to the grant of a licence in respect of those blocks to commence on the day after the date of expiration of the first mentioned licence or on the day after the expiration of the licence granted upon a previous renewal of the first-mentioned licence.

(5) In this Act, a reference to the renewal, or to the grant of a renewal, of a pipeline licence in respect of a pipeline is a reference to the grant of a pipeline licence to commence on the day after the date of expiration of the first-mentioned pipeline licence or on the day after the date of expiration of the pipeline licence granted upon a previous renewal of the first-mentioned pipeline licence.

(6) In this Act, a reference to a pipeline includes a reference to a part of a pipeline.

(7) In this Act, a reference to a permit, licence, pipeline licence, or access authority is a reference to the permit, licence, pipeline licence, or access authority as varied for the time being under this Act.

Spaces above and below adjacent areas.

6. For the purposes of this Act and the regulations—

(*a*) the space above or below the adjacent area shall be deemed to be in that area;

and

(*b*) the space above or below an area that is part of the adjacent area shall be deemed to be in that part.

Points, etc., to be ascertained by reference to Australian Geodetic Datum.

7. (1) Where, for the purposes of this Act or the regulations, or for the purposes of an instrument under this Act or the regulations, it is necessary to determine the position on the surface of the Earth of a point, line or area, that position shall be determined by reference to a spheroid having its centre at the centre of the Earth and a major (equatorial) radius of 6,378,160 metres and a flattening of $\frac{100}{29825}$ and by reference to the position of the Johnston Geodetic Station in the Northern Territory of Australia.

(2) That station shall be taken to be situated at 133 degrees, 12 minutes and 30.0771 seconds of East Longitude and at 25 degrees, 56 minutes and 54.5515 seconds of South Latitude and to have a ground level of 571.2 metres above the spheroid referred to in the last preceding subsection.

Application of Act.

8. (1) This Act applies to all natural persons, whether Australian citizens or not and whether resident in South Australia or not, and to all corporations whether incorporated or carrying on business in South Australia or not.

(2) This Act shall be read and construed as intended to operate and as operating to the full extent of the legislative powers of the State (any presumption to the contrary notwithstanding).

(3) No other provisions of this Act and no provisions of any other Act shall be read or construed as intended to limit, or as limiting, the operation of the last preceding subsection.

Obligations and liabilities.

9. Where an obligation or liability is imposed by or under the applied provisions or by or under Part III or the regulations, and the like obligation or liability is imposed by or under the Commonwealth Act and the obligation or liability under the Commonwealth Act is discharged, the other obligation is also discharged.

Rights, privileges and powers.

10. Where a right, privilege or power is conferred by or under the applied provisions, or by or under Part III or the regulations, and the like right, privilege or power is conferred by or under the Commonwealth Act, and the right, privilege or power under the Commonwealth Act has been exercised, the other right, privilege or power is not capable of being exercised.

Legal effect of acts and omissions.

11. (1) Where an act or omission gives rise to a cause of action under the applied provisions, or under Part III or the regulations, and also to a cause of action under the Commonwealth Act, and the cause of action under the Commonwealth Act is extinguished, the other cause of action is also extinguished.

(2) Where a person or a court has done an act in the purported exercise of a power or function under the Commonwealth Act and that act could have been done by that person or court in the exercise of a power or function under the applied provisions, or under Part III, or the regulations, that act deemed to have been done by that person or court in the exercise of the power or function under those provisions, that Part or those regulations as the case may be.

Person not liable to be convicted under two laws.

12. Where an act or omission constitutes an offence under both the Commonwealth Act and the applied provisions or under Part III or the regulations and the offender has been convicted for that offence under the Commonwealth Act he shall not be liable to be convicted for the offence under the applied provisions or Part III or the regulations.

Operation of this Act and repeals.

13. (1) Subsections (2), (3) and (4) of section 3 of the Mining (Petroleum) Act, 1940-1963 are hereby repealed.

(2) Subject to the next succeeding subsection, the operation of the Mining (Petroleum) Act, 1940-1963 does not extend beyond low-water mark in the State.

(3) The last preceding subsection does not affect the operation of the Mining (Petroleum) Act, 1940-1963 in any internal waters of the State.

PART II.

APPLICATION OF LAWS.

Application of laws in areas adjacent to the State.

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

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

(3) This section does not—

(*a*) extend to the provisions of any law or instrument—

(i) in so far as they apply to or in relation to exploration for, or operations for the recovery of, petroleum;

(ii) in so far as they apply to or in relation to the construction or operation of pipelines;

(iii) in so far as they are incapable of application in the adjacent area;

or

(iv) in so far as they are expressed not to extend to the adjacent area;

or

(*b*) operate so as to apply the provisions of any law of the Commonwealth in any part of the adjacent area in which that law applies.

(4) The regulations may provide that any provisions referred to in subsection (1) of this section that are specified in the regulations do not apply by reason of this section or apply with prescribed modifications only.

(5) Regulations made for the purposes of the last preceding subsection may provide that prescribed provisions be added to or substituted for any of the provisions referred to in subsection (1) of this section.

Jurisdiction and procedure.

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

(2) The jurisdiction with which the several courts are invested by the last preceding subsection is invested within the limits (other than limits having effect by reference to localities) of their several jurisdictions.

(3) The jurisdiction invested in a court of summary jurisdiction or in any one or more Justices of the Peace by this section shall not be exercised except by a court of summary jurisdiction constituted by a Special Magistrate sitting alone or by a Justice of the Peace who is a Special Magistrate.

(4) Subject to this Act, the laws in force in the State with respect to the arrest and custody of offenders or persons charged with offences, and the procedure for—

(*a*) their summary conviction ;

(*b*) their examination and committal for trial on information ;

(*c*) their trial and conviction on information ;

and

(*d*) the hearing and determining of appeals arising out of any such trial or conviction or out of any proceedings connected therewith,

and for holding persons to bail, apply to a person who is charged in the State with an offence arising under the applied provisions.

(5) The trial on information of an offence against this Act that arises under the applied provisions and is committed in the adjacent area shall be held in the State.

(6) This section does not limit the jurisdiction that any court has apart from this section.

PART III.

PART III.

MINING FOR PETROLEUM.

DIVISION I.

DIVISION I.—PRELIMINARY.

Designated Authority.

16. (1) There shall be, for the purposes of this Act, in respect of the adjacent area, a Designated Authority.

(2) The Designated Authority is the person (who may be the Minister) appointed as the Designated Authority by the Governor.

(3) The Governor may make an arrangement with the Governor-General with respect to one or more of the following matters :—

(*a*) the exercise of the powers and the performance of the functions of the Designated Authority under this Act or the regulations in respect of the adjacent area by the person for the time being holding a specified office of the State;

(*b*) the exercise of those powers and the performance of the functions by a person for the time being performing the duties, or acting for or on behalf of the holder, of that specified office;

(*c*) the delegation to a person holding office under the State of all or any of those powers or functions (except the power of delegation), either generally or in relation to a matter or class of matters and either in relation to the whole or a part of the adjacent area—

(i) by the person for the time being holding that specified office;

or

(ii) by a person for the time being performing the duties, or acting for or on behalf of the holder, of that specified office;

and

(*d*) the exercise of powers and the performance of functions by a delegate in accordance with the instrument of delegation.

(4) The arrangement under this section may contain such incidental or supplementary provisions as the Governor and the Governor-General think necessary.

(5) The Governor may arrange with the Governor-General for the variation or revocation of the arrangement made under this section.

(6) While an arrangement under subsection (3) of this section or an arrangement under that subsection as varied under the last preceding subsection, is in force, the person for the time being holding, or, if the arrangement so provides, a person for the time being performing the duties of, or acting for or on behalf of the holder of, the office specified in the arrangement—

(*a*) is the Designated Authority in respect of the adjacent area specified in the arrangement;

and

(*b*) may, in accordance with the arrangement—

(i) delegate all or any of the powers or functions of the Designated Authority under this Act or the regulations (except the power of delegation);

and

(ii) vary or revoke a delegation given by him.

(7) While an arrangement under subsection (3) of this section, or an arrangement under that subsection as varied under subsection (5) of this section, is in force, a power or function delegated in accordance with the arrangement may be exercised or performed by the delegate—

(*a*) in accordance with the instrument of delegation;

and

(*b*) if the exercise of the power or the performance of the function is dependent upon the opinion, belief or state of mind of the Designated Authority in relation to a matter—upon the opinion, belief or state of mind of the delegate in relation to that matter.

(8) A delegation under this section does not prevent the exercise of a power or the performance of a function by the person who gave the delegation.

(9) A copy of—

(*a*) each instrument by which an arrangement under this section is made, varied or revoked;

and

(*b*) each instrument making, varying or revoking a delegation under this section,

shall be published in the *Gazette*.

Graticulation of earth's surface and constitution of blocks.

17. (1) For the purposes of this Act, the surface of the Earth shall be deemed to be divided—

(*a*) by the meridian of Greenwich and by meridians that are at a distance from that meridian of five minutes, or a multiple of five minutes, of longitude;

and

(*b*) by the equator and by parallels of latitude that are at a distance from the equator of five minutes, or a multiple of five minutes, of latitude,

into sections, each of which is bounded—

(*c*) by portions of two of those meridians that are at a distance from each other of five minutes of longitude;

and

(*d*) by portions of two of those parallels of latitude that are at a distance from each other of five minutes of latitude.

(2) For the purposes of this Act—

(*a*) a graticular section that is wholly within an adjacent area constitutes a block;

and

(*b*) if a part only of a graticular section is, or parts only of a graticular section are, within an adjacent area, the area of that part, or of those parts, constitutes a block.

(3) In this Act—

(*a*) a reference to a block that is constituted by a graticular section includes a reference to a block that is constituted by the area of a part only, or by the areas of parts only, of a graticular section;

and

(*b*) a reference to a graticular section that constitutes a block includes a reference to a graticular section part only of which constitutes, or parts only of which constitute, a block.

Reservation of blocks.

18. (1) The Designated Authority may, by instrument published in the *Gazette*, declare that a block specified in the instrument (not being a block in respect of which a permit or licence is in force or over or in which there is a pipeline) shall not be the subject of a permit, licence, special prospecting authority or access authority and that a pipeline licence shall not be granted in respect of a pipeline over or in that block.

(2) While a declaration under the last preceding subsection remains in force in respect of a block, a permit, licence, special prospecting authority or access authority shall not be granted in respect of that block and a pipeline licence shall not be granted in respect of a pipeline over or in that block.

DIVISION II.—EXPLORATION PERMITS FOR PETROLEUM.

DIVISION II.

Exploration for petroleum.

19. A person shall not explore for petroleum in an adjacent area—

(*a*) except under and in pursuance of a permit;

or

(*b*) except as otherwise provided by this Part.

Penalty: Two thousand dollars for each day on which the offence occurs.

Advertisement of blocks.

20. (1) The Designated Authority may, by instrument published in the *Gazette*—

(*a*) invite applications for the grant of a permit in respect of the block or blocks specified in the instrument;

and

(*b*) specify a period within which applications may be made.

(2) The Designated Authority may, for reasons that he thinks sufficient, in an instrument under the last preceding subsection, direct that subsection (2) or (3) of the next succeeding section does not apply or that both of those subsections do not apply to or in relation to the applications.

(3) Where an instrument is published under subsection (1) of this section and—

(*a*) no application is made within the period specified in the instrument;

or

(*b*) after consideration of the applications, a permit—

(i) is not granted on any of those applications;

or

(ii) is granted in respect of some but not all of the blocks specified in the instrument,

the Designated Authority may cause a notification accordingly to be published in the *Gazette* and may at any subsequent time, receive an application for the grant of a permit in respect of some or all of the blocks specified in the instrument, not being blocks in respect of which a permit was granted.

(4) The Designated Authority shall not receive an application under the last preceding subsection during any period during which an application may be made in pursuance of an invitation under subsection (1) of this section.

(5) The Designated Authority may, for reasons that he thinks sufficient, upon request in writing served on him, direct that subsection (2) or (3) of the next succeeding section does not apply, or that both of those subsections do not apply, to or in relation to an application made under subsection (3) of this section.

Application for permit.

21. (1) An application under the last preceding section—

(*a*) shall be in accordance with an approved form;

(*b*) shall be made in an approved manner;

(*c*) shall be in respect of not more than four hundred blocks;

(*d*) shall be accompanied by particulars of—

(i) the proposals of the applicant for work and expenditure in respect of the blocks specified in the application;

(ii) the technical qualifications of the applicant and of his employees;

(iii) the technical advice available to the applicant;

and

(iv) the financial resources available to the applicant;

(*e*) may set out any other matters that the applicant wishes the Designated Authority to consider;

and

(*f*) shall be accompanied by a fee of One thousand dollars.

(2) The number of blocks specified in the application—

(*a*) if sixteen blocks or more are available—shall not be less than sixteen; or

(*b*) if less than sixteen blocks are available—shall be the number available.

(3) The blocks specified in the application shall be blocks that are constituted by graticular sections that—

(*a*) constitute a single area;

and

(*b*) are such that each graticular section in that area has a side in common with at least one other graticular section in that area.

(4) The Designated Authority may, at any time, by instrument in writing served on the applicant, require him to furnish, within the time specified in the instrument, further information in writing in connection with his application.

(5) Where a permit is not granted the sum of Nine hundred dollars shall be refunded to the applicant.

Grant or refusal of permit in relation to application.

22. (1) Where an application has been made under section 20 of this Act, the Designated Authority may—

(*a*) by instrument in writing served on the applicant, inform the applicant—

(i) that he is prepared to grant to the applicant a permit in respect of the block or blocks specified in the instrument;

and

(ii) that the applicant will be required to lodge a security for compliance with the conditions to which the permit, if granted, will from time to time be subject and with the provisions of this Part and of the regulations;

or

(*b*) refuse to grant a permit to the applicant.

(2) An instrument under the last preceding subsection shall contain—

(*a*) a summary of the conditions subject to which the permit is to be granted;

and

(*b*) a statement to the effect that the application will lapse if the applicant does not make a request under the next succeeding subsection in respect of the grant of the permit and lodge with the Designated Authority the security referred to in the instrument.

(3) An applicant on whom there has been served an instrument under subsection (1) of this section may, within a period of one month after the date of service of the instrument on him, or within such further period, not exceeding one month, as the Designated Authority, on application in writing served on him before the expiration of the first-mentioned period of one month, allows—

(*a*) by instrument in writing served on the Designated Authority, request the Designated Authority to grant to him the permit;

and

(*b*) lodge with the Designated Authority the security, referred to in the first-mentioned instrument.

(4) Where an applicant on whom there has been served an instrument under subsection (1) of this section—

(*a*) has made a request under the last preceding subsection;

and

(*b*) has lodged with the Designated Authority the security referred to in the instrument,

within the period applicable under the last preceding subsection, the Designated Authority shall grant to him an exploration permit for petroleum in respect of the block or blocks specified in the instrument.

(5) Where an applicant on whom there has been served an instrument under subsection (1) of this section—

(*a*) has not made a request under subsection (3) of this section; or

(*b*) has not lodged with the Designated Authority the security referred to in the instrument,

within the period applicable under subsection (3) of this section, the application lapses upon the expiration of that period.

Application for permit in respect of surrendered, etc., blocks.

23. (1) Where—

(*a*) a licence is surrendered or cancelled as to a block or blocks;

or

(*b*) a permit is surrendered, cancelled or determined as to a block or blocks and, at the time of the surrender, cancellation or determination, the block was, or was included in, or the blocks were, or were included in, a location,

the Designated Authority may, at any subsequent time, by instrument published in the *Gazette*, invite applications for the grant of a permit in respect of that block or such of those blocks as are specified in the instrument and specify a period within which applications may be made.

(2) Where an instrument is published under the last preceding subsection and—

(*a*) no application is made within the period specified in the instrument;

or

(*b*) after consideration of the applications, a permit is not granted,

in respect of the block or blocks specified in the instrument, the Designated Authority may cause a notification accordingly to be published in the *Gazette* and may, at any subsequent time and without invitation under subsection (1) of section 20 of this Act or under the last preceding subsection, receive an application for the grant of a permit in respect of the block specified in the instrument or, if more than one block was specified in the instrument, in respect of one or more of the blocks so specified.

(3) The Designated Authority shall not receive an application under the last preceding subsection during any period during which an application may be made in pursuance of an invitation under subsection (1) of section 20 of this Act or under subsection (1) of this section.

(4) An application under this section—

(*a*) shall be in accordance with an approved form;

(*b*) shall be made in an approved manner;

(*c*) shall be accompanied by the particulars referred to in paragraph (*d*) of subsection (1) of section 21 of this Act;

(*d*) shall specify an amount that the applicant is prepared to pay to the Designated Authority, in addition to the fee referred to in paragraph (*a*) of subsection (1) of the next succeeding section, in respect of the grant of a permit to him on the application;

and

(*e*) may set out any other matters that the applicant wishes the Designated Authority to consider.

(5) The Designated Authority may, at any time, by instrument in writing served on the applicant, require him to furnish, within the time specified in the instrument, further information in writing in connection with his application.

Application fee, etc.

24. (1) An application under the last preceding section shall be accompanied by—

(*a*) a fee of One thousand dollars ;

and

(*b*) a deposit of ten per centum of the amount specified in the application under paragraph (*d*) of subsection (4) of that section.

(2) Where a permit is not granted on the application—

(*a*) the sum of Nine hundred dollars ;

and

(*b*) subject to the next succeeding subsection, the amount of the deposit,

shall be refunded to the applicant.

(3) Where an applicant on whom there has been served an instrument under the next succeeding section does not request the Designated Authority, in accordance with section 26 of this Act, to grant to him the permit referred to in the instrument, the deposit shall not, unless the Designated Authority otherwise determines, be refunded to the applicant.

Consideration of application.

25. (1) Where, at the expiration of the period specified in an instrument under subsection (1) of section 23 of this Act, only one application has been made under that subsection in respect of the block or blocks specified in the instrument, the Designated Authority may reject the application or may, by instrument in writing served on the applicant, inform the applicant that he is prepared to grant to him a permit in respect of that block or those blocks.

(2) Where, at the expiration of the period specified in an instrument under subsection (1) of section 23 of this Act, two or more applications have been made under that subsection in respect of the block or blocks specified in the instrument, the Designated Authority may reject any or all of the applications and, if he does not reject all of the applications, may—

(*a*) if only one application remains unrejected—by instrument in writing served on the applicant ;

or

(*b*) if two or more applications remain unrejected—by instrument in writing served on the applicant, or on one of the applicants, whose application has not been rejected and who has specified as the amount that he is prepared to pay in respect of the grant of a permit to him an amount that is not less than the amount specified by any other applicant whose application has not been rejected,

inform him that he is prepared to grant to him a permit in respect of that block or those blocks.

(3) Where an application is made under subsection (2) of section 23 of this Act, the Designated Authority may reject the application or may, by instrument in writing served on the applicant, inform the applicant that he is prepared to grant to him a permit in respect of the block or blocks specified in the application.

(4) Where the Designated Authority serves on an applicant an instrument under any of the preceding provisions of this section, he shall, by the instrument, inform the applicant that he will be required to lodge a security for compliance with the conditions to which the permit, if granted, will from time to time be subject and with the provisions of this Part and of the regulations.

(5) An instrument under any of the preceding provisions of this section shall contain—

(*a*) a summary of the conditions subject to which the permit is to be granted ;

and

(*b*) a statement to the effect that the application will lapse if the applicant does not—

(i) make a request under the next succeeding subsection ;

(ii) pay the balance of the amount to be paid in respect of the grant of the permit to him or enter into an agreement under section 109 of this Act in respect of that balance ;

and

(iii) lodge with the Designated Authority the security referred to in the instrument.

Request by applicant for grant of permit in respect of advertised blocks.

26. (1) An applicant on whom there has been served an instrument under the last preceding section may, within a period of three months after the date of service of the instrument on him, or within such further period, not exceeding three months, as the Designated Authority, on application in writing served on him before the expiration of the first-mentioned period of three months, allows—

(*a*) by instrument in writing served on the Designated Authority, request the Designated Authority to grant to him the permit referred to in the first mentioned instrument;

(*b*) pay the balance of the amount to be paid in respect of the grant of the permit to him or enter into an agreement under section 109 of this Act in respect of that balance;

and

(*c*) lodge with the Designated Authority the security referred to in the first-mentioned instrument.

(2) Where an applicant on whom there has been served an instrument under the last preceding section—

(*a*) has not made a request under the last preceding subsection;

(*b*) has not paid the balance of the amount to be paid in respect of the grant of the permit to him or entered into an agreement under section 109 of this Act in respect of that balance;

or

(*c*) has not lodged with the Designated Authority the security referred to in the instrument,

within the period applicable under the last preceding subsection, the application lapses upon the expiration of that period.

(3) Where the application of an applicant on whom there has been served an instrument under subsection (2) of the last preceding section lapses as provided by the last preceding subsection, subsection (2) of that section applies in respect of the application or applications (if any) then remaining unrejected.

Grant of permit on request.

27. Where a person on whom there has been served an instrument under section 25—

(*a*) has made a request under subsection (1) of the last preceding section;

(*b*) has paid the balance of the amount to be paid in respect of the grant of a permit to him or has entered into an agreement under section 109 of this Act in respect of that balance;

and

(*c*) has lodged with the Designated Authority the security applicable under the instrument,

within the period applicable under that subsection the Designated Authority shall grant to that person an exploration permit for petroleum in respect of the block or blocks specified in the instrument.

Rights conferred by permit.

28. A permit, while it remains in force, authorizes the permittee, subject to this Act and the regulations and in accordance with the conditions to which the permit is subject, to explore for petroleum, and to carry on such operations and execute such works as are necessary for that purpose, in the permit area.

Term of permit.

29. Subject to this Part, a permit remains in force—

(*a*) in the case of a permit granted otherwise than by way of the renewal of a permit—for a period of six years commencing on the day from which the permit has effect;

and

(*b*) in the case of a permit granted by way of the renewal of a permit—for a period of five years commencing on the day after the day on which the last previous permit in respect of blocks specified in the permit so granted ceases to have effect.

Application for renewal of permit.

30. (1) Subject to the next succeeding section, a permittee may, from time to time, make an application to the Designated Authority for the renewal of the permit in respect of such of the blocks the subject of the permit as are specified in the application.

(2) An application for the renewal of the permit—

(*a*) shall be in accordance with an approved form;

(*b*) subject to the next succeeding subsection, shall be made in an approved manner not less than three months before the date of expiration of the permit;

and

(*c*) shall be accompanied by a fee of One hundred dollars.

(3) The Designated Authority may, for reasons that he thinks sufficient, receive an application for the renewal of the permit less than three months before, but not in any case after, the date of expiration of the permit.

Application for renewal of permit to be in respect of reduced area.

31. (1) The number of blocks in respect of which an application for the renewal of a permit may be made shall not exceed the number calculated as follows:—

(*a*) where the number of blocks in respect of which the permit is in force is a number that is divisible by two without remainder—one-half of that number;

or

(*b*) where the number of blocks in respect of which the permit is in force is a number that is one less or one more than a number that is divisable by four without remainder—one-half of that last-mentioned number.

(2) A block that is, or is included in, a location and in respect of which the permit is in force shall not be regarded as a block in respect of which the permit is in force for the purpose of making a calculation under the last preceding subsection.

(3) The blocks specified in an application for the renewal of a permit shall be blocks that are constituted by or are within graticular sections that—

(*a*) constitute a single area or a number of discrete areas; and

(*b*) are such that each graticular section in the area, or in each area, has a side in common with at least one other graticular section in that area.

(4) Where the number of blocks in respect of which an application for the renewal of a permit may be made is sixteen or more, each area constituted by blocks in respect of which the application is made shall be constituted by not less than sixteen blocks.

(5) Where, in relation to a proposed application for the renewal of a permit, the number calculated in accordance with subsection (1) of this section is less than sixteen, the Designated Authority may, by instrument in writing served on the permittee—

(*a*) inform the permittee that the number of blocks in respect of which the application may be made is such number, not exceeding sixteen, as is specified in the instrument; and

(*b*) give such directions as he thinks fit concerning the blocks in respect of which the application may be made.

(6) The Designated Authority may, for reasons that he thinks sufficient—

(*a*) direct that subsections (3) and (4) of this section do not apply to or in relation to a proposed application for the renewal of a permit; and

(*b*) give such directions as he thinks fit concerning the blocks in respect of which that application may be made.

Grant or refusal of renewal of permit.

32. (1) Where a permittee makes an application for the renewal of a permit the Designated Authority—

(*a*) shall, if the permittee has complied with the conditions to which the permit is subject and with the provisions of this Part and of the regulations;

or

(*b*) may, if the permittee has not so complied and the Designated Authority is satisfied that, although the permittee has not so complied, special circumstances exist that justify the granting of the renewal of the permit,

inform the permittee, by instrument in writing served on the permittee—

(*c*) that he is prepared to grant to him the renewal of the permit;

and

(*d*) that he will be required to lodge a security for compliance with the conditions to which the permit, if the renewal is granted, will from time to time be subject and with the provisions of this Part and of the regulations.

(2) If the permittee has not complied with the conditions to which the permit is subject and with the provisions of this Part and of the regulations, and if the Designated Authority is not satisfied that special circumstances exist that justify the granting of the renewal of the permit, the Designated Authority shall, subject to the next succeeding subsection, by instrument in writing served on the permittee, refuse to grant the renewal of the permit.

(3) The Designated Authority shall not refuse to grant the renewal of the permit unless—

(*a*) he has, by instrument in writing served on the permittee, given not less than one month's notice of his intention to refuse to grant the renewal of the permit;

(*b*) he has served a copy of the instrument on such other persons, if any, as he thinks fit;

(*c*) he has, in the instrument—

(i) given particulars of the reasons for the intention;

and

(ii) specified a date on or before which the permittee or a person on whom a copy of the instrument is served may, by instrument in writing served on the Designated Authority, submit any matters that he wishes the Designated Authority to consider;

and

(*d*) he has taken into account any matters so submitted to him on or before the specified date by the permittee or by a person on whom a copy of the first-mentioned instrument has been served.

(4) An instrument referred to in sub-section (1) of this section shall contain—

(*a*) a summary of the conditions to which the permit, on the grant of the renewal, is to be subject;

and

(*b*) a statement to the effect that the application will lapse if the permittee does not make a request under the next succeeding subsection and lodge with the Designated Authority the security referred to in the instrument.

(5) A permittee on whom there has been served an instrument under subsection (1) of this section may, within a period of one month after the date of service of the instrument on him—

(*a*) by instrument in writing served on the Designated Authority, request the Designated Authority to grant to him the renewal of the permit;

and

(*b*) lodge with the Designated Authority the security referred to in the first-mentioned instrument.

(6) Where a permittee on whom there has been served an instrument under subsection (1) of this section—

(*a*) has made a request under the last preceding subsection;

and

(*b*) has lodged with the Designated Authority the security referred to in the instrument,

within the period referred to in the last preceding subsection, the Designated Authority shall grant to him the renewal of the permit.

(7) Where a permittee on whom there has been served an instrument under subsection (1) of this section—

(*a*) has not made a request under subsection (5) of this section;

or

(*b*) has not lodged with the Designated Authority the security referred to in the instrument,

within the period referred to in subsection (5) of this section, the application lapses upon the expiration of that period.

(8) Where—

(*a*) an application for the renewal of a permit has been made;

and

(*b*) the permit expires—

(i) before the Designated Authority grants, or refuses to grant, the renewal of the permit;

or

(ii) before the application lapses as provided by the last preceding subsection,

the permit shall be deemed to continue in force in all respects—

(*c*) until the Designated Authority grants, or refuses to grant, the renewal of the permit;

or

(*d*) until the application so lapses,

whichever first happens.

Conditions of permit.

33. (1) A permit may be granted subject to such conditions as the Designated Authority thinks fit and specifies in the permit.

(2) The conditions referred to in the last preceding subsection may include a condition that, in or in relation to the permit area, the permittee will, during the term of the permit, carry out the work, and expend the amount or amounts, specified in the permit.

Discovery of petroleum to be notified.

34. (1) Where petroleum is discovered in a permit area, the permittee—

(*a*) shall forthwith inform the Designated Authority of the discovery;

and

(*b*) shall, within a period of three days after the date of the discovery, furnish to the Designated Authority particulars in writing of the discovery.

(2) Where petroleum is discovered in a permit area, the Designated Authority may, from time to time, by instrument in writing served on the permittee, direct the permittee to furnish to him, within the period specified in the instrument, particulars in writing, or any one or more of the following:—

(*a*) the chemical composition and physical properties of the petroleum;

(*b*) the nature of the subsoil in which the petroleum occurs;

and

(*c*) any other matters relating to the discovery that are specified by the Designated Authority in the instrument.

(3) A person to whom a direction is given under the last preceding subsection shall comply with the direction.

Penalty : Two thousand dollars.

Directions by Designated Authority on discovery of petroleum.

35. (1) Where petroleum is discovered in a permit area, the Designated Authority may, by instrument in writing served on the permittee, direct the permittee to do, within the period specified in the instrument, such things as the Designated Authority thinks necessary and specifies in the instrument to determine the chemical composition and physical properties of that petroleum and to determine the quantity of petroleum in the petroleum pool to which the discovery relates or, if part only of that petroleum pool is within the permit area, in such part of that petroleum pool as is within the permit area.

(2) A person to whom a direction is given under the last preceding subsection shall comply with the direction.

Penalty : Two thousand dollars.

Nomination of block for purposes of declaring location.

36. (1) Where a permit is in force in respect of a discovery block not being a block that is or is included in a location, the permittee—

(*a*) may ;

or

(*b*) shall, if required to do so by the Designated Authority by instrument in writing served on the permittee,

by instrument in writing served on the Designated Authority, nominate a block in respect of which the permit is in force for the purpose of the making of a declaration under the next succeeding section.

(2) Where a permittee who has been required, by instrument in writing served on him under the last preceding subsection, to nominate a block does not, within a period of three months after the date of service of the instrument on him, or within such further period as the Designated Authority, on application in writing served on him before the expiration of that period of three months, allows, nominate the block, the Designated Authority may, by instrument in writing served on the permittee, nominate the block.

(3) Where a permittee or the Designated Authority nominates a block under this section, he shall specify in the instrument of nomination a discovery block to form part of the location to be declared under the next succeeding section but this subsection does not prevent other discovery blocks in the permit area from forming part of the location.

(4) A block shall not be nominated under subsection (1) or (2) of this section—

(*a*) if it is, or is included in, a location ;

or

(*b*) if it is such that, if the block were so nominated and the declaration under the next succeeding section were made, the discovery block specified in the instrument of nomination would not form part of the location.

(5) Where a discovery block in a permit area immediately adjoins another discovery block and that other discovery block—

(*a*) is a block—

(i) in respect of which the permit is in force ;

(ii) that is, or is included in, a location ;

and

(iii) that was specified under subsection (3) of this section in relation to the declaration of that location ;

or

(*b*) is a block—

(i) that was specified under subsection (3) of this section in relation to the declaration of a location ;

and

(ii) in respect of which the permit has ceased to be in force by reason of the operation of subsection (5) of section 44 of this Act,

the permittee shall not, without the consent of the Designated Authority, specify the first-mentioned discovery block under subsection (3) of this section.

(6) The Designated Authority may, for reasons that he thinks sufficient, refuse to give his consent under the last preceding subsection.

(7) In this section, "discovery block" means a block in which petroleum has been discovered.

Declaration of location.

37. (1) Where a permittee or the Designated Authority has nominated a block under the last preceding section, the Designated Authority shall, by instrument published in the *Gazette*, declare—

(*a*) that block ;

and

(*b*) such of the blocks that immediately adjoin that block as are blocks in respect of which the permit is in force and are not included in a location,

to be a location for the purposes of this Part.

(2) Where the registered holder of a permit that is in force in respect of a block or blocks declared under the last preceding subsection to be a location, by instrument in writing served on the Designated Authority, requests that, for the reasons specified in the instrument, the declaration be revoked, the Designated Authority may, if he is of the opinion that those reasons are sufficient to justify his doing so, by instrument published in the *Gazette*, revoke the declaration.

Immediately adjoining blocks.

38. For the purposes of the last two preceding sections, a block immediately adjoins another block if the graticular section that constitutes or includes that block and the graticular section that constitutes or includes that other block—

(*a*) have a side in common ;

or

(*b*) are joined together at one point only.

DIVISION III.

DIVISION III.—PRODUCTION LICENCES FOR PETROLEUM.

Recovery of petroleum in adjacent area.

39. A person shall not carry on operations for the recovery of petroleum in the adjacent area—

(*a*) except under and in pursuance of a licence ;

or

(*b*) except as otherwise provided by this Part.

Penalty : Two thousand dollars for each day on which the offence occurs.

Application by permittee for licence.

40. (1) A permittee whose permit is in force in respect of a block that constitutes, or the blocks that constitute, a location may, within the application period, make an application to the Designated Authority for the grant of a licence—

(*a*) where nine blocks constitute the location concerned—in respect of five of those blocks ;

(*b*) where eight or seven blocks constitute the location concerned—in respect of four of those blocks ;

(*c*) where six or five blocks constitute the location concerned—in respect of three of those blocks ;

(*d*) where four or three blocks constitute the location concerned—in respect of two of those blocks ;

(*e*) where two blocks constitute the location concerned—in respect of one of those blocks ;

or

(*f*) where one block constitutes the location concerned—in respect of that block.

(2) A permittee whose permit is in force in respect of blocks that constitute a location—

(*a*) instead of making an application under the last preceding subsection in respect of his primary entitlement, may, within the application period, make an application to the Designated Authority for the grant of a licence in respect of a number of those blocks that is less than his primary entitlement ;

and

(*b*) may, from time to time within that period, make an application to the Designated Authority for the variation of that licence to include in the licence area a number of those blocks that does not exceed the number, if any, by which his primary entitlement exceeds the number of blocks in respect of which that licence was granted and the number of blocks, if any, included in that licence by reason of any previous variations of that licence.

(3) Where—

(*a*) a permittee makes an application under subsection (1) of this section in respect of his primary entitlement ;

or

(*b*) a permittee to whom a licence has been granted in respect of a number of blocks that is less than his primary entitlement makes an application under the last preceding subsection for a variation of that licence, and the number of blocks in respect of which that licence was granted, together with the number of blocks included, and sought to be included, in the licence area by reason of applications under that subsection, is his primary entitlement,

the permittee may, within the application period, make an application to the Designated Authority for the grant of a licence in respect of any of the other blocks forming part of the location concerned.

(4) The application period in respect of an application under this section by a permittee is—

(*a*) the period of two years after the date on which the block that constitutes the location concerned was, or the blocks that constitute the location concerned were, declared to be a location ;

or

(*b*) such other period, not less than two years or more than four years after that date, as the Designated Authority, on application by the permittee, in writing, served on the Designated Authority before the expiration of the first-mentioned period of two years, allows.

Application for licence.

41. (1) An application under the last preceding section—

(*a*) shall be in accordance with an approved form ;

(*b*) shall be made in an approved manner ;

(*c*) shall be accompanied by particulars of the proposals of the applicant for work and expenditure in respect of each block specified in the application ;

(*d*) may set out any other matters that the applicant wishes the Designated Authority to consider ;

and

(*e*) shall in the case of an application for the grant of a licence, be accompanied by a fee of Two hundred dollars.

(2) The Designated Authority may, at any time, by instrument in writing served on the applicant, require him to furnish, within the period specified in the instrument, further information in writing in connection with his application.

Determination of rate of royalty.

42. (1) Where an application for a primary licence has been made and, before or after the grant of the primary licence, the applicant makes an application for a secondary licence, the Designated Authority shall determine a rate at which royalty is to be payable in respect of petroleum recovered, whether under the primary licence or under the secondary licence, being a rate that is not less than eleven per centum nor more than twelve and one-half per centum of the value at the well-head of that petroleum.

(2) The Designated Authority shall not, under the last preceding subsection, determine the rate at which royalty is to be payable unless he has given to the applicant an opportunity to confer with him concerning that rate.

Notification as to grant of licence.

43. (1) Where an application for the grant of a licence has been made under section 40 of this Act and the applicant has furnished any further information required by the Designated Authority under subsection (2) of section 41 of this Act, the Designated Authority, by instrument in writing served on the applicant—

(*a*) shall inform the applicant that he is prepared to grant to him a licence in respect of the blocks specified in the application;

and

(*b*) may inform the applicant that the applicant will be required to lodge a security for compliance with the conditions to which the licence, if granted, will from time to time be subject and with the provisions of this Part and of the regulations.

(2) An instrument under the last preceding subsection shall—

(*a*) contain a summary of the conditions subject to which the licence is to be granted;

(*b*) if the instrument relates to an application for a secondary licence—specify the rate of royalty determined by the Designated Authority in pursuance of subsection (1) of the last preceding section;

and

(*c*) contain a statement to the effect that the application will lapse—

(i) if the applicant does not make a request under the next succeeding subsection in respect of the grant of the licence;

or

(ii) in a case where the Designated Authority informs the applicant that he will be required to lodge a security as mentioned in paragraph (*b*) of the last preceding subsection—if the applicant does not lodge that security with the Designated Authority.

Grant of licence.

44. (1) An applicant on whom there has been served an instrument under subsection (1) of the last preceding section may, within a period of three months after the date of service of the instrument on him, or within such further period, not exceeding three months, as the Designated Authority, on application in writing served on him before the expiration of the first-mentioned period of three months, allows—

(*a*) by instrument in writing served on the Designated Authority request the Designated Authority to grant to him the licence mentioned in the first mentioned instrument;

and

(*b*) if the Designated Authority has informed him that he will be required to lodge a security as mentioned in paragraph (*b*) of that subsection, lodge that security with the Designated Authority.

(2) Where an applicant on whom there has been served an instrument under subsection (1) of the last preceding section—

(*a*) has made a request under the last preceding subsection;

and

(*b*) if the Designated Authority has informed the applicant that he will be required to lodge a security as mentioned in paragraph (*b*) of subsection (1) of the last preceding section, has lodged that security with the Designated Authority,

within the period applicable under the last preceding subsection, the Designated Authority shall grant to the applicant a production licence for petroleum in respect of the blocks specified in the application.

(3) A secondary licence shall not be granted to a permittee in respect of any one or more of the blocks that constitute a location unless—

(*a*) a primary licence has been granted in respect of a block or blocks forming part of that location;

and

(*b*) the number of blocks in respect of which the primary licence was granted, together with the number of blocks included in that licence by reason of variations of the licence under the next succeeding section, is the permittee's primary entitlement.

(4) Where an applicant on whom there has been served an instrument under subsection (1) of the last preceding section—

(*a*) has not made a request under subsection (1) of this section;

or

(*b*) if the Designated Authority has informed the applicant that he will be required to lodge a security as mentioned in paragraph (*b*) of subsection (1) of the last preceding section, has not lodged that security with the Designated Authority,

within the period applicable under subsection (1) of this section, the application lapses upon the expiration of that period.

(5) From and including the day on which a licence granted under this section has effect, the permit in respect of the blocks in respect of which the licence was granted ceases to be in force in respect of those blocks.

Variation of licence area.

45. (1) Where an application is made under subsection (2) of section 40 of this Act for a variation of a licence, the Designated Authority shall, by instrument in writing served on the licensee, vary the licence to include in the licence area the blocks specified in the application.

(2) From and including the day on and from which a variation of a licence under this section has effect—

(*a*) the blocks included in the licence area by reason of the variation are, subject to this Part, for the remainder of the term of the licence, blocks in respect of which the licence is in force ;

and

(*b*) the permit that is in force in respect of the blocks so included ceases to be in force in respect of those blocks.

Determination of permit as to block not taken up by licensee.

46. (1) Subject to the next succeeding subsection, where—

(*a*) a permittee who may make an application under section 40 of this Act in respect of a block does not, within the application period, make the application ;

or

(*b*) all applications made by a permittee under that section in respect of a block have lapsed,

the permit is determined as to that block, and the determination has effect—

(*c*) in a case referred to in paragraph (*a*) of this subsection—upon the expiration of the application period ;

and

(*d*) in a case referred to in paragraph (*b*) of this subsection—

(i) upon the expiration of the application period ;

or

(ii) upon the lapsing of the last of the applications referred to in that paragraph,

whichever is the later.

(2) Where a permittee makes an application for a secondary licence—

(*a*) the permit is determined as to any blocks forming part of the location concerned that are not the subject of that application or of any application for a primary licence or for the variation of such a licence;

and

(*b*) the determination has effect upon the making of the application.

(3) Where the block or blocks constituting a location are no longer the subject of a permit the Designated Authority shall, by instrument published in the *Gazette*, revoke the declaration made under subsection (1) of section 37 of this Act in respect of that location.

Application for licence in respect of surrendered, etc., blocks.

47. (1) Where—

(*a*) a licence is surrendered or cancelled as to a block;

or

(*b*) a permit is surrendered, cancelled or determined as to a block—

(i) that, at the time of the surrender, cancellation or determination, was, or was included in, a location;

and

(ii) in which, in the opinion of the Designated Authority, there is petroleum,

the Designated Authority may, at any subsequent time, by instrument published in the *Gazette*—

(*c*) invite applications for the grant of a licence in respect of that block;

and

(*d*) specify a period within which applications may be made.

(2) The Designated Authority shall, in an instrument under the last preceding subsection, state—

(*a*) that an applicant is required to specify an amount that he would be prepared to pay in respect of the grant of a licence to him on his application;

or

(*b*) that an applicant is required to specify a rate of royalty that he would be prepared to pay, if a licence were granted to him on his application, in respect of petroleum recovered under the licence, being a rate that exceeds ten per centum of the value at the well-head of that petroleum.

(3) Where the Designated Authority, in an instrument under subsection (1) of this section, states that an applicant is required to specify a rate of royalty as mentioned in paragraph (*b*) of the last preceding subsection, the Designated Authority may, in that instrument, state that an applicant on whose application he is prepared to grant a licence will also be required to pay to him, in respect of the grant of the licence to the applicant, the amount specified in that behalf in that instrument.

(4) Where an instrument is published under subsection (1) of this section and—

(*a*) no application is made within the period specified in the instrument;

or

(*b*) after consideration of the applications, a licence is not granted,

in respect of the block specified in the instrument, the Designated Authority may cause a notification accordingly to be published in the *Gazette* and may, at any subsequent time and without invitation under subsection (1) of this section, receive an application for the grant of a licence in respect of that block.

(5) The Designated Authority shall not receive an application under the last preceding subsection during any period during which an application may be made in pursuance of an invitation under subsection (1) of this section.

(6) An application under this section—

(*a*) shall be in accordance with an approved form;

(*b*) shall be made in an approved manner;

(*c*) shall be accompanied by the particulars referred to in paragraph (*c*) of subsection (1) of section 41 of this Act;

(*d*) in the case of an application under subsection (1) of this section, shall specify, in accordance with the requirement in the instrument by which applications were invited, the amount, or the rate of royalty, that the applicant would be prepared to pay;

(*e*) in the case of an application under subsection (4) of this section, shall specify—

(i) an amount that the applicant would be prepared to pay in respect of the grant of a licence to him on the application;

(ii) a rate of royalty that the applicant would be prepared to pay in respect of petroleum recovered under the licence, being a rate that exceeds ten per centum of the value at the well-head of that petroleum;

or

(iii) such an amount and such a rate;

and

(*f*) may set out any other matters that the applicant wishes the Designated Authority to consider.

(7) The Designated Authority may, at any time, by instrument in writing served on the applicant, require him to furnish, within the time specified in the instrument, further information in connection with his application.

Application fee etc.

48. (1) An application under the last preceding section shall be accompanied by—

(*a*) a fee of One thousand dollars;

and

(*b*) a deposit—

(i) if the application is made under subsection (1) or (4) of the last preceding section and the applicant has specified an amount that he would be prepared to pay in respect of the grant of a licence to him on the application—of ten per centum of that amount;

or

(ii) if the application is made under subsection (1) of the last preceding section and the Designated Authority has, in the instrument by which applications were invited, stated an amount that the applicant will be required to pay in respect of the grant of a licence—of ten per centum of that amount.

(2) Where a licence is not granted on the application—

(*a*) the sum of Nine hundred dollars;

and

(*b*) subject to the next succeeding subsection, the amount of the deposit,

shall be refunded to the applicant.

(3) Where an applicant on whom there has been served an instrument under subsection (1) or (3) of the next succeeding section does not request the Designated Authority, under subsection (6) of that section, to grant to him the licence referred to in the instrument, the deposit shall not, unless the Designated Authority otherwise determines, be refunded to the applicant.

Request by applicant for grant of licence.

49. (1) Where, at the expiration of the period specified in an instrument under subsection (1) of section 47 of this Act, only one application has been made under that subsection in respect of the block specified in the instrument, the Designated Authority may reject the application or may, by instrument in writing served on the applicant, inform him that he is prepared to grant to him a licence in respect of that block.

(2) Where, at the expiration of the period specified in an instrument under subsection (1) of section 47 of this Act, two or more applications have been made under that subsection in respect of the block specified in the instrument, the Designated Authority may reject any or all of the applications and, if he does not reject all of the applications, may—

(*a*) if only one application remains unrejected—

by instrument in writing served on the applicant;

or

(*b*) if two or more applications remain unrejected—by instrument in writing served on the applicant, or on one of the applicants, whose application has not been rejected and who has specified in his application an amount, or a rate of royalty that he would be prepared to pay that is not less than the amount, or the rate of royalty, specified in the application of any other applicant whose application has not been rejected,

inform him that he is prepared to grant to him a licence in respect of that block.

(3) Where an application is made under subsection (4) of section 47 of this Act, the Designated Authority may reject the application or may, by instrument in writing served on the appli ant, inform the applicant—

(*a*) that he is prepared to grant to him a licence in respect of that block;

and

(*b*) that the applicant will be required to pay—

(i) the amount specified in the application ;

(ii) royalty at the rate specified in the application ;

or

(iii) the amount, and royalty at the rate, specified in the application,

as the case may be.

(4) The Designated Authority may, by an instrument served on an applicant under any of the preceding provisions of this section, inform the applicant that he will be required to lodge a security for compliance with the conditions to which the licence, if granted, will from time to time be subject and with the provisions of this Part and of the regulations.

(5) An instrument under any of the preceding provisions of this section shall contain—

(*a*) a summary of the conditions subject to which the licence is to be granted ;

(*b*) a statement of the balance of the amount (if any) that the applicant will be required to pay in respect of the grant of the licence to him ;

and

(*c*) a statement to the effect that the application will lapse—

(i) if the applicant does not make a request under the next succeeding subsection ;

(ii) in a case where the instrument contains a statement referred to in the last preceding paragraph—if the application does not pay the balance of the amount referred to in that statement or enter into an agreement under section 109 of this Act in respect of that balance ;

or

(iii) in a case where the Designated Authority informs the applicant that he will be required to lodge a security as mentioned in the last preceding subsection—if the applicant does not lodge that security with the Designated Authority.

(6) An applicant on whom there has been served an instrument under any of the preceding provisions of this section may, within a period of three months after the date of service of the instrument on him, or within such further period,

not exceeding three months, as the Designated Authority, on application in writing served on him before the expiration of the first-mentioned period of three months, allows—

(*a*) by instrument in writing served on the Designated Authority, request the Designated Authority to grant to him the licence;

(*b*) if the first-mentioned instrument contains a statement of the balance of an amount that the applicant will be required to pay in respect of the grant of the licence to him—pay that balance or enter into an agreement under section 109 of this Act in respect of that balance;

and

(*c*) if the Designated Authority has informed him that he will be required to lodge a security as mentioned in subsection (4) of this section, lodge that security with the Designated Authority.

(7) Where an applicant on whom there has been served an instrument under subsection (1), (2) or (3) of this section—

(*a*) has not made a request under the last preceding subsection;

(*b*) If the instrument contains a statement of the balance of an amount that the applicant will be required to pay in respect of the grant of a licence to him—has not paid that balance or entered into an agreement under section 109 of this Act in respect of that balance;

or

(*c*) if the Designated Authority has informed the applicant that he will be required to lodge a security as mentioned in subsection (4) of this section, has not lodged that security with the Designated Authority,

within the period applicable under the last preceding subsection, the application lapses upon the expiration of that period.

(8) Where the application of an applicant on whom there has been served an instrument under subsection (2) of this section lapses as provided by the last preceding subsection, subsection (2) of this section applies in respect of the application or applications (if any) then remaining unrejected.

Grant of licence on request.

50. Where an applicant on whom there has been served an instrument under the last preceding section—

(*a*) has made a request under subsection (6) of that section;

(*b*) if the instrument contains a statement of the balance of an amount that the applicant will be required to pay in respect of the grant of a licence to him—has

paid that balance or entered into an agreement under section 109 of this Act in respect of that balance ;

and

(*c*) if the Designated Authority has informed him that he will be required to lodge a security as mentioned in subsection (4) of section 49 of this Act, has lodged that security with the Designated Authority,

within the period applicable under subsection (6) of section 49 of this Act, the Designated Authority shall grant to him a production licence for petroleum in respect of the block specified in the instrument.

Grant of licences in respect of individual blocks.

51. (1) Where a licence (in this section called "the original licence") is in force in respect of two or more blocks (not being blocks that form, or form part of, a location), the licensee may make an application to the Designated Authority for the grant to him of two or more licences in respect of the blocks the subject of the original licence in exchange for the original licence.

(2) An application under the last preceding subsection—

(*a*) shall be in accordance with an approved form :

(*b*) shall be made in an approved manner ;

(*c*) shall specify the number of licences required ;

(*d*) shall specify the block or blocks the subject of the original licence in respect of which each licence is sought ;

and

(*e*) shall be accompanied by a fee of One hundred dollars.

(3) The Designated Authority may, by instrument in writing served on a licensee who has made an application under this section, require him to lodge, in respect of a licence to be granted to him under this section, a security for compliance with the conditions to which the licence is from time to time subject and with the provisions of this Part and of the regulations.

(4) Where a licensee—

(*a*) has made an application under this section ;

and

(*b*) if the Designated Authority has required the licensee to lodge a security as mentioned in the last preceding subsection, has lodged that security with the Designated Authority,

the Designated Authority shall grant to the licensee production licences for petroleum in accordance with the application.

(5) A licence granted on an application under this section—

(*a*) remains in force, subject to this Part, but notwithstanding section 53 of this Act, for the remainder of the term of the original licence ;

and

(*b*) shall be granted subject to conditions corresponding as nearly as may be to the conditions to which the original licence was subject.

(6) Where licences are granted on an application under this section—

(*a*) the original licence is, by force of this subsection, determined ;

and

(*b*) the determination has effect from and including the day on which those licences have effect.

Rights conferred by licence.

52. A licence, while it remains in force, authorizes the licensee, subject to this Act and the regulations and in accordance with the conditions to which the licence is subject—

(*a*) to carry on operations for the recovery of petroleum in the licence area ;

(*b*) to explore for petroleum in the licence area ;

and

(*c*) to carry on such operations and execute such works in the licence area as are necessary for those purposes.

Term of licence.

53. Subject to this Part, a licence remains in force—

(*a*) in the case of a licence granted otherwise than by way of the renewal of a licence—for a period of twenty-one years commencing on the day from which the licence has effect ;

(*b*) in the case of a licence granted by way of the first renewal of a licence—for a period of twenty-one years commencing on the day after the day on which the previous licence ceases to have effect ;

and

(*c*) in the case of a licence granted by way of the renewal, other than the first renewal, of a licence—for such period, not exceeding twenty-one years, as the Designated Authority determines and specifies in the licence, commencing on the day after the day on which the last previous licence in respect of the blocks specified in the licence so granted ceases to have effect.

Application for renewal of licence.

54. (1) A licensee may, from time to time, make an application to the Designated Authority for the renewal of the licence.

(2) An application for the renewal of the licence—

(*a*) shall be in accordance with an approved form ;

(*b*) subject to the next succeeding subsection, shall be made in an approved manner not less than six months before the day on which the licence ceases to have effect ;

(*c*) shall be accompanied by particulars of the proposals of the licensee for work and expenditure in respect of the licence area ;

and

(*d*) shall be accompanied by a fee of Two hundred dollars.

(3) The Designated Authority may, for reasons that he thinks sufficient, receive an application for the renewal of the licence less than six months before, but not in any case after, the day on which the licence ceases to have effect.

Grant or refusal of renewal of licence.

55. (1) Where a licensee who has complied with the conditions to which the licence is subject and with the provisions of this Part and of the regulations makes an application under the last preceding section for the renewal of the licence, the Designated Authority—

(*a*) shall, if the application is in respect of the first renewal of the licence ;

or

(*b*) may, if the application is in respect of a renewal other than the first renewal of the licence,

inform the licensee, by instrument in writing served on the licensee, that he is prepared to grant to him the renewal of the licence.

(2) Where a licensee who has not complied with the conditions to which the licence is subject and with the provisions of this Part and of the regulations makes an application under the last preceding section for the renewal of the licence, the Designated Authority, if he is satisfied that, although the licensee has not so complied, special circumstances exist that justify the granting of the renewal of the licence, may inform the licensee, by instrument in writing served on the licensee, that he is prepared to grant to him the renewal of the licence.

(3) If a licensee has not complied with the conditions to which the licence is subject and with the provisions of this Part and of the regulations, and if the Designated Authority is not satisfied that special circumstances exist that justify the granting of

the renewal of the licence, the Designated Authority shall, subject to the next succeeding subsection by instrument in writing served on the licensee, refuse to grant the renewal of the licence.

(4) The Designated Authority shall not, under the last preceding subsection, refuse to grant the renewal of a licence unless—

(*a*) he has, by instrument in writing served on the licensee, given not less than one month's notice of his intention to refuse to grant the renewal of the licence ;

(*b*) he has served a copy of the instrument on such other persons, if any, as he thinks fit ;

(*c*) he has, in the instrument—

(i) given particulars of the reasons for the intention ;

and

(ii) specified a date on or before which the licensee or a person on whom a copy of the instrument is served may, by instrument in writing served on the Designated Authority, submit any matters that he wishes the Designated Authority to consider ;

and

(*d*) he has taken into account any matters so submitted to him on or before the specified date by the licensee or by a person on whom a copy of the first-mentioned instrument has been served.

(5) Where a licensee makes an application under the last preceding section in respect of a renewal other than the first renewal of the licence, the Designated Authority may, by instrument in writing served on the licensee, refuse to grant the renewal of the licence.

(6) The Designated Authority may, by an instrument served on a licensee under subsection (1) or (2) of this section, inform the licensee that he will be required to lodge a security for compliance with the conditions to which the licence, if the renewal is granted, will from time to time be subject and with the provisions of this Part and of the regulations.

(7) An instrument under subsection (1) or (2) of this section shall contain—

(*a*) a summary of the conditions to which the licence, on the grant of the renewal, is to be subject ;

and

(*b*) a statement to the effect that the application will lapse—

(i) if the licensee does not make a request under the next succeeding subsection ;

or

(ii) in a case where the Designated Authority informs the licensee that he will be required to lodge a security as mentioned in the last preceding subsection—if the licensee does not lodge that security with the Designated Authority.

(8) A licensee on whom there has been served an instrument under subsection (1) or (2) of this section may, within a period of one month after the date of service of the instrument on him—

(*a*) by instrument in writing served on the Designated Authority, request the Designated Authority to grant to him the renewal of the licence ;

and

(*b*) if the Designated Authority has informed him that he will be required to lodge a security as mentioned in subsection (6) of this section, lodge that security with the Designated Authority.

(9) Where a licensee on whom there has been served an instrument under subsection (1) or (2) of this section—

(*a*) has made a request under the last preceding subsection ;

and

(*b*) if the Designated Authority has informed him that he will be required to lodge a security as mentioned in subsection (6) of this section, has lodged that security with the Designated Authority,

within the period referred to in the last preceding subsection, the Designated Authority shall grant to him the renewal of the licence.

(10) Where a licensee on whom there has been served an instrument under subsection (1) or (2) of this section—

(*a*) has not made a request under subsection (8) of this section ;

or

(*b*) if the Designated Authority has informed him that he will be required to lodge a security as mentioned in subsection (6) of this section, has not lodged that security with the Designated Authority,

within the period referred to in subsection (8) of this section, the application lapses upon the expiration of that period.

(11) Where—

(*a*) an application for the renewal of a licence is made under the last preceding section ;

and

(*b*) the licence expires—

(i) before the Designated Authority grants, or refuses to grant, the renewal of the licence ;

or

(ii) before the application lapses as provided by the last preceding subsection,

the licence shall be deemed to continue in force in all respects—

(*c*) until the Designated Authority grants, or refuses to grant, the renewal of the licence ;

or

(*d*) until the application so lapses,

whichever first happens.

Conditions of licence.

56. A licence may be granted subject to such conditions as the Designated Authority thinks fit and specifies in the licence.

Works to be carried out.

57. (1) A licensee is required, during the first year of the term of the licence, to carry out in or in relation to the licence area, in connection with exploration for, or operations for the recovery of, petroleum in the licence area, approved works to the value of not less than the amount calculated by multiplying the sum of One hundred thousand dollars by the number of blocks in respect of which the licence is in force.

(2) A licensee is required, during each subsequent year of the term of the licence, to carry out in the licence area, in connection with exploration for, or operations for the recovery of, petroleum in the licence area, approved works—

(*a*) if he did not recover petroleum in the licence area during the last preceding year of the term of the licence—to the value of not less than the amount calculated by multiplying the sum of One hundred thousand dollars by the number of blocks in respect of which the licence is in force ;

or

(*b*) if he did recover petroleum in the licence area during the last preceding year of the term of the licence and the amount referred to in the last preceding paragraph exceeds the value of the petroleum so recovered—to the value of not less than the amount of the excess.

(3) Where, in respect of a year of the term of his licence, a licensee has not complied with subsection (1) or (2) of this section, the State is entitled to recover from the licensee, by action against the licensee in a court of competent jurisdiction, an amount equal to the value of the approved works that the licensee was required to carry out in the licence area during that year of the term of the licence less the value of any approved works carried out by the licensee in that area during that year.

(4) The Designated Authority may, if he is satisfied that special circumstances exist that justify his doing so, by instrument in writing served on a licensee, exempt the licensee from compliance with the requirements of this section in respect of the year of the term of the licence specified in the instrument subject to such conditions, if any, as the Designated Authority thinks fit and specifies in the instrument.

(5) For the purposes of this section, the value of any petroleum is the value at the well-head of that petroleum ascertained in accordance with section 151 of this Act.

Directions as to recovery of petroleum.

58. (1) Where petroleum is not being recovered in a licence area and the Designated Authority is satisfied that there is recoverable petroleum in that area, he may, by instrument in writing served on the licensee, direct the licensee to take all necessary and practicable steps to recover that petroleum.

(2) Where the Designated Authority is not satisfied with the steps taken or being taken by a licensee to whom a direction has been given under the last preceding subsection, the Designated Authority may, by instrument in writing served on the licensee, give to the licensee such directions as the Designated Authority thinks necessary for or in relation to the recovery of petroleum in the licence area.

(3) Where petroleum is being recovered in a licence area, the Designated Authority may, for reasons that he thinks sufficient, by instrument in writing served on the licensee, direct the licensee to take all necessary and practicable steps to increase or reduce the rate at which the petroleum is being recovered to such rate as the Designated Authority specifies in the instrument.

(4) Where the Designated Authority is not satisfied with the steps taken or being taken by a licensee to whom a direction has been given under the last preceding subsection, the Designated Authority may, by instrument in writing served on the licensee, give to the licensee such directions as the Designated Authority thinks necessary for or in relation to the increase or reduction of the rate at which petroleum is being recovered in the licence area.

Unit development.

59. (1) In this section, "unit development", in relation to a petroleum pool, means the co-ordination of operations for the recovery of petroleum being carried on or to be carried on in a licence area in which there is part of that pool with other

operations for the recovery of petroleum being carried on or to be carried on in any other area, whether within the adjacent area or not, in which there is part of that pool.

(2) A licensee may from time to time enter into an agreement in writing for or in relation to the unit development of a petroleum pool.

(3) The Designated Authority, of his own motion or on application made to him in writing by—

(*a*) a licensee in whose licence area there is a part of a particular petroleum pool;

or

(*b*) a person who is lawfully entitled to carry on operations for the recovery of petroleum in an area outside the adjacent area that includes part of a particular petroleum pool that extends into the adjacent area,

may, for the purpose of securing the more effective recovery of petroleum from that pool, direct any licensee whose licence area includes part of that particular petroleum pool to enter into an agreement in writing, within the period specified in the instrument, for or in relation to the unit development of the petroleum pool and to lodge the agreement with him forthwith in accordance with section 81 of this Act.

(4) Where—

(*a*) a licensee who is directed under the last preceding subsection to enter into an agreement for or in relation to the unit development of a petroleum pool does not enter into such an agreement within the specified period;

or

(*b*) a licensee enters into such an agreement but the agreement is not lodged with the Designated Authority in accordance with the last preceding subsection or if so lodged is not approved under section 81 of this Act,

the Designated Authority may, by instrument in writing served on the licensee, direct the licensee to submit to him, within the period specified in the instrument, a scheme for or in relation to the unit development of the petroleum pool.

(5) At any time after the expiration of the period within which a scheme for or in relation to the unit development of a petroleum pool is to be submitted by a licensee under the last preceding subsection, the Designated Authority may, by instrument in writing served on the licensee, give to the licensee such directions as the Designated Authority thinks necessary for the purpose of securing the more effective recovery of petroleum from the petroleum pool.

(6) Where a person is the licensee in respect of two or more licence areas in each of which there is part of a particular petroleum pool, the Designated Authority may, by instrument in writing served on the licensee, give to the licensee such directions as the Designated Authority thinks necessary for the purpose of securing the more effective recovery of petroleum from the petroleum pool.

(7) Where—

(*a*) an agreement under this section is in force, or the Designated Authority has given directions under either of the last two preceding subsections;

and

(*b*) additional information has become available,

the Designated Authority may, if he has given to the licensee or licensees concerned an opportunity to confer with him concerning that information, by instrument in writing served on the licensee or licensees, give to the licensee or licensees such directions, or further directions, as the case may be, as he thinks necessary for the purpose of securing the more effective recovery of petroleum from the petroleum pool.

(8) The Designated Authority shall not give a direction under either of the last two preceding sub-sections unless he has given to the licensee or licensees concerned an opportunity to confer with him concerning the proposed direction.

(9) Directions under subsections (5), (6), or (7) of this section may include directions as to the rate at which petroleum is to be recovered.

(10) An agreement under this section is an instrument to which section 81 of this Act applies.

DIVISION IV.

DIVISION IV.—PIPELINE LICENCES.

Construction etc., of pipelines.

60. (1) A person shall not, in an adjacent area, commence, or continue, the construction of a pipeline except under and in pursuance of a pipeline licence.

(2) A person shall not, in an adjacent area, alter or reconstruct a pipeline, except under and in pursuance of a pipeline licence.

(3) A person shall not, in an adjacent area, operate a pipeline—

(*a*) except under and in pursuance of a pipeline licence; and

(*b*) unless he has obtained the consent of the Designated Authority under section 75 of this Act to the commencement or resumption, as the case may be, of operations and commences or resumes operations in accordance with the conditions, if any, specified in the instrument of consent.

(4) A person shall not, in an adjacent area, commence, or continue, the construction of, alter, reconstruct or operate a water line, pumping station, tank station, valve station or secondary line—

(*a*) except under and in pursuance of a pipeline licence; or

(*b*) except with the consent in writing of the Designated Authority and in accordance with the conditions, if any, specified in the instrument of consent.

(5) The Designated Authority may, for reasons that he thinks sufficient, refuse to give his consent under any provision of this section.

Penalty: Two thousand dollars for each day on which the offence occurs.

Construction, etc., of water lines, etc.

61. It is not an offence against the last preceding section—

(*a*) if, in an emergency in which there is a likelihood of loss or injury, or for the purpose of maintaining a pipeline, water line, pumping station, tank station, valve station or secondary line in good order or repair, a person does an act to avoid the loss or injury or to maintain the pipeline, water line, pumping station, tank station, valve station or secondary line in good order and repair and—

(i) as soon as practicable notifies the Designated Authority of the act done; and

(ii) complies with any directions given to him by the Designated Authority; or

(*b*) if a person does an act in compliance with a direction under this Act or the regulations.

Removal of pipeline, etc., constructed in contravention of Act.

62. (1) Where—

(*a*) the construction of a pipeline, waterline, pumping station, tank station, valve station or secondary line is commenced, continued or completed in contravention of this Act;

or

(*b*) a pipeline, waterline, pumping station, tank station, valve station or secondary line is altered or reconstructed in contravention of this Act,

the Designated Authority may, by instrument in writing served on the appropriate person, direct him—

(*c*) to make such alterations to the pipeline, water line, pumping station, tank station, valve station or secondary line as are specified in the instrument;

or

(*d*) to move the pipeline, water line, pumping station, tank station, valve station or secondary line to a specified place in, or to remove it from, the adjacent area,

within the period specified in the instrument.

(2) For the purpose of the last preceding subsection, the appropriate person is—

(*a*) if the construction of the pipeline, water line, pumping station, tank station, valve station or secondary line has been completed—the owner of the pipeline, water line, pumping station, tank station, valve station or secondary line;

or

(*b*) if the construction of the pipeline, water line, pumping station, tank station, valve station or secondary line has not been completed—the person for whom the pipeline, water line, pumping station, tank station, valve station or secondary line is being constructed,

(3) Where a person on whom there has been served an instrument under subsection (1) of this section does not, within the period specified in the instrument or within such further period, if any, as the Designated Authority, on an application in writing served on him before the expiration of the first-mentioned period, allows, comply with the direction, the Designated Authority may do all or any of the things required by the direction to be done.

(4) Costs and expenses incurred by the Designated Authority under the last preceding subsection are a debt due to the State and are recoverable from the person referred to in that subsection in a court of competent jurisdiction.

Terminal station.

63. The Designated Authority may, by instrument published in the *Gazette*, declare a pumping station, a tank station or a valve station in the adjacent area to be a terminal station.

Application for pipeline licence.

64. (1) An application for a pipeline licence—

(*a*) shall be in accordance with an approved form ;

(*b*) shall be made in an approved manner ;

(*c*) shall be accompanied by particulars of—

(i) the proposed design and construction of the pipeline ;

(ii) the proposed size and capacity of the pipeline ;

(iii) the proposals of the applicant for work and expenditure in respect of the construction of the pipeline ;

(iv) the technical qualifications of the applicant and of his employees ;

(v) the technical advice available to the applicant ;

(vi) the financial resources available to the applicant ;

and

(vii) any agreements entered into, or proposed to be entered into, by the applicant for or in relation to the supply or conveyance of petroleum by means of the pipeline ;

(*d*) shall be accompanied by a plan, drawn to an approved scale, showing—

(i) the route to be followed by the pipeline ;

(ii) the sites of the pumping stations, tank stations and valve stations to be used in connection with the pipeline ;

and

(iii) the site of any pumping station, tank station or valve station that the applicant desires to be declared under the last preceding section to be a terminal station in connection with the pipeline ;

(*e*) may set out any other matters that the applicant wishes the Designated Authority to consider ;

and

(*f*) shall be accompanied by a fee of One thousand dollars.

(2) Where a notice is published in the *Gazette*—

(*a*) of an application for a pipeline licence in respect of the construction of a pipeline for the conveyance of petroleum recovered in a licence area made by a person other than the licensee ;

or

(*b*) of an application for a pipeline licence in respect of the construction of a pipeline for the conveyance of petroleum recovered in a licence area under a corresponding law made by a person other than the pipeline operator under a corresponding law,

the licensee or the pipeline operator under a corresponding law, as the case may be, may, within a period of three months after the date of publication of the notice, or within such further period not exceeding three months, as the Designated Authority, on application in writing served on him before the expiration of the firstmentioned period of three months, allows, make an application for a pipeline licence referred to in paragraph (*a*) or (*b*) of this subsection, as the case requires and, in the application, request that the application referred to in the notice be rejected.

(3) Where—

(*a*) a notice referred to in subsection (2) of this section is published in the *Gazette ;*

and

(*b*) a pipeline licence is granted to the licensee or to the pipeline operator under a corresponding law on an application under that subsection,

the Designated Authority shall, by instrument in writing served on the applicant, reject the application referred to in the notice.

(4) The Designated Authority may, at any time, by instrument in writing served on a person who has made an application under this section, require him to furnish, within the time specified in the instrument, further information in writing in connection with his application.

(5) In this section, "pipeline operator under corresponding law" means a person who is entitled under a corresponding law to carry on operations for the recovery of petroleum in an area outside the adjacent area and who the Designated Authority is satisfied is or will be entitled to construct a pipeline from the firstmentioned area to the boundary of the adjacent area.

Grant or refusal of pipeline licence.

65. (1) Where a person makes an application in accordance with the last preceding section the Designated Authority—

(*a*) shall, if the application is—

(i) in respect of the construction in the adjacent area of a pipeline for the conveyance of petroleum recovered in a licence area in respect of which the applicant is the licensee

and the licensee has complied with the conditions to which the licence is subject and with the provisions of this Part and of the regulations ;

or

(ii) by a pipeline operator under a corresponding law ;

or

(*b*) may, if the application is by any other person and has not been rejected under subsection (3) of that section,

inform the applicant, by instrument in writing served on him, that the Designated Authority is prepared to grant a pipeline licence to him.

(2) Where a licensee who has not complied with the conditions to which the licence is subject and with the provisions of this Part and of the regulations makes an application in accordance with the last preceding section for a pipeline licence in respect of the construction of a pipeline for the conveyance of petroleum recovered in the licence area, the Designated Authority, if he is satisfied that, although the licensee has not so complied, special circumstances exist that justify the granting of a pipeline licence, may inform the licensee, by instrument in writing served on the licensee, that he is prepared to grant a pipeline licence to him.

(3) If a licensee who has not complied with the conditions to which the licence is subject and with the provisions of this Part and of the regulations makes an application in accordance with the last preceding section for a pipeline licence, and if the Designated Authority is not satisfied that special circumstances exist that justify the granting of a pipeline licence, the Designated Authority shall, subject to the next succeeding subsection, by instrument in writing served on the licensee, refuse to grant a pipeline licence.

(4) The Designated Authority shall not, under the last preceding subsection, refuse to grant to a licensee a licence, unless—

(*a*) he has, by instrument in writing served on the licensee, given not less than one month's notice of his intention to refuse to grant the pipeline licence ;

(*b*) he has served a copy of the instrument on such other persons, if any, as he thinks fit ;

(*c*) he has, in the instrument—

(i) given particulars of the reasons for the intention ;

and

(ii) specified a date on or before which the licensee or a person on whom a copy of the instrument is served may, by instrument in writing served on the Designated Authority, submit any matters that he wishes the Designated Authority to consider ;

and

(*d*) he has taken into account any matters so submitted to him on or before the specified date by the licensee or by a person on whom a copy of the first-mentioned instrument has been served.

(5) Where a person, other than the licensee or the pipeline operator under a corresponding law, makes an application in accordance with section 64 of this Act for a pipeline licence in respect of the construction of a pipeline for the conveyance of petroleum recovered in a licence area or a licence area under a corresponding law, as the case may be, the Designated Authority may, by instrument in writing served on the applicant, refuse to grant a pipeline licence.

(6) Where the Designated Authority is required, or proposes, to serve on a person an instrument under subsection (1) or (2) of this section, he shall, by the instrument, inform that person that he will be required to lodge a security for compliance with the conditions to which the pipeline licence, if granted, will from time to time be subject and with the provisions of this Part and of the regulations.

(7) An instrument under subsection (1) or (2) of this section—

(*a*) shall specify the route to be followed by the pipeline ;

(*b*) shall contain a summary of the conditions subject to which the pipeline licence is to be granted ;

and

(*c*) shall contain a statement to the effect that the application will lapse if the applicant does not make a request under subsection (9) of this section and lodge with the Designated Authority the security referred to in the instrument.

(8) The route to be specified in an instrument under subsection (1) or (2) of this section shall be—

(*a*) the route shown in the plan accompanying the application ;

or

(*b*) if the Designated Authority is of the opinion that, for any reason, that route is not appropriate—a route that, in the opinion of the Designated Authority, is appropriate.

(9) A person on whom there has been served an instrument under subsection (1) or (2) of this section may, within a period of three months after the date of service of the instrument on him, or within such further period, not exceeding three months, as the Designated Authority on application in writing served on him before the expiration of the first-mentioned period of three months, allows—

(*a*) by instrument in writing served on the Designated Authority, request the Designated Authority to grant to him the pipeline licence

and

(*b*) lodge with the Designated Authority the security referred to in the instrument so served on him.

(10) Where a person on whom there has been served an instrument under subsection (1) or (2) of this section—

(*a*) has made a request under the last preceding subsection ;

and

(*b*) has lodged with the Designated Authority the security referred to in the instrument,

within the period applicable under the last preceding subsection the Designated Authority shall grant to that person a licence to construct and operate a pipeline in respect of the pipeline specified in the instrument.

(11) Where a person on whom there has been served an instrument under subsection (1) or (2) of this section—

(*a*) has not made a request under subsection (9) of this section ;

or

(*b*) has not lodged with the Designated Authority the security referred to in the instrument,

within the period applicable under subsection (9) of this section, the application lapses upon the expiration of that period.

(12) Where a pipeline licence is not granted on an application, the sum of Nine hundred dollars shall be refunded to the applicant.

(13) In this section "pipeline operator under a corresponding law" has the same meaning as in section 64 of this Act.

Rights conferred by pipeline licence.

66. A pipeline licence, while it remains in force, authorizes the pipeline licensee, subject to this Act and the regulations and in accordance with the conditions to which the pipeline licence is subject—

(*a*) to construct in the adjacent area—

(i) a pipeline of the design, construction, size and capacity specified in the pipeline licence along the route, and in the position in relation to the seabed in the adjacent area, so specified;

and

(ii) the pumping stations, tank stations and valve stations so specified in the positions so specified;

(*b*) to operate that pipeline and those pumping stations, tank stations and valve stations;

and

(*c*) to carry on such operations, to execute such works and to do all such other things in the adjacent area as are necessary for or incidental to the construction and operation of that pipeline and of those pumping stations, tank stations and valve stations.

Term of pipeline licence.

67. (1) Subject to this Part, a pipeline licence remains in force—

(*a*) for a period of twenty-one years;

or

(*b*) where the Designated Authority is of the opinion that, having regard to the dates of expiration of the licences that relate to the licence areas from which petroleum is, or is to be, conveyed by means of the pipeline, it is not necessary for the pipeline licence to remain in force for a period of twenty-one years—for such period less than twenty-one years as the Designated Authority determines and specifies in the pipeline licence.

(2) The period for which a pipeline licence remains in force commences—

(*a*) in the case of a pipeline licence granted otherwise than by way of renewal of a pipeline licence—on the day from which the pipeline licence has effect;

and

(*b*) in the case of a pipeline licence granted by way of renewal of a pipeline licence—on the day after the day on which the last previous pipeline licence in respect of the same pipeline ceases to have effect.

Application for renewal of pipeline licence.

68. (1) A pipeline licensee may, from time to time, make an application to the Designated Authority for the renewal of the pipeline licence.

(2) An application for the renewal of the pipeline licence—

(*a*) shall be in accordance with an approved form;

(*b*) subject to the next succeeding subsection, shall be made in an approved manner not less than six months before the day on which the pipeline licence ceases to have effect;

and

(*c*) shall be accompanied by a fee of Two hundred dollars.

(3) The Designated Authority may, for reasons that he thinks sufficient, receive an application for the renewal of the pipeline licence less than six months before, but not in any case after, the day on which the pipeline licence ceases to have effect.

Grant or refusal of renewal of pipeline licence.

69. (1) Where a pipeline licensee makes an application for the renewal of the pipeline licence under the last preceding section, the Designated Authority—

(*a*) shall, if the pipeline licensee has complied with the conditions to which the pipeline licence is subject and with the provisions of this Part and of the regulations;

or

(*b*) may, if the pipeline licensee has not so complied and the Designated Authority is satisfied that, although the pipeline licensee has not so complied, special circumstances exist that justify the granting of the renewal of the pipeline licence,

inform the pipeline licensee, by instrument in writing served on the pipeline licensee—

(*c*) that he is prepared to grant to him the renewal of the pipeline licence;

and

(*d*) that he will be required to lodge a security for compliance with the conditions to which the pipeline licence, if the renewal is granted, will from time to time be subject and with the provisions of this Part and of the regulations.

(2) Where a pipeline licensee who has not complied with the conditions to which the pipeline licence is subject and with the provisions of this Part and of the regulations makes an application in accordance with the last preceding section in respect of the renewal of the pipeline licence, and if the Designated Authority is not satisfied that special circumstances exist that justify the granting of the renewal of the pipeline licence, the Designated Authority shall, subject to the next succeeding subsection, by instrument in writing served on the pipeline licensee, refuse to grant the renewal of the pipeline licence.

(3) The Designated Authority shall not refuse to grant the renewal of the pipeline licence unless—

(*a*) he has, by instrument in writing served on the pipeline licensee, given not less than one month's notice of his intention to refuse to grant the renewal of the pipeline licence ;

(*b*) he has served a copy of the instrument on such other persons, if any, as he thinks fit ;

(*c*) he has, in the instrument—

(i) given particulars of the reasons for the intention ;

and

(ii) specified a date on or before which the pipeline licensee or a person on whom a copy of the instrument is served may, by instrument in writing served on the Designated Authority, submit any matters that he wishes the Designated Authority to consider ;

and

(*d*) he has taken into account any matters so submitted to him on or before the specified date by the pipeline licensee or by a person on whom a copy of the first-mentioned instrument has been served.

(4) An instrument under subsection (1) of this section shall contain—

(*a*) a summary of the conditions to which the pipeline licence, on the grant of the renewal, is to be subject ;

and

(*b*) a statement to the effect that the application will lapse if the pipeline licensee does not make a request under the next succeeding subsection and lodge with the Designated Authority the security referred to in the instrument.

(5) A pipeline licensee on whom there has been served an instrument under subsection (1) of this section may, within a period of one month after the date of service of the instrument on him—

(*a*) by instrument in writing served on the Designated Authority, request the Designated Authority to grant to him the renewal of the pipeline licence ;

and

(*b*) lodge with the Designated Authority the security referred to in the first-mentioned instrument.

(6) Where a pipeline licensee on whom there has been served an instrument under subsection (1) of this section—

(*a*) has made a request under the last preceding subsection;

and

(*b*) has lodged with the Designated Authority the security referred to in the instrument,

within the period referred to in the last preceding subsection, the Designated Authority shall grant to him the renewal of the pipeline licence.

(7) Where a pipeline licensee on whom there has been served an instrument under subsection (1) of this section—

(*a*) has not made a request under subsection (5) of this section;

or

(*b*) has not lodged with the Designated Authority the security referred to in the instrument,

within the period referred to in subsection (5) of this section, the application lapses upon the expiration of that period.

(8) Where—

(*a*) an application for the renewal of a pipeline licence is made under the last preceding section;

and

(*b*) the pipeline licence expires—

(i) before the Designated Authority grants, or refuses to grant, the renewal of the pipeline licence;

or

(ii) before the application lapses as provided by the last preceding subsection,

the pipeline licence shall be deemed to continue in force in all respects—

(*c*) until the Designated Authority grants, or refuses to grant, the renewal of the pipeline licence;

or

(*d*) until the application so lapses,

whichever first happens.

Conditions of pipeline licence.

70. (1) A pipeline licence may be granted subject to such conditions as the Designated Authority thinks fit and specifies in the pipeline licence.

(2) The conditions referred to in the last preceding subsection may include a condition that the pipeline licensee shall complete the construction of the pipeline within the period specified in the pipeline licence.

Variation of pipeline licence on application by pipeline licensee.

71. (1) A pipeline licensee may, at any time, make an application to the Designated Authority for the variation of the pipeline licence.

(2) An application under this section—

(*a*) shall be in accordance with an approved form ;

(*b*) shall be made in an approved manner ;

(*c*) shall be accompanied by particulars of the proposed variation ;

(*d*) shall specify the reasons for the proposed variation ; and

(*e*) shall be accompanied by a fee of One hundred dollars.

(3) The Designated Authority may, at any time, by instrument in writing served on a person who has made an application under this section, require him to furnish, within the period specified in the instrument, further information in writing in connection with his application.

(4) The Designated Authority shall, in a notice published in the *Gazette* of an application under this section, specify a period within which a person may submit to the Designated Authority, in writing, any matters that he wishes the Designated Authority to consider in connection with the application.

(5) After considering any matters submitted to him under the last preceding subsection, the Designated Authority may vary the pipeline licence to such extent as he thinks necessary or may refuse to vary the pipeline licence.

Variation of pipeline licence by Designated Authority.

72. (1) The Designated Authority may—

(*a*) at the request of—

(i) a Minister or a Minister of State of the Commonwealth ;

or

(ii) a body established by a law of the Commonwealth or of the State ;

and

(*b*) if, in his opinion, it is in the public interest so to do,

by instrument in writing served on a person who is a pipeline licensee or the holder of an instrument of consent under section 60 of this Act, direct that person to make such changes in the design, construction, route or position of the pipeline, or of a water line, pumping station, tank station, valve station or secondary line, to which the pipeline licence or instrument of consent relates as are specified in the first-mentioned instrument, within the period specified in the first-mentioned instrument, and, if the person so directed is a pipeline licensee, shall vary the pipeline licence accordingly.

(2) A person to whom a direction is given under the last preceding subsection shall comply with the direction.

Penalty : Two thousand dollars.

(3) Where the Designated Authority gives a direction under subsection (1) of this section and the person to whom the direction was given has complied with the direction, that person may bring an action in the Supreme Court against the Minister of State of the Commonwealth or body making the request.

(4) The Supreme Court shall hear the action, without a jury, and shall determine whether it is just that the whole or a portion of the reasonable cost of complying with the direction ought to be paid to the plaintiff by the defendant.

(5) If the Supreme Court determines that it is just that such a payment ought to be made, the Supreme Court shall determine the amount of the payment and give judgment accordingly.

Common carrier.

73. The Designated Authority may, by instrument in writing served on a pipeline licensee, direct the pipeline licensee to be a common carrier of petroleum in respect of the pipeline and thereupon the pipeline licensee is a common carrier of petroleum in respect of the pipeline.

Ceasing to operate pipeline.

74. (1) Except with the consent in writing of the Designated Authority and subject to compliance with such conditions, if any, as are specified in the instrument of consent, a pipeline licensee shall not cease to operate the pipeline.

Penalty: Two thousand dollars.

(2) It is not an offence against the last preceding subsection if the failure of the pipeline licensee to operate the pipeline—

(*a*) was in the ordinary course of operating the pipeline;

(*b*) was for the purpose of repairing or maintaining the pipeline;

or

(*c*) was in an emergency in which there was a likelihood of loss or injury.

Consent to commencement or resumption of pipeline operations.

75. (1) The Designated Authority, on application in writing served on him—

(*a*) by a pipeline licensee whose pipeline has not previously been in operation;

or

(*b*) by a pipeline licensee who has ceased to operate the pipeline otherwise than for the purpose of repairing or maintaining it or otherwise than in the ordinary course of operating it,

may, if he is of the opinion that the pipeline may be operated with safety, by instrument in writing served on the pipeline licensee, consent to the commencement or resumption, as the case may be, of operations.

(2) A consent under the last preceding subsection may be given subject to such conditions, if any, as the Designated Authority thinks fit and specifies in the instrument of consent.

DIVISION V.

DIVISION V.—REGISTRATION OF INSTRUMENTS.

Register of certain instruments to be kept.

76. (1) for the purposes of this Part, the Designated Authority shall keep a Register of permits, licences, pipeline licences and access authorities granted by him.

(2) The Designated Authority shall enter in the Register a memorial in respect of each permit, licence, pipeline licence or access authority—

(*a*) specifying the name of the holder of the permit, licence, pipeline licence or access authority ;

(*b*) in the case of a permit or licence, setting out an accurate description (including, where convenient, a map) of the permit area or licence area ;

(*c*) in the case of an access authority, setting out an accurate description (including, where convenient, a map) of the area in respect of which the access authority is in force ;

(*d*) in the case of a pipeline licence, setting out a description of the route of the pipeline ;

(*e*) specifying the term of the permit, licence, pipeline licence or access authority ;

(*f*) setting out such other matters and things as are required by this Part to be entered in the Register ;

and

(*g*) setting out such further matters relating to the registered holder or to the terms and conditions of the permit, licence, pipeline licence or access authority as the Designated Authority deems proper and expedient in the public interest.

(3) The Designated Authority shall enter in the Register a memorial of—

(*a*) any instrument varying, cancelling, surrendering or otherwise affecting a permit, licence, pipeline licence or access authority ;

(*b*) any instrument under subsection (5), (6) or (7) of section 59 of this Act ;

(*c*) any agreement under section 109 of this Act ;

and

(*d*) any instrument varying or revoking an instrument referred to in paragraphs (*a*) or (*b*) of this subsection.

(4) It is a sufficient compliance with the requirements of subsection (2) or (3) of this section if the Designated Authority enters a copy of the permit, licence, pipeline licence, access authority or instrument in the Register.

(5) A permit, licence, pipeline licence, access authority or instrument—

(*a*) shall be deemed to be registered as soon as a memorial complying with subsection (2) or (3), as the case may be, of this section, or a copy of the permit, licence, pipeline licence, access authority or instrument, has been entered in the Register;

and

(*b*) is of no force until it has been so registered.

(6) The Designated Authority shall endorse on the memorial or copy of the permit, licence, pipeline licence, access authority or instrument a memorandum of the date upon which the memorial or copy was entered in the Register.

Memorials to be entered of permits, etc., determined, etc.

77. Where—

(*a*) a permit ceases to be in force in respect of a block in respect of which a licence is granted;

(*b*) a permit has been wholly determined or partly determined;

or

(*c*) a permit, licence, pipeline licence or access authority has expired,

the Designated Authority shall enter in the Register a memorial of the fact.

Approval and registration of transfers.

78. (1) A transfer of a permit, licence, pipeline licence or access authority is of no force until it has been approved by the Designated Authority and registered as provided by this section.

(2) A registered holder who desires to transfer a permit, licence, pipeline licence or access authority to another person, or to himself and another person jointly, may lodge with the Designated Authority an application for approval of the transfer of the permit, licence, pipeline licence or access authority.

(3) The application shall be accompanied by an instrument of transfer of the permit, licence, pipeline licence or access authority duly executed by the transferor and transferee, together with a copy of that instrument.

(4) On receipt of the application, the Designated Authority shall enter a memorandum in the Register of the date on which the application was lodged with him and may make such other notation in the Register as he deems appropriate.

(5) The Designated Authority shall not approve the transfer unless it is an absolute transfer of the whole of the transferor's interest in the permit, licence, pipeline licence or access authority.

(6) Subject to the last preceding subsection, the Designated Authority may—

(*a*) in the case of the transfer of a permit, licence or pipeline licence—by instrument in writing served on the transferor—

(i) inform the transferor that he is prepared to approve the application and that the transferee will be required to lodge a security for compliance with the conditions to which the permit, licence or pipeline licence is from time to time subject and with the provisions of this Part and of the regulations ;

or

(ii) refuse the application ;

and

(*b*) in the case of the transfer of an access authority—

(i) approve the application ;

or

(ii) by instrument in writing served on the transferor, refuse the application.

(7) Where—

(*a*) the Designated Authority has, under the last preceding subsection, informed the transferor that the transferee will be required to lodge a security ;

and

(*b*) the transferee has lodged that security with the Designated Authority,

the Designated Authority shall approve the application.

(8) Where, in the case of the transfer of a licence, the Designated Authority is prepared to approve the application and is of the opinion that the transferee should not be required to lodge a security as mentioned in subsection (6) of this section, the last two preceding subsections do not apply to or in relation to the transfer and the Designated Authority may, subject to subsection (5) of this section, approve the application.

(9) If the Designated Authority approves the application, he shall forthwith endorse on the instrument of transfer and on the copy a memorandum of approval and, on payment of the fee provided by section 92 of this Act, enter in the Register a memorandum of the transfer and the name of the transferee.

(10) The transfer shall be deemed to be registered as soon as a memorandum of the transfer and the name of the transferee has, under the last preceding subsection, been entered in the Register and, upon that memorandum being so entered, the transferee becomes the registered holder of the permit, licence, pipeline licence or access authority to which the instrument of transfer relates.

(11) The copy of the instrument of transfer endorsed with the memorandum of approval shall be retained by the Designated Authority and is subject to inspection in accordance with this Division.

(12) The instrument of transfer endorsed with the memorandum of approval shall be returned to the person who lodged the application.

Entries in Register on devolution of title.

79. (1) A person upon whom the rights of a registered holder of a permit, licence, pipeline licence or access authority have devolved by operation of law may apply in writing to the Designated Authority to have his name entered in the Register as the holder of the permit, licence, pipeline licence or access authority.

(2) The Designated Authority shall, if he is satisfied that the rights of the holder have devolved upon the applicant by operation of law and on payment of a fee of Ten dollars, enter the name of the applicant in the Register as the holder of the permit, licence, pipeline licence or access authority and, upon that entry being so made, the applicant becomes the registered holder of the permit, licence, pipeline licence or access authority.

Interests not to be created, etc., except by instruments in writing.

80. A legal or equitable interest in or affecting an existing or future permit, licence, pipeline licence or access authority is not capable of being created, assigned, affected or dealt with, whether directly or indirectly, except by an instrument in writing.

Approval of instruments creating, etc., interests.

81. (1) This section applies to an instrument by which a legal or equitable interest in or affecting an existing or future permit, licence, pipeline licence or access authority is or may be created, assigned, affected or dealt with, whether directly or indirectly, not being an instrument of transfer to which section 78 of this Act applies.

(2) An instrument to which this section applies is of no force until—

(*a*) the instrument has been approved by the Designated Authority;

and

(*b*) an entry has been made in the Register by the Designated Authority in accordance with subsection (7) of this section.

(3) A party to an instrument to which this section applies, or a person having an interest in or in relation to a permit, licence, pipeline licence or access authority by reason of such an instrument, may lodge with the Designated Authority an application for approval of the instrument.

(4) The application shall be accompanied by the instrument and by a copy of the instrument.

(5) On receipt of the application, the Designated Authority shall enter a memorandum in the Register of the date on which the application was lodged with him and may make such other notation in the Register as he deems appropriate.

(6) The Designated Authority may approve or refuse the application.

(7) If the Designated Authority approves the application, he shall forthwith endorse on the original instrument and on the copy a memorandum of approval and, on payment of the fee provided by section 92 of this Act, make an entry of the approval of the instrument in the Register on the memorial relating to, or on the copy of, the permit, licence, pipeline licence or access authority to which the instrument relates.

(8) The copy of the instrument endorsed with the memorandum of approval shall be retained by the Designated Authority and is subject to inspection in accordance with this Division.

(9) The original instrument endorsed with the memorandum of approval shall be returned to the person who lodged the application for approval.

(10) If the Designated Authority refuses the application, he shall make a notation of the refusal in the Register.

True consideration to be shown.

82. (1) A party to a transfer referred to in section 78 of this Act or to an instrument to which the last preceding section applies shall not, with intent to defraud, execute the transfer or instrument if the transfer or instrument does not fully and truly set forth the true consideration for the transfer or instrument and all other facts and circumstances, if any, affecting the amount of the fee payable in respect of the transfer or instrument.

Penalty: Two thousand dollars.

(2) Where a person is convicted of an offence against the last preceding subsection, the Designated Authority may make a fresh determination of the amount of the fee payable under section 92 of this Act in respect of the memorandum relating to the transfer or instrument.

(3) Subsections (2) and (3) of section 91 of this Act apply in relation to a determination under the last preceding subsection as they apply in relation to a determination under subsection (1) of that section.

Designated Authority not concerned with certain matters.

83. Neither the Designated Authority nor a person acting under his direction or authority is concerned with the effect in law of any instrument lodged with him in pursuance of this Division nor does the approval of such an instrument give to it any force, effect or validity that it would not have had if this Division had not been enacted.

Power of Designated Authority to require information as to proposed dealings.

84. (1) The Designated Authority may require the person lodging an instrument for approval under this Division to furnish to him in writing such information concerning the instrument, or the transaction to which the instrument relates, as the Designated Authority considers necessary or advisable.

(2) A person who is so required to furnish information shall not furnish information that is false or misleading in a material particular.

Penalty: One thousand dollars.

Production and inspection of documents.

85. (1) The Designated Authority may require any person to produce to him or to make available for inspection by him any documents in the possession or under the control of that person and relating to an instrument lodged with the Designated Authority for approval under this Division or to the transaction to which such an instrument relates.

(2) A person shall not fail or refuse to comply with a requirement given to him under the last preceding subsection.

Penalty: One thousand dollars.

Inspection of Register and documents.

86. (1) Subject to the next succeeding subsection the Register and all instruments registered or subject to inspection, under this Division, shall at all convenient times be open for inspection by any person upon payment of a fee of Two dollars.

(2) The Designated Authority may refuse to allow a memorial or a copy of a permit, licence, pipeline licence or access authority to be inspected without the written consent of the registered holder.

Evidentiary provisions.

87. (1) The Register shall be received by all courts as evidence of all matters required or authorized by this Division to be entered in the Register.

(2) The Designated Authority may, on payment of a fee calculated at the rate of Fifty cents per page, supply copies of or extracts from the Register or of or from any instrument lodged with him under this Division, certified by writing under his hand, and such a copy or extract so certified is admissible in evidence in all courts and proceedings without further proof or production of the original.

(3) The Designated Authority may, on payment of a fee of Five dollars, by instrument in writing under his hand, certify that an entry, matter or thing required or permitted by or under this Division to be made or done or not to be made or done has or has not, as the case may be, been made or done and such a certificate is evidence in all courts and proceedings of the statements contained in the certificate.

Appeals.

88. (1) The Supreme Court may, on the application of a person aggrieved by—

(*a*) the mission of an entry from the Register ;

(*b*) an entry made in the Register without sufficient cause ;

(*c*) an entry wrongly existing in the Register ;

or

(*d*) an error or defect in an entry in the Register,

make such order as it thinks fit directing the rectification of the Register.

(2) The Supreme Court may, in proceedings under this section, decide any question that it is necessary or expedient to decide in connection with the rectification of the Register.

(3) Notice of an application under this section shall be given to the Designated Authority, who may appear and be heard and shall appear if so directed by the Supreme Court.

(4) An office copy of an order made by the Supreme Court may be served on the Designated Authority, and the Designated Authority shall, upon receipt of the order, rectify the Register accordingly.

Designated Authority not liable to certain actions.

89. Subject to the last preceding section, neither the Designated Authority or a person acting under his direction or authority is liable to an action, suit or proceeding for or in respect of an act or matter in good faith done or omitted to be done in exercise or purported exercise of any power or authority conferred by this Division.

Offences.

90. Any person who wilfully—

(*a*) makes, causes to be made or concurs in making a false entry in the Register ;

or

(*b*) produces or tenders in evidence a document falsely purporting to be a copy of or extract from an entry in the Register or of or from an instrument lodged with the Designated Authority under this Division,

is guilty of a misdemeanour.

Penalty : Imprisonment for two years.

Assessment of fee.

91. (1) The Designated Authority may determine the amount of the fee payable under section 92 of this Act in respect of any memorandum.

(2) A person dissatisfied with a determination of the Designated Authority under the last preceding subsection may appeal to the Supreme Court against the determination.

(3) Upon the hearing of the appeal, the Supreme Court may affirm, reverse or modify the determination of the Designated Authority.

Imposition of Registration fees.

92. (1) There is payable to the Designated Authority, in respect of—

(*a*) a memorandum of transfer entered in the Register under section 78 of this Act;

or

(*b*) a memorandum of approval of an instrument entered in the Register under section 81 of this Act,

a fee at the rate of one and one-half per centum of—

(*c*) the value of the consideration for the transfer, or for the instrument by which the interest was created, assigned, affected or dealt with, respectively;

or

(*d*) the value of the permit, licence or pipeline licence transferred, or of the interest created, assigned, affected or dealt with by the instrument, respectively,

whichever is the greater.

(2) Where, but for this subsection, the amount of the fee imposed by the last preceding subsection in respect of any memorandum would be less than Five dollars, the amount of the fee imposed in respect of that memorandum is Five dollars.

(3) For the purpose of calculating the fee payable under subsection (1) of this section in respect of a memorandum of transfer of a permit or a memorandum of approval of an instrument by which an interest in a permit was created, assigned, affected or dealt with, the value, as determined by the Designated Authority, of any approved exploration works to be carried out in pursuance of the agreement for the transfer or in pursuance of the instrument, as the case may be, shall be deducted—

(*a*) where the fee is to be calculated in accordance with paragraph (*c*) of subsection (1) of this section—from the value referred to in that paragraph;

and

(*b*) where the fee is to be calculated in accordance with paragraph (*d*) of subsection (1) of this section—from the value referred to in that paragraph.

(4) Where—

(*a*) the transfer of a permit or licence or an instrument by which an interest in a permit or licence was created, assigned, affected or dealt with was entered into for the purpose of giving effect to a prior agreement;

and

(*b*) a party to the transfer or the instrument is the holder of a certificate in respect of the transfer or instrument under paragraph (*a*) of subsection (6) of this section,

no fee is payable under subsection (1) or (2) of this section in respect of the memorandum of that transfer or the memorandum of approval of that instrument, as the case may be, but there is payable in respect of the memorandum of that transfer or the memorandum of approval of that instrument a fee of One thousand dollars.

(5) Where—

(*a*) the parties to the transfer of a permit, licence or pipeline licence or an instrument by which an interest in a permit, licence or pipeline licence was created, assigned, affected or dealt with are corporations which, by virtue of the Companies Act, 1962, as amended by subsequent Acts, are deemed to be related to each other;

and

(*b*) any of those parties is the holder of a certificate in respect of the transfer or instrument under paragraph (*b*) of subsection (6) of this section,

no fee is payable under subsection (1) or (2) of this section in respect of the memorandum of that transfer or the memorandum of approval of that instrument, as the case may be, but there is payable in respect of the memorandum of that transfer or the memorandum of approval of that instrument a fee of One thousand dollars.

(6) Where the Designated Authority is satisfied—

(*a*) that a prior agreement referred to in subsection (3) of this section was not entered into, or is not proposed to be entered into, substantially for the purpose of avoiding or reducing the registration fees that would, but for the issue of a certificate under this paragraph, be payable under subsection (1) or (2) of this section in respect of a memorandum

of transfer or a memorandum of approval of an instrument (being a transfer or instrument entered into or to be entered into for the purpose of giving effect to the prior agreement), the Designated Authority may, on an application in writing made to him at any time by a person who is or proposes to be a party to the prior agreement, grant a certificate that the Designated Authority is so satisfied;

or

(*b*) that a transfer or instrument referred to in subsection (5) of this section—

(i) was or is proposed to be entered into solely for the purpose of the reorganization or the better administration of the related corporations or any of them;

and

(ii) was not entered into, or is not proposed to be entered into, substantially for the purpose of avoiding or reducing the registration fees that would, but for the issue of a certificate under this paragraph, be payable under subsection (1) or (2) of this section,

the Designated Authority may, on an application in writing made to him at any time by any of those related corporations, grant a certificate that the Designated Authority is so satisfied.

(7) Duty under the Stamp Duties Act, 1923-1966 is not chargeable on any transfer or other instrument so far as it relates to a permit, licence, pipeline licence or access authority.

DIVISION VI.—GENERAL.

DIVISION VI.

Form of permit, etc.

93. A permit, a licence, a pipeline licence, a special prospecting authority and an access authority shall be in accordance with such forms as the Designated Authority determines.

Notice of grants of permits, etc., to be published.

94. The Designated Authority shall cause such particulars as he thinks fit of—

(*a*) the grant, and the grant of the renewal, of a permit, licence or pipeline licence;

(*b*) the variation of a licence or pipeline licence;

(*c*) the surrender or cancellation of a permit or licence as to all or some of the blocks in the permit area or licence area;

(*d*) the determination of a permit as to a block or blocks ;

(*e*) an application for a pipeline licence or for the renewal or variation of a pipeline licence ;

(*f*) the surrender or cancellation of a pipeline licence as to the whole or a part of the pipeline ;

and

(*g*) the expiry of a permit, licence or pipeline licence,

to be published in the *Gazette*.

Date of effect of permits, etc.

95. (1) A permit, licence or pipeline licence has effect from and including the day specified for the purpose in the permit, licence or pipeline licence.

(2) The surrender or cancellation of a permit or licence as to all or some of the blocks in the permit area or licence area has effect from and including the day on which notice of the surrender or cancellation is published in the *Gazette*.

(3) The surrender or cancellation of a pipeline licence as to the whole or a part of the pipeline has effect from and including the day on which notice of the surrender or cancellation is published in the *Gazette*.

(4) A variation of a licence or pipeline licence has effect from and including the day on which notice of the variation is published in the *Gazette*.

Commencement of works.

96. (1) Where a permit, licence or pipeline licence is granted subject to a condition that works or operations specified in the permit, licence or pipeline licence are to be carried out, the permittee, licensee or pipeline licensee, as the case may be, shall commence to carry out those works or operations within a period of six months after the day on which the permit, licence or pipeline licence, as the case may be, has effect.

(2) The Designated Authority may, for reasons that he thinks sufficient, by instrument in writing served on a permittee, licensee or pipeline licensee—

(*a*) exempt him from compliance with the requirements of the last preceding subsection ;

and

(*b*) direct him to commence to carry out the works or operations specified in the permit, licence or pipeline licence, as the case may be, within such period after the day on which the permit, licence or pipeline licence, as the case may be, has effect as is specified in the instrument.

(3) A person to whom a direction is given under the last preceding subsection shall comply with the direction.

Penalty : Two thousand dollars.

97. (1) A permittee or licensee shall carry out all petroleum exploration operations and operations for the recovery of petroleum in the permit area or licence area in a proper and workmanlike manner and in accordance with good oil-field practice and shall secure the safety, health and welfare of persons engaged in those operations in or about the permit area or licence area.

(2) In particular, and without limiting the generality of the last preceding subsection, a permittee or licensee shall—

(*a*) control the flow and prevent the waste or escape in the permit area or licence area of petroleum or water ;

(*b*) prevent the escape in the permit area or licence area of any mixture of water or drilling fluid with petroleum or any other matter ;

(*c*) prevent damage to petroleum-bearing strata in an area, whether in the adjacent area or not, in respect of which the permit or licence is not in force ;

(*d*) keep separate—

(i) each petroleum pool discovered in the permit area or licence area ;

and

(ii) such of the sources of water, if any, discovered in that area as the Designated Authority, by instrument in writing served on that person, directs ;

and

(*e*) prevent water or any other matter entering any petroleum pool through wells in the permit area or licence area except when required by, and in accordance with, good oil-field practice.

(3) A pipeline licensee shall operate the pipeline in a proper and workmanlike manner and shall secure the safety, health and welfare of persons engaged in operations in connection with the pipeline.

(4) In particular and without limiting the generality of the last preceding subsection, a pipeline licensee shall prevent the waste or escape of petroleum or water from the pipeline or from any secondary line, pumping station, tank station valve station or water line.

(5) A person who is the holder of a special prospecting authority or an access authority shall carry out all petroleum exploration operations in the area in respect of which the special prospecting authority or access authority is in force in a proper and workmanlike manner and in accordance with good oil-field practice and shall secure the safety, health and welfare of persons engaged in those operations in or about that area.

(6) It is a defence if a person charged with failing to comply with a provision of this section, or a defendant in an action arising out of a failure by the defendant to comply with a provision of this section, proves that he took all reasonable steps to comply with that provision.

Penalty : Two thousand dollars.

Maintenance etc., of property.

98. (1) In this section—

"operator" means a permittee, licensee, pipeline licensee or holder of a special prospecting authority or access authority ;

"the operations area"—

(*a*) in relation to an operator who is a permittee or licensee—means the permit area or licence area as the case may be ;

(*b*) in relation to an operator who is a pipeline licensee—means the part of the adjacent area in which the pipeline is constructed ;

and

(*c*) in relation to an operator who is the holder of a special prospecting authority or access authority—means the area in respect of which that authority is in force.

(2) An operator shall maintain in good condition and repair all structures equipment and other property in the operations area and used in connection with the operations in which he is engaged.

(3) An operator shall remove from the operations area all structures, equipment and other property that are not either used or to be used in connection with the operations in which he is engaged.

(4) The last two preceding subsections do not apply in relation to any structure, equipment or other property that was not brought into the operations area by or with the authority of the operator.

Penalty : Two thousand dollars.

Sections 97 and 98 to have effect subject to this Act, etc.

99. The last two preceding sections have effect subject to—

(*a*) any other provision of this Act ;

(*b*) the regulations ;

(*c*) a direction under section 101 of this Act ;

and

(*d*) any other law.

Drilling near boundaries.

100. (1) A permittee or licensee shall not make a well any part of which is less than one thousand feet from a boundary of the permit area or licence area, as the case may be, except with the consent in writing of the Designated Authority and in accordance with such conditions if any, as are specified in the instrument of consent.

(2) Where a permittee or licensee does not comply with the last preceding subsection, the Designated Authority may, by instrument in writing served on the permittee or licensee, as the case may be, direct him to do one or more of the following, within the period specified in the instrument :—

(*a*) to plug the well ;

(*b*) to close off the well ;

and

(*c*) to comply with such directions relating to the making or maintenance of the well as are specified in the instrument.

(3) A person to whom a direction is given under the last preceding subsection shall comply with the direction.

Penalty : Two thousand dollars for each day on which the offence occurs.

Directions.

101. (1) The Designated Authority may, by instrument in writing served on a person, being a permittee, licensee, pipeline licensee or the holder of a special prospecting authority or access authority, give to that person a direction as to any matter with respect to which regulations may be made under section 155 of this Act.

(2) A direction under the last preceding subsection has effect and shall be complied with notwithstanding anything in the regulations and, to the extent to which the regulations are inconsistent with the direction, the person to whom the direction is given is not obliged to comply with the regulations.

(3) Nothing in the last two preceding subsections authorizes the making of an instrument giving a direction inconsistent with the applied provisions.

(4) A person to whom a direction is given under subsection (1) of this section shall comply with the direction.

Penalty : Two thousand dollars for each day on which the offence occurs.

Compliance with directions.

102. (1) Where a person does not comply with a direction given to him under this Part or under the regulations, the Designated Authority may do all or any of the things required by the direction to be done.

(2) Costs and expenses incurred by the Designated Authority under the last preceding subsection in relation to a direction are a debt due to the State by the person to whom the direction was given and are recoverable in a court of competent jurisdiction.

(3) It is a defence if a person charged with failing to comply with a direction given to him under this Part or under the regulations or a defendant in an action under the last preceding subsection proves that he took all reasonable steps to comply with the direction.

Exemption.

103. (1) Where—

(*a*) a permit, licence or pipeline licence is, under this Part, to be deemed to continue in force until the Designated Authority grants, or refuses to grant, the renewal of the permit, licence or pipeline licence ;

(*b*) a licence is varied under section 45 of this Act ;

(*c*) a licensee enters into an agreement under section 59 of this Act, or a direction is given to a licensee under that section ;

(*d*) a permit or licence is partly cancelled, partly determined or surrendered as to one or more but not all of the blocks in respect of which it is in force ;

(*e*) a pipeline licence is varied under section 71 or 72 of this Act ;

(*f*) a direction is given to a pipeline licensee under section 73 of this Act ;

(*g*) a pipeline licence is partly cancelled ;

(*h*) a permittee or licensee consents to the making of a determination under section 140 of this Act ;

(*i*) an access authority is granted in respect of a block the subject of a permit or licence, or an access authority as in force in respect of such a block is varied ;

(*j*) a permittee, licensee, pipeline licensee or the holder of a special prospecting authority or access authority applies, by instrument in writing served on the Designated Authority—

(i) for a variation or suspension of ;

or

(ii) for exemption from compliance with, any of the conditions to which the permit, licence, pipeline licence, special prospecting authority or access authority is subject ;

or

(*k*) the Designated Authority under this Part or the regulations gives a direction or consent to a permittee, licensee, pipeline licensee or the holder of a special prospecting authority or access authority,

the Designated Authority may, at any time, by instrument in writing served on the permittee, licensee, pipeline licensee or the holder of the special prospecting authority or access authority—

(*l*) vary or suspend ;

or

(*m*) exempt the permittee, licensee, pipeline licensee or the holder of the special prospecting authority or access authority from compliance with,

any of the conditions to which the permit, licence, pipeline licence, special prospecting authority or access authority is subject, upon such conditions (if any) as the Designated Authority determines and specifies in the instrument.

(2) The last preceding subsection does not authorize the making of an instrument to the extent—

(*a*) that it would affect—

(i) a condition of a permit or licence included in the permit or licence in compliance with Division 8 of this Act ;

or

(ii) the term of a permit, licence or pipeline licence ;

or

(*b*) that it would be inconsistent with the applied provisions.

Surrender of permits, etc.

104. (1) The registered holder of an instrument, being a permit, licence or pipeline licence, may, at any time, by application in writing served on the Designated Authority, apply for consent to surrender the instrument—

(*a*) in the case of a permit or licence—as to all or some of the blocks in respect of which it is in force ;

or

(*b*) in the case of a pipeline licence—as to the whole or a part of the pipeline in respect of which it is in force.

(2) Subject to the next succeeding subsection, the Designated Authority shall not give his consent to a surrender of an instrument under the last preceding subsection unless the registered holder—

(*a*) has paid all fees and amounts payable by him under this Act, or has made arrangements that are satisfactory to the Designated Authority for the payment of those fees and amounts;

(*b*) has complied with the conditions to which the instrument is subject and with the provisions of this Part and of the regulations;

(*c*) has, to the satisfaction of the Designated Authority, removed or caused to be removed from the area to which the surrender relates all property brought into that area by any person engaged or concerned in the operations authorized by the instrument, or has made arrangements that are satisfactory to the Designated Authority with respect to that property;

(*d*) has, to the satisfaction of the Designated Authority, plugged or closed off all wells made in that area by any person engaged or concerned in the operations authorized by the instrument;

(*e*) subject to this Part and to the regulations, has made provision, to the satisfaction of the Designated Authority, for the conservation and protection of the natural resources in that area;

and

(*f*) has, to the satisfaction of the Designated Authority, made good any damage to the sea-bed or subsoil in that area caused by any person engaged or concerned in the operations authorized by the instrument.

(3) Where the registered holder of an instrument, being a permit, licence or pipeline licence, has not complied with the conditions to which the instrument is subject and with the provisions of this Part and of the regulations, the Designated Authority may give his consent to a surrender of the instrument under subsection (1) of this section if he is satisfied that, although the registered holder has not so complied, special circumstances exist that justify the giving of consent to the surrender.

(4) Where the Designated Authority consents to an application under subsection (1) of this section, the applicant may, by instrument in writing served on the Designated Authority, surrender the instrument accordingly.

(5) In this section, "the area to which the surrender relates" means—

(*a*) in relation to a surrender of a permit or licence—the area constituted by the blocks as to which the permit or licence is proposed to be surrendered;

and

(*b*) in relation to a surrender of a pipeline licence—the part of the adjacent area in which the pipeline, or the part of the pipeline, as to which the pipeline licence is proposed to be surrendered is constructed.

Cancellation of permits, etc.

105. (1) Where a permittee, licensee or pipeline licensee—

(*a*) has not complied with a condition to which the permit, licence or pipeline licence is subject;

(*b*) has not complied with a direction given to him under this Part by the Designated Authority;

(*c*) has not complied with a provision of this Part or of the regulations;

or

(*d*) has not paid any amount payable by him under this Act, within a period of three months after the day on which the amount became payable,

the Designated Authority may, on that ground, by instrument in writing served on the permittee, licensee or pipeline licensee, as the case may be—

(*e*) in the case of a permit or licence—cancel the permit or licence as to all or some of the blocks in respect of which it is in force;

or

(*f*) in the case of a pipeline licence—cancel the pipeline licence as to the whole or a part of the pipeline in respect of which it is in force.

(2) The Designated Authority shall not, under the last preceding subsection, cancel a permit, licence or pipeline licence as to all or some of the blocks, or as to the whole or a part of the pipeline, in respect of which it is in force on a ground referred to in that subsection unless—

(*a*) he has, by instrument in writing served on the permittee, licensee or pipeline licensee, as the case may be, given not less than one month's notice of his intention so to cancel the permit, licence or pipeline licence on that ground;

(*b*) he has served a copy of the instrument on such other persons, if any, as he thinks fit;

(*c*) he has, in the instrument, specified a date on or before which the permittee, licensee or pipeline licensee or a person on whom a copy of the instrument is served may, by instrument in writing served on the Designated Authority, submit any matters that he wishes the Designated Authority to consider;

and

(*d*) he has taken into account—

(i) any action taken by the permittee, licensee or pipeline licensee, as the case may be, to remove that ground or to prevent the recurrence of similar grounds ;

and

(ii) any matters so submitted to him on or before the specified date by the permittee, licensee or pipeline licensee or by a person on whom a copy of the first-mentioned instrument has been served.

Cancellation of permit, etc., not affected by other provisions.

106. (1) A permit, licence or pipeline licence may be wholly cancelled or partly cancelled on the ground that the registered holder of the permit, licence or pipeline licence has not complied with a provision of this Part or of the regulations notwithstanding that he has been convicted of an offence by reason of his failure to comply with the provision.

(2) A person who was the registered holder of a permit, licence or pipeline licence that has been wholly cancelled, or is the registered holder of a permit, licence or pipeline licence that has been partly cancelled, on the ground that he has not complied with a provision of this Part or of the regulations may be convicted of an offence by reason of his failure to comply with the provision notwithstanding that the permit, licence or pipeline licence has been so cancelled.

(3) A permit, licence or pipeline licence may be wholly cancelled or partly cancelled on the ground that the registered holder of the permit, licence or pipeline licence has not paid an amount payable by him under this Act, within a period of three months after the day on which the amount became payable notwithstanding that judgment for the amount has been obtained or that the amount, or any part of the amount, has been paid or recovered.

(4) A person who was the registered holder of a permit, licence or pipeline licence that has been wholly cancelled, or is the registered holder of a permit, licence or pipeline licence that has been partly cancelled, on the ground that he has not paid an amount payable by him under this Act, within a period of three months after the day on which the amount became payable continues to be liable to pay that amount, together with any additional amount payable by reason of late payment of that amount, notwithstanding that the permit, licence or pipeline licence has been so cancelled.

Removal of property, etc. by permittee, etc.

107. (1) Where a permit, licence or pipeline licence is wholly determined, has been wholly cancelled, partly determined or partly cancelled, or has expired, the Designated Authority may, by instrument in writing served on the person who was, or is, as the case may be, the permittee, licensee or pipeline licensee, direct that person to do any one or more of the following things :—

(*a*) to remove or cause to be removed from the relinquished area all property brought into that area by any person engaged or concerned in the operations authorized by the permit, licence or pipeline licence or to make arrangements that are satisfactory to the Designated Authority with respect to that property ;

(*b*) to plug or close off, to the satisfaction of the Designated Authority all wells made in that area by any person engaged or concerned in those operations ;

(*c*) subject to this Part and to the regulations, to make provision, to the satisfaction of the Designated Authority, for the conservation and protection of the natural resources in that area ;

and

(*d*) to make good, to the satisfaction of the Designated Authority, any damage to the sea-bed or subsoil in that area caused by any person engaged or concerned in those operations.

(2) The Designated Authority may, by instrument in writing served on a permittee, licensee or pipeline licensee, direct him to do any one or more of the following things :—

(*a*) to remove or cause to be removed from the permit area, licence area or part of the adjacent area in which the pipeline is constructed, as the case may be, all property brought into that area or part by any person engaged or concerned in the operations authorized by the permit, licence or pipeline licence or to make arrangements that are satisfactory to the Designated Authority with respect to that property ;

(*b*) to plug or close off, to the satisfaction of the Designated Authority, all wells made in that area or part by any person engaged or concerned in those operations ;

(*c*) subject to this Part and to the regulations, to make provision, to the satisfaction of the Designated Authority for the conservation and protection of the natural resources in that area or part ; and

(*d*) to make good to the satisfaction of the Designated Authority, any damage to the sea-bed or subsoil in that area or part caused by any person engaged or concerned in those operations.

(3) A person to whom a direction is given under either of the last two preceding subsections shall comply with the direction—

(*a*) in the case of a direction given under subsection (1) of this section—within the period specified in the instrument by which the direction was given;

or

(*b*) in the case of a direction given under the last preceding subsection—on or before the date of expiration of the permit, licence or pipeline licence concerned.

Penalty: Two thousand dollars.

Removal of property, etc. by Designated Authority.

108. Where a permit, licence or pipeline licence has been wholly determined, partly determined, wholly cancelled or partly cancelled, or has expired, and a direction under the last preceding section has not been complied with, or an arrangement under that section has not been carried out, in relation to the relinquished area—

(*a*) the Designated Authority may do all or any of the things required by the direction or arrangement to be done;

and

(*b*) if any property brought into that area by any person engaged or concerned in the operations authorized by the permit, licence or piepline licence has not been removed in accordance with the direction or arrangement, the Designated Authority may, by instrument published in the *Gazette*, direct that the owner or owners of that property shall remove it from that area, or dispose of it to the satisfaction of the Designated Authority, within the period specified in the instrument and shall serve a copy of the instrument on each person whom he believes to be an owner of that property or any part of that property.

Payment by instalments.

109. (1) The Designated Authority and a person who may request, or has requested, that a permit under section 27 of this Act, or a licence under section 50 of this Act, be granted to him may enter into an agreement in writing for or in relation to the payment, by instalments, of the amount to be paid in respect of the grant of the permit or licence, together with interest at the specified rate on so much of that amount as from time to time remains unpaid.

(2) For the purposes of the last preceding subsection, the specified rate is six per centum per annum or, if a lower rate is prescribed, that lower rate.

(3) The period specified in an agreement under this section as the period within which an amount payable by instalments is to be paid shall not be greater than twenty-one years.

(4) Where a person enters into an agreement under this section for or in relation to the payment of an amount in respect of the grant of a permit or licence, any instalment or interest that is due under the agreement and has not been paid is payable by the registered holder of the permit or licence, as the case may be.

Penalty for late payments of instalments, etc.

110. (1) Where the liability of a person under the last preceding section to pay an amount, being an instalment or any interest, is not discharged at or before the time when the amount is payable, there is payable by that person an additional amount calculated at the rate of one-third of one per centum per day upon so much of the first-mentioned amount as from time to time remains unpaid, to be computed from the time when the first-mentioned amount became payable until it is paid.

(2) The Designated Authority may, in a particular case, for reasons that he thinks sufficient, remit the whole or part of an amount payable under this section.

Special prospecting authorities.

111. (1) Where—

(*a*) applications have been invited under section 23 of this Act for the grant of a permit in respect of a block or blocks;

or

(*b*) applications have been invited under section 47 of this Act for the grant of a licence in respect of a block or blocks;

a person may make an application to the Designated Authority for the grant of a special prospecting authority in respect of that block or any of those blocks.

(2) An application under this section—

(*a*) shall be in accordance with an approved form;

(*b*) shall be made in an approved manner;

and

(*c*) shall specify the operations that the applicant proposes to carry on and the block or blocks in respect of which the applicant proposes to carry on those operations.

(3) The Designated Authority—

(*a*) may grant to the applicant a special prospecting authority subject to such conditions as the Designated Authority thinks fit and specifies in the authority;

or

(*b*) may refuse to grant the application.

(4) A special prospecting authority, while it remains in force, authorizes the holder, subject to this Act and the regulations and in accordance with the conditions to which the special prospecting authority is subject, to carry on in the blocks specified in the special prospecting authority the petroleum exploration operations so specified.

(5) Nothing in a special prospecting authority authorizes the holder to make a well.

(6) A special prospecting authority has effect from and including the day specified for the purpose in the authority and, unless surrendered or cancelled, remains in force for such period, not exceeding six months, as is so specified.

(7) A special prospecting authority—

(*a*) may be surrendered by the holder at any time by instrument in writing served on the Designated Authority ;

and

(*b*) may, if the holder has not complied with a condition to which the authority is subject, be cancelled by the Designated Authority by instrument in writing served on the holder.

(8) Where a special prospecting authority has been surrendered or cancelled, or has expired, the Designated Authority may, by instrument in writing served on the person who was the holder of the special prospecting authority, direct that person to do any one or more of the following things :—

(*a*) to remove or cause to be removed from the relinquished area all property brought into that area by any person engaged or concerned in the operations authorized by the special prospecting authority or to make arrangements that are satisfactory to the Designated Authority with respect to that property ;

(*b*) subject to this Part and to the regulations, to make provision, to the satisfaction of the Designated Authority, for the conservation and protection of the natural resources in that area ;

and

(*c*) to make good, to the satisfaction of the Designated Authority, any damage to the sea-bed or subsoil in that area caused by any person engaged or concerned in those operations.

(9) A person to whom a direction is given under the last preceding subsection shall comply with the direction.

(10) Section 108 of this Act applies to and in relation to a special prospecting authority as if—

(*a*) a reference in that section to a permit were a reference to a special prospecting authority;

and

(*b*) a reference in that section to an arrangement under section 107 of this Act were a reference to an arrangement under subsection (8) of this section.

Penalty: Two thousand dollars.

Access authorities.

112. (1) A permittee or licensee may make an application to the Designated Authority for the grant of an access authority to enable him to carry on petroleum exploration operations in an area, being part of the adjacent area, that is not part of the permit area or licence area.

(2) An application under this section—

(*a*) shall be in accordance with an approved form;

(*b*) shall be made in an approved manner;

(*c*) shall specify the petroleum exploration operations that the applicant proposes to carry on and the area in which the applicant proposes to carry on those operations;

and

(*d*) may set out any other matters that the applicant wishes the Designated Authority to consider.

(3) The Designated Authority may—

(*a*) if he is satisfied that it is necessary or desirable to do so for the more effective exercise of the rights, or for the proper performance of the duties, of a permittee or licensee who has made an application under this section, grant to him an access authority subject to such conditions as the Designated Authority thinks fit and specifies in the access authority;

and

(*b*) at any time, by instrument in writing served on the registered holder of an access authority so granted, vary the access authority.

(4) The Designated Authority shall not grant an access authority on an application under this section in respect of a block that is the subject of a permit or licence of which the registered holder is a person other than the applicant, or vary an access authority as in force in respect of a block that is the subject of a permit or licence of which the registered holder is a person other than the registered holder of the access authority, unless—

(*a*) he has, by instrument in writing served on that person, given not less than one month's notice of his intention to grant, or vary, as the case may be, the access authority;

(*b*) he has served a copy of the instrument—

(i) on such other persons, if any, as he thinks fit;

and

(ii) in a case where he intends to vary an access authority—on the registered holder of the access authority;

(*c*) he has, in the instrument—

(i) given particulars of the access authority proposed to be granted, or of the variation proposed to be made, as the case may be;

and

(ii) specified a date on or before which a person on whom the instrument, or a copy of the instrument, is served may, by instrument in writing served on the Designated Authority, submit any matters that he wishes the Designated Authority to consider;

and

(*d*) he has taken into account any matters so submitted to him on or before the specified date by a person on whom the first-mentioned instrument, or a copy of that instrument, has been served.

(5) An access authority, while it remains in force, authorizes the holder, subject to this Act and the regulations and in accordance with the conditions to which the access authority is subject, to carry on, in the area specified in the access authority, the petroleum exploration operations so specified.

(6) Nothing in an access authority authorizes the holder to make a well.

(7) An access authority has effect from and including the day specified for the purpose in the access authority and, unless surrendered or cancelled, remains in force for such period as is so specified.

(8) An access authority—

(*a*) may be surrendered by the holder at any time by instrument in writing served on the Designated Authority;

and

(*b*) may be cancelled by the Designated Authority at any time by instrument in writing served on the holder and on any person in whose permit area or licence area petroleum exploration operations may be carried on in pursuance of the access authority.

(9) Where an access authority has been surrendered or cancelled or has expired, the Designated Authority may, by instrument in writing served on the person who was the holder of the access authority, direct that person to do any one or more of the following things :—

(*a*) to remove or cause to be removed from the relinquished area all property brought into that area by any person engaged or concerned in the operations authorized by the access authority or to make arrangements that are satisfactory to the Designated Authority with respect to that property ;

(*b*) subject to this Part and to the regulations, to make provision, to the satisfaction of the Designated Authority, for the conservation and protection of the natural resources in that area ;

and

(*c*) to make good, to the satisfaction of the Designated Authority, any damage to the sea-bed or subsoil in that area caused by any person engaged or concerned in those operations.

(10) A person to whom a direction is given under the last preceding subsection shall comply with the direction.

(11) The holder of an access authority shall, if the access authority is in force in respect of an area that consists of, or includes, a block that is the subject of a permit or licence of which he is not the registered holder, furnish to the registered holder of that permit or licence, within twenty-eight days after the end of each month during which the access authority is in force in respect of that block, a full report, in writing, of the petroleum exploration operations carried on in that block during that month and of the facts ascertained from those operations.

(12) Section 108 of this Act applies to and in relation to an access authority as if—

(*a*) a reference in that section to a permit were a reference to an access authority ;

and

(*b*) a reference in that section to an arrangement under section 107 of this Act were a reference to an arrangement under the last preceding subsection.

Penalty : Two thousand dollars.

Sale of property.

113. (1) Where a direction under section 108 of this Act has not been complied with in relation to any property, the Designated Authority may do all or any of the following things :—

(*a*) remove, in such manner as he thinks fit, all or any of that property from the relinquished area concerned ;

(*b*) dispose of, in such manner as he thinks fit, all or any of that property ;

and

(*c*) if he has served a copy of the instrument by which the direction was given on a person whom he believed to be an owner of that property or part of that property, sell, by public auction or otherwise, as he thinks fit, all or any part of that property that belongs, or that he believes to belong, to that person.

(2) The Designated Authority may deduct from the proceeds of a sale under the last preceding subsection of property that belongs, or that he believes to belong, to a particular person—

(*a*) all or any part of any costs and expenses incurred by him under that subsection in relation to that property ;

(*b*) all or any part of any costs and expenses incurred by him in relation to the doing of any thing required by a direction under section 107, 111 or 112 of this Act, as the case may be, to be done by that person ;

and

(*c*) all or any part of any fees or amounts due and payable under this Act, or under any Act with which this Act is incorporated, by that person.

(3) Costs and expenses incurred by the Designated Authority under subsection (1) of this section—

(*a*) if incurred in relation to the removal, disposal or sale of property, are a debt due to the State by the owner of the property ;

or

(*b*) if incurred in relation to the doing of any thing required by a direction under section 107, 111 or 112 of this Act, as the case may be, to be done by a person who is or was a permittee, licensee, pipeline licensee or holder of a special prospecting authority or access authority, are a debt due to the State by that person,

and, to the extent to which they are not recovered under the last preceding subsection, are recoverable by the State in a court of competent jurisdiction.

(4) Subject to the last preceding subsection, no action lies in respect of the removal, disposal or sale of property under this section.

Securities.

114. (1) A security referred to in this Part—

(*a*) shall be—

(i) in the case of a security referred to in Division II of this Part—in the sum of Five thousand dollars;

(ii) in the case of a security referred to in Division III of this Part—in the sum of Fifty thousand dollars;

and

(iii) in the case of a security referred to in Division IV of this Part—in the sum of Twenty thousand dollars;

(*b*) shall be given in such manner and form as are approved;

and

(*c*) may, subject to that approval, be by cash deposit or such other method as the Designated Authority allows or partly by cash deposit and partly by such other method as the Designated Authority allows.

(2) A security given in accordance with a form approved by the Designated Authority although it is not sealed binds the person subscribing it as if it were sealed.

(3) Whenever a security under this Part is put in suit, the production of the security, without further proof, entitles the Designated Authority to judgment against the person appearing to have executed the security, for the amount of his stated liability or for such lesser amount as is claimed, unless that person proves compliance with the conditions of the security or that the security was not executed by him or release or satisfaction.

(4) If it appears to the court that a non-compliance with a condition of a security under this Part has occurred, the security shall not be deemed to have been discharged or invalidated, and the subscriber shall not be deemed to have been released or discharged from liability, by reason of—

(*a*) any extension of time or other concession;

(*b*) any consent to, or acquiescence in, a previous non-compliance with a condition;

or

(*c*) any failure to bring suit against the subscriber upon the occurrence of a previous non-compliance with the condition.

(5) If there are several subscribers to the security, they are bound, unless the security otherwise provides, jointly and severally and for the full amount.

Designated Authority, etc., may require information to be furnished, etc.

115. (1) Where the Designated Authority or an inspector has reason to believe that a person is capable of giving information or producing documents relating to petroleum exploration operations, operations for the recovery of petroleum or operations connected with the construction or operation of a pipeline in the adjacent area, he may, by instrument in writing served on that person, require that person—

(*a*) to furnish to him in writing, within the period and in the manner specified in the instrument, any such information;

or

(*b*) to attend before him or a person specified in the instrument, at such time and place as is so specified and there to answer questions relating to those operations and to produce such documents relating to those operations as are so specified.

(2) A person is not excused from furnishing information, answering a question or producing a document when required to do so under this section on the ground that the information so furnished, the answer to the question or the production of the document might tend to incriminate him or make him liable to a penalty, but the information so furnished or his answer to the question is not admissible in evidence against him in proceedings other than proceedings for an offence against section 117 of this Act.

Power to examine on oath.

116. (1) The Designated Authority or an inspector may administer an oath to a person required to attend before him in pursuance of the last preceding section and may examine that person on oath.

(2) Where a person attending before the Designated Authority or an inspector in pursuance of the last preceding section conscientiously objects to take an oath, he may make an affirmation that he conscientiously objects to take an oath and that he will state the truth, the whole truth and nothing but the truth to all questions asked him.

(3) An affirmation made under the last preceding subsection is of the same force and effect, and entails the same penalties, as an oath.

Failing to furnish information, etc.

117. A person shall not—

(*a*) refuse or fail to comply with a requirement in an instrument under section 115 of this Act to the extent to which he is capable of complying with it;

(*b*) in purported compliance with such a requirement, knowingly furnish information that is false or misleading in a material particular;

or

(*c*) when attending before the Designated Authority or an inspector in pursuance of such a requirement, knowingly make a statement or produce a document that is false or misleading in a material particular.

Penalty: Two thousand dollars.

118. (1) The Designated Authority may, at any time, make available to a Minister or to a Minister of State of the Commonwealth or of another State—

(*a*) any information contained in a report, return or other document relating to a block that has been furnished to the Designated Authority;

and

(*b*) any cores or cuttings from, or samples of, the sea-bed or subsoil in a block, or samples of petroleum recovered in a block, that have been furnished to the Designated Authority.

(2) The Designated Authority or a Minister may, at any time after the relevant day—

(*a*) make publicly known;

or

(*b*) on request by a person and, if the Designated Authority or that Minister so requires, on payment of a fee of Five dollars per day, make available to that person,

any information that has been furnished to the Designated Authority or has been made available to that Minister under the last preceding subsection, being information that relates to the sea-bed or subsoil, or to petroleum in a block, but not including any matter contained in a report, return or document that in the opinion of the Designated Authority or Minister, is a conclusion drawn, in whole or in part, from, or an opinion based, in whole or in part, on any such information.

(3) The Designated Authority or a Minister may, at any time after the relevant day—

(*a*) make publicly known any particulars of;

or

(*b*) on request by a person and, if the Designated Authority or that Minister so requires, on payment of a fee of Five dollars per day, permit that person to inspect,

any cores or cuttings from, or samples of, the sea-bed or subsoil in a block, or samples of petroleum recovered in a block, that have been furnished to the Designated Authority or have been made available to that Minister under subsection (1) of this section.

(4) For the purposes of the last two preceding subsections—

(*a*) where—

(i) a permit is in force in respect of the block;

and

(ii) the block is not a block that is, or is included in, a location,

the relevant day is the day on which the period of five years that commenced on the day on which the report, return, other document, core, cutting or sample was furnished to the Designated Authority expires;

(*b*) where—

(i) a licence is in force in respect of the block;

and

(ii) the block is not a block that is, or is included in, a location,

the relevant day is the day on which the period of twelve months that commenced on the day on which the report, return, other document, core, cutting or sample was furnished to the Designated Authority expires;

(*c*) where a permit or licence is not in force in respect of the block but—

(i) a permit or licence has been surrendered or determined as to the block;

(ii) at the time of the surrender or determination, the block was, or was included in, a location;

and

(iii) a notification in respect of the block has been published under subsection (2) of section 23, or under subsection (4) of section 47, of this Act,

the relevant day is the day on which the period of six months that commenced on the day on which the notification was published expires;

(*d*) where the report, return, other document, core, cutting or sample was furnished to the Designated Authority during the period during which a permit or licence was in force in respect of the block and—

(i) the block is not a block that is, or is included in, a location and the permit or licence is surrendered or cancelled as to the block;

(ii) the block is, or is included in, a location and the permit or licence is cancelled as to the block;

or

(iii) the permit or licence expires but is not renewed in respect of the block,

the relevant day is the day on which the permit or licence is so surrendered or cancelled or expires, as the case may be, whether another permit or licence is subsequently in force in respect of the block or not;

and

(*e*) where—

(i) the report, return, other document, core, cutting or sample was furnished to the Designated Authority during a period during which a permit or licence was not in force in respect of the block;

and

(ii) a permit or licence is not in force in respect of the block,

the relevant day is such day as the Designated Authority determines.

(5) Where—

(*a*) a report, return, other document, core, cutting or sample referred to in subsection (1) of this section was furnished to the Designated Authority—

(i) during or in respect of a period during which a permit or licence was in force in respect of the block;

or

(ii) during or in respect of a period during which a special prospecting authority or access authority was in force in respect of the block but during which a permit or licence was not in force in respect of the block ;

and

(*b*) the permittee, licensee or holder of the special prospecting authority or access authority or, if the permit, licence, special prospecting authority or access authority has ceased to be in force, the person who was the holder of the permit, licence, special prospecting authority or access authority—

(i) has made publicly known any information contained in the report, return or other document or has consented in writing to any of that information being made publicly known ;

or

(ii) has made publicly known any particulars of that core, cutting or sample or has consented in writing to any particulars of that core, cutting or sample being made publicly known or to that core, cutting or sample being made available for inspection,

the Designated Authority or a Minister to whom that information, core, cutting or sample has been made available under subsection (1) of this section may, at any time after that information has, or those particulars have, been made publicly known or after that consent has been given—

(*c*) make publicly known that information or, on request by any other person and, if the Designated Authority or that Minister so requires, on payment of a fee of Five dollars per day, make that information available to that other person ;

or

(*d*) make publicly known those particulars or, on request by any other person and, if the Designated Authority or that Minister so requires, on payment of a fee of Five dollars per day, permit that other person to inspect that core, cutting or sample,

as the case may be.

(6) Except as provided by the preceding provisions of this section or for the purposes of the administration of this Act and the regulations, the Designated Authority or a Minister to whom any information, core, cutting or sample has been made available under subsection (1) of this section shall not—

(*a*) make publicly known, or make available to any person (not being a Minister or a Minister of State of the Commonwealth or of another State), any information contained in a report, return or other document referred to in any of those provisions ;

or

(*b*) make publicly known any particulars of, or permit any person (not being a Minister referred to in the last preceding paragraph) to inspect, any core, cutting or sample so referred to.

(7) In this section, a reference to a core, cutting or sample includes a reference to a portion of a core, cutting or sample.

Safety zones.

119. (1) For the purpose of protecting a well or structure, or any equipment, in the adjacent area, the Designated Authority may, by instrument published in the *Gazette*, prohibit—

(*a*) all vessels ;

(*b*) all vessels other than specified vessels ;

or

(*c*) all vessels other than the vessels included in specified classes of vessels,

from entering or remaining in a specified area (in this section called a "safety zone") surrounding the well, structure or equipment without the consent in writing of the Designated Authority.

(2) A safety zone specified in an instrument under the last preceding subsection may extend to a distance of five hundred metres around the well, structure or equipment specified in the instrument measured from each point of the outer edge of the well, structure or equipment.

(3) Where a vessel enters or remains in a safety zone specified in an instrument under subsection (1) of this section in contravention of the instrument, the owner and the person in

command or in charge of the vessel are each guilty of an offence against this section and are punishable, upon summary conviction, by a penalty not exceeding a fine of Ten thousand dollars.

Discovery and use of water.

120. Where water is discovered in a permit area or in a licence area, the permittee or licensee, as the case may be, shall, within a period of one month after the date of the discovery, furnish to the Designated Authority, in writing, particulars of the discovery.

Penalty : Two thousand dollars.

Survey of wells etc.

121. (1) The Designated Authority may, at any time, by instrument in writing served on a permittee or licensee, direct the permittee or licensee—

(*a*) to carry out a survey of the position of the well, structure or equipment specified in the instrument ; and

(*b*) to furnish to him a report in writing of the survey.

(2) Where the Designated Authority is not satisfied with a report of a survey furnished to him under the last preceding subsection by a permittee or licensee, he may, by instrument in writing served on the permittee or licensee, direct the permittee or licensee to furnish further information in writing in connection with the survey.

(3) A person to whom a direction is given under either of the last two preceding subsections shall comply with the direction.

Penalty : Two thousand dollars.

Records, etc., to be kept.

122. (1) The Designated Authority may, by instrument in writing served on a person carrying on operations in the adjacent area under a permit, licence, pipeline licence, special prospecting authority, access authority or instrument of consent under the next succeeding section, direct that person to do any one or more of the following things :—

(*a*) to keep such accounts, records and other documents in connection with those operations as are specified in the instrument ;

(*b*) to collect and retain such cores, cuttings and samples in connection with those operations as are so specified ;

(*c*) to furnish to the Designated Authority, or to such person as is so specified, in the manner so specified, such reports, returns, other documents, cores, cuttings and samples in connection with those operations as are so specified.

(2) A person to whom a direction is given under the last preceding subsection shall comply with the direction.

Penalty : Two thousand dollars.

Scientific investigations.

123. (1) The Designated Authority may, by instrument in writing, consent to the carrying on in the adjacent area by any person of petroleum exploration operations in the course of a scientific investigation.

(2) An instrument of consent under the last preceding subsection may be made subject to such conditions, if any, as are specified in the instrument.

(3) An instrument of consent in force under subsection (1) of this section authorizes the person specified in the instrument subject to the next succeeding section and in accordance with the conditions, if any, to which the instrument is subject, to carry on, in the adjacent area, petroleum exploration operations so specified in the course of the scientific investigation so specified.

Interference with other rights.

124. A person carrying on operations in the adjacent area under a permit, licence, pipeline licence, special prospecting authority, access authority or instrument of consent under the last preceding section shall carry on those operations in a manner that does not interfere with—

(*a*) navigation ;

(*b*) fishing ;

(*c*) the conservation of the resources of the sea and sea-bed ;

or

(*d*) any operations of another person being lawfully carried on by way of exploration for, recovery of or conveyance of a mineral, whether petroleum or not, or by way of construction or operation of a pipeline,

to a greater extent than is necessary for the reasonable exercise of the rights and performance of the duties of that first-mentioned person.

Penalty : Two thousand dollars.

Inspectors.

125. (1) The Designated Authority may, by instrument in writing, appoint a person to be an inspector for the purpose of this Act and the regulations.

(2) The Designated Authority may furnish to an inspector a certificate stating that he is an inspector for the purposes of this Act and the regulations.

(3) Where the appointment of a person under this section expires or is revoked, that person shall forthwith surrender the certificate furnished to him under this section to the Designated Authority or, if the Designated Authority, by instrument in writing served on that person, specifies another person to whom the certificate is to be surrendered, to that other person.

Penalty : Five hundred dollars.

Powers of inspectors.

126. (1) For the purposes of this Act and the regulations, an inspector, at all reasonable times and on production of the certificate furnished to him under the last preceding section—

(*a*) shall have access to any part of the adjacent area and to any structure, ship, aircraft or building in that area that, in his opinion, has been, is being or is to be used in connection with petroleum exploration operations, operations for the recovery of petroleum or operations connected with the construction or operation of a pipeline in that area ;

(*b*) may inspect and test any equipment that, in his opinion, has been, is being or is to be used in that area in connection with any of those operations ;

and

(*c*) may enter any structure, ship, aircraft, building or place in that area or in the State, or in which in his opinion, there are any documents relating to any of those operations and may inspect, take extracts from and make copies of any of those documents.

(2) A person who is the occupier or person in charge of any building, structure or place, or is the person in charge of any ship, aircraft or equipment referred to in the last preceding subsection, shall provide an inspector with all reasonable facilities and assistance for the effective exercise of his powers under this section.

(3) A person shall not, without reasonable excuse, obstruct or hinder an inspector in the exercise of his powers under this section.

Penalty : Two thousand dollars.

Property in petroleum.

127. Subject to this Act and to any rights of other persons, upon recovery of any petroleum by a permittee or licensee in the permit area or licence area, the petroleum becomes the property of the permittee or licensee.

Provisions to prevent double payment of royalty.

128. (1) To the extent to which a person pays royalty to the Commonwealth in respect of petroleum recovered by him under a law of the Commonwealth or under an instrument in force under a law of the Commonwealth, he is not liable to pay royalty under this Act.

(2) In the last preceding subsection, "royalty" includes an amount payable by reason of late payment of royalty.

Certain payments to be made by Commonwealth to States.

129. (1) The Treasurer shall, not later than the last day of each month, pay to the Commonwealth amounts ascertained in accordance with the formula—

$$\frac{4A}{B}$$

where—

A is the amount of royalty payable under this Act, together with the amount, if any, payable under this Act by reason of late payment of that royalty, by a permittee or licensee in respect of petroleum recovered under the permit or licence and received by the State during the preceding month;

and

B is the percentage rate at which royalty is payable under this Act by the permittee or licensee in respect of that petroleum.

(2) The Consolidated Revenue Fund is appropriated to the extent necessary for the purposes of this section.

Determination to be disregarded in certain cases.

130. Where a determination has been made by the Designated Authority under section 148 of this Act in relation to a well, that determination shall be disregarded in ascertaining the value of B for the purposes of the last preceding subsection.

Continuing offences.

131. (1) Where an offence is committed by a person by reason of his failure to comply, within the period specified in a direction given to him under this Act or the regulations, with the requirements specified in the direction, the offence, for the purposes of subsection (3) of this section, shall be deemed to continue so long as any requirement specified in the direction remains undone, notwithstanding that the period has elapsed.

(2) Where an offence is committed by a person by reason of his failure to comply with a requirement made by this Act or the regulations, the offence, for the purposes of the next succeeding subsection, shall be deemed to continue so long as that failure continues, notwithstanding that any period within which the requirement was to be complied with has elapsed.

(3) Where, under either of the last two preceding subsections, an offence is to be deemed to continue, the person who committed the offence commits an additional offence against this Act on each day during which the offence is to be deemed to continue and is liable, upon conviction for such an additional offence, to a fine not exceeding Two thousand dollars.

Prosecution of offences.

132. (1) The offences to which this section applies are offences against this Act (being offences arising under this Part) or the regulations that are punishable by a fine.

(2) If proceedings in respect of an offence to which this section applies are brought in a court of summary jurisdiction, the maximum fine that the court may impose in respect of the offence is One thousand dollars or the maximum fine provided by this Act or the regulations in respect of the offence, whichever is the less.

(3) The Attorney-General or a person acting with his authority or consent may bring proceedings in the Supreme Court in respect of an offence to which this section applies.

(4) The Supreme Court shall try the offence summarily and, if the defendant is convicted, may impose a fine not exceeding the maximum fine provided by this Act or the regulations in respect of the offence.

(5) The Supreme Court may make such other orders in relation to the conviction as might be made by a court of summary jurisdiction.

(6) The procedure of the Supreme Court in relation to proceedings brought in the Supreme Court under subsection (3) of this section and in relation to convictions and other orders under this section shall be as prescribed by rules of the Court or, in the absence of rules, as the Supreme Court determines.

Orders for forfeiture in respect of certain offences.

133. (1) Where a person is convicted by a Supreme Court of an offence against this Act arising under section 19, 39, or 60 of this Act, the court may, in addition to imposing a fine, make one or more of the following orders :—

(*a*) an order for the forfeiture of a specified aircraft or vessel used in the commission of the offence ;

(*b*) an order for the forfeiture of specified equipment used in the commission of the offence ;

and

(c) an order—

(i) for the forfeiture of specified petroleum recovered, or conveyed through a pipeline, as the case may be, in the course of the commission of the offence ;

(ii) for the payment by that person to the State of an amount equal to the proceeds of the sale of specified petroleum so recovered or conveyed ;

or

(iii) for the payment by that person to the State of an amount equal to the value at the well-head, assessed by the court, of the quantity, so assessed, of petroleum so recovered or conveyed or for the payment of such part of that amount as the court, having regard to all the circumstances, thinks fit.

(2) Where the court is satisfied that an order made under subparagraph (i) of paragraph (c) of the last preceding subsection cannot, for any reason, be enforced, the court may, upon the application of the person by whom the proceedings were brought, set aside the order and make either of the orders referred to in subparagraphs (ii) and (iii) of that paragraph.

(3) The court may, before making an order under this section, require notice to be given to, and hear, such persons as the court thinks fit.

(4) Goods in respect of which an order is made under this section shall be dealt with as the Attorney-General directs and, pending his direction, may be detained in such custody as the court directs.

Time for bringing proceedings for offences.

134. Proceedings in respect of an offence against this Act (being an offence arising under this Part) or the Regulations may be brought at any time.

Judicial notice.

135. (1) All courts shall take judicial notice of the signature of a person who is, or has been, the Designated Authority or a delegate of the Designated Authority and of the fact that that person is, or has been, the Designated Authority or a delegate of the Designated Authority.

(2) In this section, "court" includes all persons authorized by the law of the State or by consent of parties to receive evidence.

Service.

136. (1) A document required by this Act to be served on a person other than the Designated Authority or a corporation shall be served—

(*a*) by delivering the document to that person personally;

(*b*) by prepaying and posting the document as a letter addressed to that person at his last known place of abode or business or, if he is carrying on business at two or more places, at one of those places;

(*c*) by leaving the document at the last known place of abode of that person with some person apparently an inmate of that place and apparently not less than sixteen years of age;

or

(*d*) by leaving the document at the last known place of business of that person or, if he is carrying on business at two or more places, at one of those places with some person apparently in the service of that person and apparently not less than sixteen years of age.

(2) A document required by this Act to be served on the Designated Authority shall be served by prepaying and posting the document as a letter addressed to such officer or person as the Designated Authority, by instrument published in the *Gazette*, specifies at such place as the Designated Authority so specifies.

(3) A document required by this Act to be served on a person being a corporation shall be served—

(*a*) by prepaying and posting the document as a letter addressed to the corporation at its last known place of business or, if it is carrying on business at two or more places, at one of those places;

or

(*b*) by leaving it at that place, or at one of those places, with some person apparently in the service of the corporation and apparently not less than sixteen years of age.

(4) Where a document required by this Act to be served is posted as a letter in accordance with this section, service shall, unless the contrary is proved, be deemed to have been effected at the time at which the letter would have been delivered in the ordinary course of post.

DIVISION VII.—TRANSITIONAL PROVISIONS.

Interpretation and application.

137. (1) In this Division, unless the contrary intention appears—

"offshore mining operations" means acts, matters, circumstances and things touching, concerning, arising out of or connected with the exploration of the sea-bed or subsoil of the adjacent area for petroleum and the exploitation of the natural resources, being petroleum, of that sea-bed or subsoil.

"the commencing day" means the day on which Part III of this Act comes into operation.

(2) Except in so far as a provision contained in this Division is inconsistent with another provision contained in this Part, this Part applies—

(*a*) to and in relation to an application for a licence made under this Division as if it were an application made under section 40 of this Act;

(*b*) to and in relation to a licence granted on such an application;

and

(*c*) to and in relation to a permit granted under this Division as if it were an application made under section 20 of this Act.

Exploration for petroleum in accordance with oil exploration licence not unlawful.

138. It is not an offence against section 19 of this Act for the holder of an oil exploration licence in force pursuant to section 139 of this Act to explore for petroleum in the adjacent area in accordance with that licence and with the law of the State under which the licence has effect.

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

139. (1) Subject to this Division, on the commencing day the provisions of the Mining (Petroleum) Act, 1940-1963, cease to apply to or in relation to offshore mining operations.

(2) Subject to this Division, section 16 of the Acts Interpretation Act, 1915-1957 has effect as if subsection (1) of this section effected a repeal of the Mining (Petroleum) Act, 1940-1963 in so far as its provisions applied to or in relation to offshore mining operations.

(3) The Minister of Mines shall not, on or after the commencing day, grant to a person who makes application therefor (whether the application is received by the Minister before or after that day) a licence or the renewal of a licence under the Mining (Petroleum) Act, 1940-1963 applying to or in relation to offshore mining operations.

(4) An oil exploration licence, under the Mining (Petroleum) Act, 1940-1963 and applying to or in relation to offshore

mining operations that is in force immediately before the commencing day shall continue, subject to the next succeeding subsection, to have the same force and effect on and after that day as it had immediately before that day ; and, subject to that subsection, the Mining (Petroleum) Act, 1940-1963 remains in full force and effect and shall apply to, and in relation to, that licence and to, and in relation to, anything done or authorized or required to be done by, under or in connection with, the licence.

(5) Notwithstanding the last preceding subsection, the holder of an oil exploration licence that is continued in force and effect by that subsection shall not by virtue of sections 14, or 27 of the Mining (Petroleum) Act, 1940-1963 or of any other provisions of that Act, be entitled to be granted an oil mining licence under or pursuant to that Act ; but if—

(*a*) the holder thereof could, under the provisions of that Act have been lawfully granted an oil mining licence if this Act had not been enacted ;

and

(*b*) petroleum is discovered in part of the area comprised in the oil exploration licence,

he may nominate a block under section 36 of this Act and may make application or applications to the Designated Authority for the grant of a licence and for those purposes this Act applies to and in relation to that person as if he were the holder of a permit under this Act in respect of the area comprised in the oil exploration licence and had become entitled under the provisions of this Act to be granted a production licence under this Act.

(6) Where the term of an oil exploration licence expires within a period of one month before the commencing day or, having been continued in force and effect by subsection (4) of this section, expires within a period of one month after the commencing day, but no petroleum is discovered in any part of the area comprised in the licence during the term which has so expired, the holder of the licence shall, notwithstanding anything contained in this Act, have the right to apply for and be granted, an oil exploration permit for petroleum under this Act in respect of the area comprised in the licence for the initial period of six years referred to in paragraph (*a*) of section 29 of this Act.

(7) Notwithstanding the provisions of the Mining (Petroleum) Act, 1940-1963, the holder of a licence that is continued in force and effect by subsection (4) of this section—

(*a*) if the area comprised in the licence is wholly within the adjacent area, may before its expiration surrender the licence ;

or

(*b*) if the area comprised in the licence is partly within and partly without the adjacent area, may before its expiration surrender the licence so far as it relates to an area that is within the adjacent area,

and the Designated Authority shall thereupon grant to that person in place of the licence, an exploration permit or exploration permits under this Act for the initial term of six years referred to in paragraph (*a*) of section 29 of this Act.

(8) The exploration permit or exploration permits granted pursuant to the last preceding subsection—

(*a*) shall be granted in respect of so much of the area comprised in the licence surrendered as is within the adjacent area;

and

(*b*) shall be granted without the payment of any fee.

Area in respect of which permit, licence or oil exploration licence may be in force.

140. (1) Where the area in respect of which a permit, licence or oil exploration licence under the Mining (Petroleum) Act, 1940-1963, is in force includes one or more portions of a block constituted as provided by section 17 of this Act, then, for the purposes of this Part—

(*a*) the area of that portion or those portions constitutes a block;

and

(*b*) the area of the remaining portion or portions of the first-mentioned block (but not including any part of that area in respect of which a permit, licence or oil exploration licence is in force) constitutes a block.

(2) Where a permit, licence or oil exploration licence under the Mining (Petroleum) Act, 1940-1963 ceases to be in force in respect of an area that constitutes a block as provided by paragraph (*a*) of the last preceding subsection, the Designated Authority may, by instrument in writing, if he considers it desirable to do so, determine that that block shall be amalgamated with another block or blocks, being a block or blocks—

(*a*) constituted as provided by this section;

(*b*) forming part of the graticular section of which that first-mentioned block forms part;

and

(*c*) in respect of which a permit or licence is in force.

(3) Where such a determination is made, then, for the purposes of this Part—

(*a*) the blocks the subject of the determination cease to constitute blocks and the areas of those blocks together constitute a block;

(*b*) the block constituted by reason of the determination is, subject to this Part, for the remainder of the term of the permit or licence concerned, a block in respect of which the permit or licence is in force.

(4) The Designated Authority shall not make a determination under subsection (2) of this section except with the consent of the permittee or licensee concerned.

DIVISION VIII.

DIVISION VIII.—FEES AND ROYALTIES.

Permit fees.

141. There is payable to the Designated Authority by a permittee in respect of each year of the term of the permit—

(*a*) a fee of One hundred dollars;

or

(*b*) a fee calculated at the rate of Five dollars for each of the blocks to which the permit relates,

whichever is the greater.

Licence fees.

142. There is payable to the Designated Authority by a licensee, in respect of each year of the term of the licence, a fee calculated at the rate of Three thousand dollars for each of the blocks to which the licence relates at the commencement of that year.

Pipeline licence fees.

143. There is payable to the Designated Authority by a pipeline licensee, in respect of each year of the term of the pipeline licence, a fee of Twenty dollars in respect of each mile or portion of a mile of the length of the pipeline on the first day of that year.

Time of payment of fees.

144. A fee under any of the last three preceding sections is payable within one month after—

(*a*) in the case of the first year of the term of the permit, licence or pipeline licence—the day on which that term commenced;

and

(*b*) in the case of a year of the term of the permit, licence or pipeline licence other than the first—the anniversary of that day.

Penalty for late payment.

145. Where the liability of a permittee, licensee or pipeline licensee to pay a fee under this Division is not discharged at or before the time when the fee is payable, there is payable to the Designated Authority by the permittee, licensee or pipeline licensee an additional amount calculated at the rate of one-third of one per centum per day upon the amount of the fee from time to time remaining unpaid, to be computed from the time when the fee became payable until it is paid.

Fees and penalties debts due to the State.

146. A fee or other amount payable under this Division is a debt due by the permittee, licensee or pipeline licensee (as the case may be) to the State and is recoverable in any court of competent jurisdiction.

Royalty.

147. (1) The conditions subject to which a permit or licence is granted shall include a condition that the permittee or licensee shall, subject to this section, pay to the Designated Authority, a royalty at the prescribed rate in respect of all petroleum recovered by the permittee or licensee in the permit area or licence area.

(2) Subject to the succeeding provisions of this section and to section 148 of this Act, the prescribed rate in respect of petroleum recovered under a permit or licence is ten per centum of the value at the well-head of the petroleum.

(3) The prescribed rate in respect of petroleum recovered under a secondary licence is the percentage determined by the Designated Authority in pursuance of subsection (1) of section 42 of the Act in respect of petroleum so recovered.

(4) Where a secondary licence is granted to the holder of a primary licence, the prescribed rate in respect of petroleum recovered under the primary licence is, as from the commencement of the next royalty period after the day from which the secondary licence has effect, the same percentage as is applicable in respect of petroleum recovered under the secondary licence.

(5) Where—

(*a*) a licence is granted on an application under section 47 of the Act;

and

(*b*) the instrument served on the applicant under section 49 of that Act contains a statement that the applicant will be required to pay, in respect of petroleum recovered under that licence, royalty at the rate specified in that statement,

the prescribed rate in respect of petroleum recovered under that licence is the percentage specified in that statement.

(6) Where a licence is granted on an application under subsection (1) of section 51 of the Act, the prescribed rate in respect of petroleum recovered under that licence is the same percentage as was applicable in respect of petroleum recovered under the original licence as defined by subsection (1) of that section.

(7) The prescribed rate in respect of petroleum recovered under a licence granted by way of renewal of a licence is the percentage applicable under the licence before renewal (or, if another percentage is fixed by the Parliament in respect of petroleum so recovered, that percentage) of the value at the well-head of the petroleum.

Reduction of royalty in certain cases.

148. (1) Where the Designated Authority is satisfied that the rate of recovery of petroleum from a well has become so reduced that, having regard to the rate of royalty fixed by the last preceding section, further recovery of petroleum from that well would be uneconomic, the Designated Authority may, by instrument in writing, determine that the royalty in respect of petroleum recovered from that well shall be at such rate (being a rate lower than the rate fixed by the last preceding section) as the Designated Authority specifies in respect of such period as the Designated Authority specifies.

(2) The prescribed rate in respect of petroleum recovered, during the period specified in the determination, from the well to which such a determination relates is the rate so specified.

Royalty not payable in certain cases.

149. (1) Royalty under this Act—

(*a*) is not payable in respect of petroleum that the Designated Authority is satisfied was unavoidably lost before the quantity of that petroleum was ascertained;

(*b*) is not payable in respect of petroleum that is used by the permittee or licensee, as approved by the Designated Authority, for the purposes of petroleum prospecting operations or operations for the recovery of petroleum;

and

(*c*) is not payable in respect of petroleum that, with the approval of the Designated Authority, is flared or vented in connection with operations for the recovery of petroleum.

(2) Where petroleum that has been recovered by a permittee or licensee is, with the approval of the Designated Authority, returned to a natural reservoir, royalty under this Act is not

payable in respect of that petroleum by reason of that recovery but this subsection does not affect the liability of that or any other permittee or licensee to pay royalty in respect of petroleum that is recovered from that natural reservoir.

Ascertainment of well-head.

150. For the purposes of this Act, the well-head, in relation to any petroleum, is such valve station as is agreed between the permittee or licensee and the Designated Authority, or, in default of agreement within such period as the Designated Authority allows, is such valve station as is determined by the Designated Authority as being that well-head.

Ascertainment of value.

151. For the purposes of this Act, the value at the well-head of any petroleum is such amount as is agreed between the permittee or licensee and the Designated Authority, or, in default of agreement within such period as the Designated Authority allows, is such amount as is determined by the Designated Authority as being that value.

Ascertainment of quantity of petroleum recovered.

152. For the purposes of this Act, the quantity of petroleum recovered by a permittee or licensee during a period shall be taken to be—

(*a*) the quantity measured during that period by a measuring device approved by the Designated Authority and installed at the well-head or at such other place as the Designated Authority approves;

or

(*b*) where no such measuring device is so installed, or the Designated Authority is not satisfied that the quantity of petroleum recovered by the permittee or licensee has been properly or accurately measured by such a measuring device—the quantity determined by the Designated Authority as being the quantity recovered by the permittee or licensee during that period.

Payment of royalty.

153. (1) Royalty under this Act in respect of petroleum recovered during a royalty period is payable not later than the last day of the next succeeding royalty period.

(2) Where an amount of royalty under this Act is not paid as provided by the last preceding subsection, there is payable to the Designated Authority by the permittee or the licensee an additional amount calculated at the rate of one-third of one per centum per day upon the amount of royalty from time to time remaining unpaid, to be computed from the time when the royalty became payable until it is paid.

(3) An additional amount is not payable under the last preceding subsection in respect of any period before the expiration of seven days after the value of the petroleum was agreed or determined under section 151 of this Act.

Royalty and penalties debts due to the State.

154. Royalty under section 147 of this Act or payable by reason of section 153 of this Act, or an amount payable under the last preceding section, is a debt due by the permittee or licensee to the State and is recoverable in any court of competent jurisdiction.

PART IV.

PART IV.—REGULATIONS.

Regulations.

155. (1) The Governor may make regulations, not inconsistent with this Act, prescribing all matters that by this Act are required or permitted to be prescribed or are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) In particular, but without limiting the generality of the last preceding subsection, the regulations may make provision for securing, regulating, controlling or restricting all or any of the following matters :—

(*a*) the exploration for petroleum and the carrying on of operations, and the execution of works, for that purpose ;

(*b*) the recovery of petroleum and the carrying on of operations, and the execution of works, for that purpose ;

(*c*) conserving, and preventing the waste of, the natural resources, whether petroleum or otherwise, of the adjacent area ;

(*d*) the constructiona nd operation of pipelines, water lines, secondary lines, pumping stations, tank stations or valve stations, and the carrying on of operations, and the execution of works, for any of those purposes ;

(*e*) the construction, erection, maintenance, operation or use of installations or equipment ;

(*f*) the control of the flow and the prevention of the escape of petroleum or water ;

(*g*) the prevention of the escape of water or drilling fluid or a mixture of water or drilling fluid with petroleum or any other matter ;

(*h*) the prevention of damage to petroleum-bearing strata in blocks in respect of which a permit or licence is not in force ;

(*i*) the keeping separate of—

(i) each petroleum pool discovered in a permit area or licence area ;

and

(ii) each source of water discovered in a permit area or licence area ;

(*j*) the prevention of water or other matter from entering a petroleum pool through wells ;

(*k*) the prevention of the waste or escape of petroleum or water from a pipeline, water line, secondary line, pumping station, tank station or valve station ;

(*l*) the maintaining in good condition and repair of all structures, equipment and other property in an adjacent area used or intended to be used for or in connection with exploration for, or the exploitation of, petroleum in the adjacent area ;

and

(*m*) the removal from an adjacent area of structures, equipment and other property brought into the adjacent area for or in connection with exploration for, or the exploitation of, petroleum that are not used or intended to be used in connection with exploration for, or the exploitation of, petroleum in the adjacent area.

(3) The regulations may prescribe, in relation to the exploration for, and the exploitation of, the natural resources (being petroleum) of the adjacent area, matters for carrying out or giving effect to the Convention.

(4) The regulations may provide, in respect of an offence against the regulations, for the imposition of—

(*a*) a fine not exceeding Two thousand dollars ;

or

(*b*) a fine not exceeding that amount for each day on which the offence occurs.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. M. NAPIER, Governor's Deputy

THE SCHEDULES

FIRST SCHEDULE. Section 4.

CONVENTION ON THE CONTINENTAL SHELF.

The States Parties to this Convention
Have agreed as follows:

ARTICLE 1.

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

ARTICLE 2.

1. The coastal State exercises over the continental shelf sovereign rights for the purpose of exploring it and exploiting its natural resources.

2. The rights referred to in paragraph 1 of this article are exclusive in the sense that if the coastal State does not explore the continental shelf or exploit its natural resources, no one may undertake these activities, or make a claim to the continental shelf, without the express consent of the coastal State.

3. The rights of the coastal State over the continental shelf do not depend on occupation, effective or notional, or on any express proclamation.

4. The natural resources referred to in these articles consist of the mineral and other non-living resources of the seabed and subsoil together with living organisms belonging to sedentary species, that is to say, organisms which, at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil.

ARTICLE 3

The rights of the coastal state over the continental shelf do not affect the legal status of the superjacent waters as high seas, or that of the airspace above those waters.

ARTICLE 4.

Subject to its right to take reasonable measures for the exploration of the continental shelf and the exploitation of its natural resources, the coastal State may not impede the laying or maintenance of submarine cables or pipelines on the continental shelf.

ARTICLE 5.

1. The exploration of the continental shelf and the exploitation of its natural resources must not result in any unjustifiable interference with navigation, fishing or the conservation of the living resources of the sea, nor result in any interference with fundamental oceanographic or other scientific research carried out with the intention of open publication.

2. Subject to the provisions of paragraphs 1 and 6 of this article, the coastal State is entitled to construct and maintain or operate on the continental shelf installations and other devices necessary for its exploration and the exploitation of its natural resources, and to establish safety zones around such installations and devices and to take in those zones measures necessary for their protection.

3. The safety zones referred to in paragraph 2 of this article may extend to a distance of 500 metres around the installations and other devices which have been erected, measured from each point of their outer edge. Ships of all nationalities must respect these safety zones.

4. Such installations and devices, though under the jurisdiction of the coastal State, do not possess the status of islands. They have no territorial sea of their own, and their presence does not affect the delimitation of the territorial sea of the coastal State.

5. Due notice must be given of the construction of any such installations, and permanent means for giving warning of their presence must be maintained. Any installations which are abandoned or disused must be entirely removed.

6. Neither the installations or devices, nor the safety zones around them, may be established where interference may be caused to the use of recognized sea lanes essential to international navigation.

7. The coastal State is obliged to undertake, in the safety zones, all appropriate measures for the protection of the living resources of the sea from harmful agents.

FIRST SCHEDULE—*continued*

8. The consent of the coastal State shall be obtained in respect of any research concerning the continental shelf and undertaken there. Nevertheless the coastal State shall not normally withhold its consent if the request is submitted by a qualified institution with a view to purely scientific research into the physical or biological characteristics of the continental shelf, subject to the proviso that the coastal State shall have the right, if it so desires, to participate or to be represented in the research, and that in any event the results shall be published.

ARTICLE 6.

1. Where the same continental shelf is adjacent to the territories of two or more States whose coasts are opposite each other, the boundary of the continental shelf appertaining to such States shall be determined by agreement between them. In the absence of agreement, and unless another boundary line is justified by special circumstances, the boundary is the median line, every point of which is equidistant from the nearest points of the baselines from which the breadth of the territorial sea of each State is measured.

2. Where the same continental shelf is adjacent to the territories of two adjacent States, the boundary of the continental shelf shall be determined by agreement between them. In the absence of agreement, and unless another boundary line is justified by special circumstances, the boundary shall be determined by application of the principle of equidistance from the nearest points of the baselines from which the breadth of the territorial sea of each State is measured.

3. In delimiting the boundaries of the continental shelf, any lines which are drawn in accordance with the principles set out in paragraphs 1 and 2 of this article should be defined with reference to charts and geographical features as they exist at a particular date, and reference should be made to fixed permanent identifiable points on the land.

ARTICLE 7.

The provisions of these articles shall not prejudice the right of the coastal State to exploit the subsoil by means of tunnelling irrespective of the depth of water above the subsoil.

ARTICLE 8.

This Convention shall, until the thirtieth day of October, 1958, be open for signature by all States Members of the United Nations or of any of the specialized agencies, and by any other State invited by the General Assembly of the United Nations to become a party to the Convention.

ARTICLE 9.

This Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary General of the United Nations.

ARTICLE 10.

This Convention shall be open for accession by any States belonging to any of the categories mentioned in Article 8. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

ARTICLE 11.

1. This Convention shall come into force on the thirtieth day following the date of deposit of the twenty-second instrument of ratification or accession with the Secretary-General of the United Nations.

2. For each State ratifying or acceding to the Convention after the deposit of the twenty-second instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification or accession.

ARTICLE 12.

1. At the time of signature, ratification or accession, any State may make reservations to articles of the Convention other than to articles 1 to 3 inclusive.

2. Any Contracting State making a reservation in accordance with the preceding paragraph may at any time withdraw the reservation by a communication to that effect addressed to Secretary-General of the United Nations.

ARTICLE 13.

1. After the expiration of a period of five years from the date on which this Convention shall enter into force, a request for the revision of this Convention may be made at any time by any Contracting Party by means of a notification in writing addressed to the Secretary-General of the United Nations.

2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such request.

FIRST SCHEDULE—*continued.*

ARTICLE 14.

The Secretary-General of the United Nations shall inform all States Members of the United Nations and the other States referred to in article 8—

(*a*) Of signatures to this Convention and of the deposit of instruments of ratification or accession, in accordance with articles 8, 9 and 10;

(*b*) Of the date on which this Convention will come into force, in accordance with article 11;

(*c*) Of requests for revision in accordance with article 13;

(*d*) Of reservations to this Convention, in accordance with article 12.

ARTICLE 15.

The original of this Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States referred to in article 8.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorized thereto by their respective Governments, have signed this Convention.

DONE at Geneva, this twenty-ninth day of April, one thousand nine hundred and fifty-eight.

(*Here follow the signatures on behalf of the parties to the Agreement, including Australia.*)

SECOND SCHEDULE Section 4.

AREA ADJACENT TO THE STATE OF SOUTH AUSTRALIA.

The adjacent area referred to in section 4 of this Act is the area the boundary of which commences at a point that is the intersection of the coastline at mean low water by the boundary between the States of South Australia and Victoria and runs thence southerly along the meridian through that point to its intersection by the parallel of latitude 38° 10′ south, thence south-westerly along the geodesic to a point of latitude 38° 15′ south, longitude 140° 57′ east, thence south-westerly along the geodesic to a point of latitude 38° 26′ south, longitude 140° 53′ east, thence south-westerly along the geodesic to a point of latitude 38° 35′ 30″ south, longitude 140° 44′ 37″ east, thence south-westerly along the geodesic to a point of latitude 38° 40′ 48″ south, longitude 140° 40′ 44″ east, thence south-westerly along the geodesic to a point of latitude 44° south, longitude 136° 29′ east, thence westerly along the parallel of latitude 44° south to a point that is the intersection of that parallel by the meridian passing through the intersection of the coastline at mean low water by the boundary between the States of South Australia and Western Australia, thence northerly along that meridian to its intersection by the coastline at mean low water, thence along the coastline of South Australia at mean low water to the point of commencement, to the extent only that that area includes—

(*a*) areas of territorial waters;

and

(*b*) areas of superjacent waters of the Continental Shelf.

TABLES OF ACTS OF THE PARLIAMENT OF SOUTH AUSTRALIA

TABLE OF PUBLIC GENERAL ACTS OF THE PARLIAMENT OF SOUTH AUSTRALIA, INCLUDING CROSS REFERENCES.

The following table contains a list of the public Acts of general application of the Parliament of South Australia passed up to the end of 1967 and which were unrepealed as at that time.

In the case of an Act reprinted in Volumes 1 to 8 of the South Australian Statutes, 1837-1936, a reference is given in the table to the volume and page where the Act is printed. In the case of any other Act a reference is given to the annual volume of Statutes in which the Act is printed.

Since the publication of the South Australian Statutes, 1837-1936, some Acts have been reprinted pursuant to the Amendments Incorporation Act, 1937. The table contains a reference to all such reprinted Acts; in some instances, the reprinted Act has been included in the annual volume of Statutes and in those cases a reference is given to the volume and page where the Act is reprinted.

The table also includes cross references to the subject matters dealt with by legislation.

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Appropriation Act (No. 2), 1959	1959	12
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Hergott Springs and Primrose Springs Railway Act, 1883	1883	281
The Hundred of Solomon and Decres Bay Railways Act, 1912	1912	1080
The Hundred of Solomon and Decres Bay Railway Act Amendment Act, 1913	1913	1142
Kadina and Wallaroo Railway Act, 1877	1877	76
Kadina and Wallaroo Railway Act, 1879	1879	149
Kadina to Barunga Gap Railway Act, 1876	1876	40
Kapinnie and Mount Hope Railway Discontinuance Act, 1966	1966	11
Kapunda and North-West Bend Railway Act, 1876	1876	27
Kielpa to Mangalo Hall Railway Act, 1916	1916	1265
Kimba to Buckleboo Railway Act, 1923	1923	1592
Kowulka Branch Railway Act, 1948	1948	37
The Laura to Booleroo Centre Railway Act, 1907	1907	941
The Laura to Booleroo Centre Railway Act Amendment Act, 1910	1910	1014
Moonta and Gawler Town Railways Acts Repealing Act, 1931	1931	2038
Mount Barker and Strathalbyn Railway Act, 1881	1881	221
Mount Gambier and Naracoorte Railway Act, 1884	1884	327
The Mount Hope Railway Act, 1912	1912	1094
The Mount Pleasant, Sedan, and Truro Railways Act, 1914	1914	1180
The Nairne to the Victorian Border Railway Act, 1882	1882	265
Nairne to Victorian Border Railway Deviation Act, 1924	1924	1622
Naracoorte to Tatiara Railway Act, 1879	1879	131
North-Western Railways System Development Act, 1917	1917	1307
Palmer to Monarto Railway Act, 1916	1916	1266
The Paringa to Renmark Railway Act, 1914	1914	1177
The Peebinga, Paringa, Loxton and Waikerie Railways Act, 1912	1912	1088
Pinnaroo Railway Act	1903	831
Pinnaroo Railway Act Amendment Act, 1907	1907	928
The Pinnaroo Railway Act Further Amendment Act, 1908	1908	955
The Pinnaroo Railway Act Further Amendment Act, 1914	1914	1176
The Petersburg and Border Railway Act, 1884	1884	328
The Petersburg and Border Railway Amendment Act, 1886	1886	377

Title of Act.	Year.	Number.
Railway Acts—*continued.*		
The Port Adelaide and Semaphore Railway Act, 1874	1874	13
Port Adelaide and Semaphore Railway Act Amendment Act, 1875	1875	14
The Port Adelaide and Semaphore Railway Amendment Act, 1880	1880	174
Port Adelaide and Semaphore Railway Deviation Act, 1917	1917	1297
Port Adelaide and Semaphore Railway Deviation Act Amendment Act, 1922	1922	1526
The Port Adelaide, Glanville, and Largs Additional Railway Act, 1908	1908	965
Port Augusta and Government Gums Railway Act, 1876	1876	26
The Port Augusta and Northern Railway Act, 1862	1862	28
The Port Broughton Railway Act	1873	7
The Port Lincoln Railway Act, 1905	1905	882
The Port Lincoln Railway Extension Act, 1907	1907	932
The Port Lincoln Railway Extension Act, 1909	1909	985
The Port Pirie Railway Act	1873	8
The Port Wakefield and Kadina Railway Act	1873	9
The Port Wakefield to Hoyles Plains Tramway Act, 1866	1866-7	25
The Port Wakefield and Hoyle's Plains Tramway Extension Act	1873	10
Railway Crossings (Bowden) Act, 1922	1922	1524
The Railway Deviations Act, 1896	1896	661
Railways Guarantees Abolition Act, 1917	1917	1288
Railways Guarantees Abolition Act Amendment Act, 1918	1918	1328
Railways Transfer Act, 1927	1927	1840
Renmark to Barmera Railway Act, 1925	1925	1675
The Riverton to Spalding Railway Act, 1913	1913	1129
Rivoli Bay North and Mount Gambier Railway Act, 1876	1876	30
The Robertstown Railway Act, 1911	1911	1070
The Robertstown Railway Act Amendment Act, 1912	1912	1081
Roseworthy to Forresters Railway Act, 1866-7	1866-7	24
Roseworthy to Forrester's Railway Amendment Act, 1867	1867	18
The Salisbury to Long Plains Railway Act, 1913	1913	1139
The South-Eastern Railway Act, 1871	1871	7
Strathalbyn and Middleton Tramway Act, 1866	1866	1
The Strathalbyn and Victor Harbor Railway Act, 1883	1883	294
The Tailem Bend and Brown's Well Railway Act, 1909	1909	980
Tatiara to Border Town Railway Act, 1881	1881	200
Terowie to Pichirichi Railway Act, 1878	1878	103
Victor Harbor and Strathalbyn Tramways Amendment Act, 1869-70	1869-70	14
The Wallaroo Railway Station Extension Act, 1886	1886	371
Wallaroo to Moonta Railway Act, 1890	1890	490
Wanbi to Moorook Railway Act, 1923	1923	1586
Wandana to Penong Railway Act, 1917	1917	1292

Title of Act.	Year.	Number.
Railway Acts—*continued*		
The Wandilo and Glencoe Railway Act, 1903	1903	843
The Wandilo and Glencoe Railway Act Amendment Act, 1909	1909	990
The Wilmington Railway Act, 1913	1913	1137
Road (Hundred of MacDonnell) Acquisition Act, 1923	1923	1578
Road (Thebarton State School) Acquisition Act, 1918	1918	1345
Road (Wirrabara Forest) Acquisition Act, 1917	1917	1315
Roads Loan Act, 1923	1923	1579
Roads (Magill Home and Yatala Quarry) Acquisition Act, 1915	1915	1219
Rowland Flat War Memorial Hall Incorporated Act, 1966	1966	68
The Semaphore Community Centre Trust Deed Act, 1964	1964	5
South Australian Gas Company's Act Amendment Act, 1952	1952	12
South Australian Gas Company's Act Amendment Act, 1964	1964	34
See also (in the Table of Private Acts) The South Australian Gas Company's Act, 1861.		
South-Eastern Lands Contract Annulment Act, 1917	1917	1300
Statute Law Revision Act, 1934	1934	2168
Statute Law Revision Act, 1935	1935	2246
Statute Law Revision Act, 1936	1936	2293
Statute Law Revision Act (No. 2), 1936	1936	2316
Strathalbyn Soldiers' Memorial Gardens Act, 1940	1940	51
Succession Duties (Peter Waite Benefactions) Act, 1920	1920	1422
Supply Act (No. 1), 1936	1936	2260
Supply Act (No. 2), 1936	1936	2275
Supply Act (No. 1), 1937	1937	2338
Supply Act (No. 2), 1937	1937	2339
Supply Act (No. 1), 1938	1938	2382
Supply Act (No. 2), 1938	1938	2385
Supply Act (No. 1), 1939	1939	1
Supply Act (No. 2), 1939	1939	2
Supply Act (No. 1), 1940	1940	1
Supply Act (No. 2), 1940	1940	3
Supply Act (No. 1), 1941	1941	1
Supply Act (No. 2), 1941	1941	3
Supply Act (No. 1), 1942	1942	1
Supply Act (No. 2), 1942	1942	2
Supply Act (No. 1), 1943	1943	2
Supply Act (No. 2), 1943	1943	4
Supply Act (No. 1), 1944	1944	1
Supply Act (No. 2), 1944	1944	3
Supply Act (No. 1), 1945	1945	1
Supply Act (No. 2), 1945	1945	3
Supply Act (No. 1), 1946	1946	2
Supply Act (No. 2), 1946	1946	5
Supply Act (No. 1), 1947	1947	1
Supply Act (No. 2), 1947	1947	4
Supply Act (No. 1), 1948	1948	1
Supply Act (No. 1), 1949	1949	2
Supply Act (No. 2), 1949	1949	4
Supply Act (No. 1), 1950	1950	2

Title of Act.	Year.	Number.
Supply Act (No. 2), 1950	1950	3
Supply Act (No. 1), 1951	1951	2
Supply Act (No. 2), 1951	1951	3
Supply Act (No. 1), 1952	1952	2
Supply Act (No. 2), 1952	1952	3
Supply Act (No. 3), 1952	1952	17
Supply Act (No. 1), 1953	1953	2
Supply Act (No. 2), 1953	1953	3
Supply Act (No. 1), 1954	1954	2
Supply Act (No. 2), 1954	1954	3
Supply Act (No. 3), 1954	1954	16
Supply Act (No. 1), 1955	1955	1
Supply Act (No. 2), 1955	1955	5
Supply Act (No. 3), 1955	1955	16
Supply Act (No. 1), 1956	1956	2
Supply Act (No. 2), 1956	1956	4
Supply Act (No. 1), 1957	1957	5
Supply Act (No. 2), 1957	1957	7
Supply Act (No. 3), 1957	1957	13
Supply Act (No. 1), 1958	1958	2
Supply Act (No. 2), 1958	1958	3
Supply Act (No. 1), 1959	1959	3
Supply Act (No. 2), 1959	1959	4
Supply Act (No. 3), 1959	1959	9
Supply Act (No. 1), 1960	1960	9
Supply Act (No. 1), 1961	1961	1
Supply Act (No. 1), 1962	1962	1
Supply Act (No. 2), 1962	1962	3
Supply Act (No. 3), 1962	1962	4
Supply Act (No. 1), 1963	1963	2
Supply Act (No. 2), 1963	1963	8
Supply Act (No. 1), 1964	1964	9
Supply Act (No. 2), 1964	1964	19
Supply Act (No. 1), 1965	1965	3
Supply Act (No. 2), 1965	1965	4
Supply Act (No. 1), 1966	1966	32
Supply Act (No. 2), 1966	1966	42
Supply Act (No. 1), 1967	1967	23
Supply Act (No. 2), 1967	1967	32
The Trades Hall Act, 1964	1964	6
The Transcontinental Railway Grant Act, 1911	1911	1069
The Transcontinental Railway Land Grant Amendment Act, 1912	1912	1079
Transcontinental Railway Land Grant Act Amendment Act, 1924	1924	1608
The University Land Act, 1929	1929	1944
Victor Harbor Foreshore Act, 1917	1917	1281
Victor Harbor Foreshore Act, 1926	1926	1750
Voluntary Wheat Pool Agreement Ratification Act, 1924.	1924	1620
Voluntary Wheat Pool Agreement Ratification Act, 1925	1925	1690
Wallaroo Park Lands Resumption Act, 1924	1924	1626
The Wallaroo Railway Lands Act, 1912	1912	1085
Water Frontages Repeal Act, 1960	1960	40
The West Terrace Cemetery Extension Act, 1904	1904	852

Title of Act.	Year.	Number.
West Terrace Cemetery (Soldiers' Section) Extension Act, 1944	1944	11
The Wolseley Educational Lands Resumption Act, 1883 .	1883-4	301
Young Men's Christian Association of Port Pirie Act, 1918	1918	1349
Young Men's Christian Association of Port Pirie Act Amendment Act 1951	1951	28
The Young Women's Christian Association of Port Pirie Incorporated (Port Pirie Parklands) Act, 1955	1955	19

TABLE OF PRIVATE ACTS.

The following table contains a list of the private Acts of the Parliament of South Australia passed up to the end of 1967 and which were unrepealed as at that time. These Acts are not included in Volumes 1 to 8 of the South Australian Statutes, 1837-1936.

Title of Act.	Year.	Number.
The Adelaide Electric Supply Company's Act, 1922..... *See also* The South Australian Electric Light and Motive Power Company's Act, 1897 *and* (in the Table of Public General Acts) Electricity Trust of South Australia Act, 1946, *and* (in the Table of Public Acts of Restricted Application) The Adelaide Electric Supply Company's Act, 1931 : The Adelaide Electric Supply Company Act, 1944.	1922	
The Adelaide Fruit and Produce Exchange Act, 1903 ...	1903	—
Adelaide Marine and Fire Assurance Company Act, 1864	1864	—
The Adelaide Marine and Fire Assurance Company Act Amendment Act, 1881	1881	—
The Adelaide Marine and Fire Assurance Company Further Amendment Act, 1885	1885	—
Adelaide Synagogue Act, 1881	1881	—
The Adelaide Synagogue Act, 1881, Amendment Act	1895	—
Adelaide Workmen's Homes Incorporated Act, 1933.....	1933	—
Angas College Trusts Act, 1921	1921	—
Australian Mutual Provident Society Act, 1874	1874	—
Australian Trust Company Act, 1861	1861	—
Bagot's Executor Company Act	1910	—
Bank of Adelaide Act, 1865	1865	—
The Bank of Adelaide Act Amendment Act, 1904	1904	—
The Bank of Adelaide Act Amendment Act, 1920.....	1920	—
The Bank of Adelaide's Registration under the Companies Act 1892 Act	1928	—
The Bank of Adelaide's Registration Under the Companies Act, 1892 Act Amendment Act, 1966	1966	—
Boy Scouts Association—South Australian Branch—Incorporation Act.....	1940	—
The Catholic Church Endowment Society, Incorporated, Sale of Lands Act	1896	—
Charles Birks & Co. Limited Employees' Welfare Trust Act, 1946	1946	—
The Church of England Clergy Superannuation Act, 1935	1935	—
Church of England Endowment Society Act	1891	—
Church of England Succession Act	1893	—
Church of Saint Mary Magdalene, Adelaide, Alteration of Trusts Act, 1919	1919	—
The Church of The Holy Trinity, Adelaide, Revocation and Alteration of Trusts and Sale of Land Act, 1919....	1919	—
Commercial Bank Act, 1878	1878	—
The Corporation of St. John's Church Act, 1886	1886	—
The Corporation of St. John's Church Act, 1886, Amendment Act, 1920	1920	—

Title of Act.	Year.	Number.
The Corporation of St. John's Church Act, 1886, Amendment Act, 1948	1948	—
The David Bower Estate Act, 1920	1920	—
The East-End Market Act, 1872	1872	—
Elders Executor Company's Act, 1910	1910	—
Elders Executor Company's Amendment Act, 1915	1915	—
Executors Company's Act, 1885	1885	—
Executors Company's Amendment Act, 1900	1900	—
Executors Company's Amendment Act, 1915	1915	—
Farmers Co-operative Executors Act, 1919	1919	—
Hagen Lands Act, 1852	1852	—
James Brown Memorial Trust Incorporation Act, 1894	1894	—
The James Umpherston Trusts Act, 1926	1926	—
Kensington and Norwood Boundaries Act, 1878	1878	—
Kingsland Irrigation Company Act, 1922	1922	—
Leigh Trust Incorporation Act, 1929	1929	—
The Liverpool and London and Globe Insurance Company's Act of 1879	1879	—
The Loxton District Hospital Purposes Act, 1927	1927	—
Mercantile Marine Insurance Company Act, 1869-70	1869-70	—
The Mercantile Marine and Fire Insurance Company's Amending Act	1878	—
The Methodist Church Act, 1911	1911	—
Methodist Ladies College Incorporation Act, 1920	1920	—
The Methodist Union Act, 1900	1900	—
Moonta Gas Company's Act	1873	—
Moonta Gas Company's Sale Act, 1882	1882	—
Murray River Company Act, 1853	1853	—
The Naracoorte Town Square Act, 1952	1952	—
National Marine and Fire Insurance Company Act, 1867	1867	—
National Marine Insurance Company's Act Amendment Act, 1873	1873	—
The Parkin Congregational Mission of South Australia Act, 1961	1961	—
The Parkin Trust Incorporated Act, 1926	1926	—
The Parkin Trust Incorporated Act Amendment Act, 1961	1961	—
The Parkin Trust Incorporated Act Amendment Act, 1967	1967	60
Paxton Title Act, 1885	1885	—
Port Adelaide Canal Act	1887	—
See also (in the Table of Public Acts of Restricted Application) The Port Adelaide Canal Supplementary Act, 1889		
The Presbyterian Church of South Australia Act	1899	—
Prince Alfred College Incorporation Act, 1878	1878	—
The Provincial Gas Company's Act	1868-9	—
Pyap Irrigation Trust Act, 1923	1923	—
See also (in the Table of Public Acts of Restricted Application) The Pyap Irrigation Trust Act Amendment Act, 1926		
Railway Acts—		
See also Railway Acts (in the Table of Public Acts of Restricted Application)		

Title of Act.	Year.	Number.
Railway Acts—*continued.*		
Adelaide City and Port Railway Act, 1850	1850	1
Adelaide City and Port Railway Guarantee Act, 1850	1850	4
The Broken Hill Proprietary Company, Limited's Hummock Hill to Iron Knob Tramway and Jetties Act, 1900	1900	—
See also (in the Table of Public General Acts) The Broken Hill Proprietary Company's Indenture Act, 1937, and the Broken Hill Proprietary Company's Steel Works Indenture Act, 1958, *and* (in the Table of Public Acts of Restricted Application) The Hummock Hill to Iron Knob Tramway Extension Act, 1927.		
Glenelg Railway Act Further Amendment Act, 1889.	1889	—
Grange and Military Road Railway Act.....	1878	—
Largs Bay Railway Act.....	1882	—
The Wallaroo Railway Act	1861	—
The Wallaroo Railway Amendment Act, 1862	1862	—
The Wallaroo Railway Further Amendment Act ...	1875	—
Returned Sailors and Soldiers' Imperial League Club (Licensing) Act, 1934	1934	—
River Murray Navigation Company Act, 1853	1853	—
Royal Institution for the Blind Act, 1934	1934	—
Saint Andrew's Church, Walkerville, Alteration of Trusts Act	1919	—
Saint Paul's Church, Port Adelaide, Sale of Lands Act ..	1914	—
Saint Peter's Collegiate School Ordinance, 1849	1849	1
Saint Peter's Collegiate School Ordinance Amendment Act	1889	—
The Salvation Army (South Australia) Property Trust Act, 1931	1931	—
Scotch College, Adelaide, Incorporation Act, 1922	1922	—
Stirling Trust Estate Act, 1857-8	1857-8	—
South Australian Banking Company Act, 1843.....	1843	—
South Australian Company Act, 1840.....	1840	8
South Australian Company's Land Act, 1852	1852	—
The South Australian Electric Light and Motive Power Company's Act, 1897	1897	—
See also The Adelaide Electric Supply Company's Act, 1922, *and* (in the Table of Public Acts of Restricted Application) the Adelaide Electric Supply Company's Act, 1931: The Adelaide Electric Supply Company Act, 1944.		
The South Australian Gas Company's Act, 1861	1861	—
South Australian Gas Company Amendment Act, 1874 ..	1874	—
The South Australian Gas Company's Further Amendment Act, 1882	1882	—
South Australian Gas Company's Act, 1912	1912	—
South Australian Gas Company's Act, 1919	1919	—
See also (in the Table of Public General Acts) the Gas Act, 1924 *and* (in the Table of Public Acts of Restricted Application) the South Australian Gas Company's Act Amendment Act, 1952.		

Title of Act.	Year.	Number.
South Australian Marine and Fire and Life Assurance Company Act, 1842	1842	—
South Australian Mining Association Act, 1851	1851	10
South Australian Mutual Insurance Association Act, 1853	1853	—
South Australian Mutual Life Assurance Society Act, 1880	1880	—
The South Australian Wesleyan Methodists Act, 1887	1887	—
South Australian Widows' Fund and General Annuity Endowment Society Act, 1850	1850	13
The Spicer Cottages Trust Act, 1934	1934	—
The Spicer Cottages Trust Act Amendment Act, 1938	1938	—
St. George's Church, Woodforde, Revocation of Trusts and Sale of Lands Act, 1920	1920	—
St. Martin's Lutheran Church, Mount Gambier, Incorporated Act, 1967	1967	59
The Thorngate Estate Act	1911	—
The Town and Country Bank Act, 1881	1881	—
Union Bank of Australia Act, 1850	1850	11
Way College Incorporation Act, 1899	1899	—
The Wyatt Benevolent Institution Incorporated Act	1935	—

TABLE OF ACTS REPEALED.

The following table contains a list of all Acts which have been repealed since the publication in April, 1937, of the South Australian Statutes, 1837-1936.

Title of Act Repealed.	Title of Repealing Act.
Aborigines Act, 1934-1939	Aboriginal Affairs Act, 1962
Acts Republication Act, 1965-1966	Acts Republication Act, 1967
The Adelaide Gunpowder Magazine Act	Statute Law Revision Act, 1937
Adoption of Children Act, 1925	Adoption of Children Act, 1966-1967
Adoption of Children Act Amendment Act, 1931	Adoption of Children Act, 1966-1967
Adoption of Children Act Amendment Act, 1940	Adoption of Children Act, 1966-1967
Adoption of Children Act Amendment Act, 1943	Adoption of Children Act, 1966-1967
The Adulteration of Wine and Brandy Act, 1907	Adulteration of Wine and Brandy (Repeal) Act, 1941
The Amendments Incorporation Act, 1914	Amendments Incorporation Act, 1937
The Amendments Incorporation Act, 1937	Acts Republication Act, 1967
Animals and Birds Protection Act, 1919-1958	Fauna Conservation Act, 1964
Associations Incorporation Act, 1939	Associations Incorporation Act, 1956
Banking Companies Act, 1935	Banking Companies Act Repeal Act, 1946
Births and Deaths Registration Act, 1936	Births, Deaths and Marriages Registration Act, 1966
Births and Deaths Registration Act Amendment Act, 1940	Births, Deaths and Marriages Registration Act, 1966
Births and Deaths Registration Act Amendment Act, 1942	Births, Deaths and Marriages Registration Act, 1966
Births and Deaths Registration Act Amendment Act, 1947	Births, Deaths and Marriages Registration Act, 1966
Births and Deaths Registration Act Amendment Act, 1959	Births, Deaths and Marriages Registration Act, 1966
Births and Deaths Registration Act Amendment Act, 1960	Births, Deaths and Marriages Registration Act, 1966
Births and Deaths Registration Act Amendment Act, 1962	Births, Deaths and Marriages Registration Act, 1966
Bread Act, 1936	Bread Act, 1954
Bread Act Amendment Act, 1949	Statute Law Revision Act, 1957
Building Materials Act, 1945-1949	Building Materials Act, 1949
Building Materials Act, 1949-1951	Building Operations Act, 1952
Bush Fires Act, 1933-1957	Bush Fires Act, 1960
Children's Institutions Subsidies Act, 1961	Maintenance Act Amendment Act, 1965
Citrus Marketing Act, 1931	Citrus Industry Organization Act, 1965
Collections for Unemployment Act, 1930	Collections for Charitable Purposes Act, 1939

Title of Act Repealed.	Title of Repealing Act.
Commonwealth Powers (Air Navigation) Act, 1921	Air Navigation Act, 1937
Commonwealth Water Agreement Ratification Act, 1940	Commonwealth Water Agreement, Ratification Act Repeal Act, 1954
Companies Act, 1934-1960	Companies Act, 1962
Constitution Act Amendment Act, 1951	Parliamentary Salaries and Allowances Act, 1965
Convicted Inebriates Act, 1913	Alcohol and Drug Addicts (Treatment) Act, 1961
Cornsacks Act, 1931-1935	Statute Law Revision Act, 1937
Country Factories Act, 1945	Industrial Code, 1967
Country Factories Act Amendment Act, 1965	Industrial Code, 1967
Coursing Restriction Act, 1927	Dog-Racing Control Act, 1966-1967
Debt Adjustment Act, 1929-1932	Statute Law Revision Act, 1957
Debt Adjustment Act, 1932	Statute Law Revision Act, 1957
Decimal Currency Act, 1965 (in part)	Weights and Measures Act, 1967
Draught Stallions Act, 1932-1933	Draught Stallions Act Repeal Act, 1955
Employers' Liability Act, 1934	Wrongs Act Amendment Act, 1944
Fertilizers Act, 1918	Agricultural Chemicals Act, 1955
Firearms Act, 1956	Firearms Act, 1958
Firearms Registration Act, 1919	Firearms Act, 1958
Firearms Registration (River Murray) Act, 1929	Firearms Act, 1958
French Red Cross Fund Act, 1940	Statute Law Revision Act, 1952
Government Labour Exchange Act, 1931	Statute Law Revision Act, 1957
The Guardianship of Infants Act, 1887	Guardianship of Infants Act, 1940
Hide and Leather Industries Act, 1948	Hide and Leather Industries Legislation Repeal Act, 1956
Hide and Leather Industries Act Suspension Act, 1954	Hide and Leather Industries Legislation Repeal Act, 1956
Hire-Purchase Agreements Act, 1931	Hire-Purchase Agreements Act, 1960
Imprint Act, 1863-1881	Imprint Act, 1951
Increase of Rent (War Restrictions) Act, 1939-1941	Landlord and Tenant (Control of Rents) Act, 1942
Industrial Code, 1920	Industrial Code, 1967
Industrial Code Amendment Act, 1921	Industrial Code, 1967
Industrial Code Amendment Act, 1924	Industrial Code, 1967
Industrial Code Amendment Act, 1925	Industrial Code, 1967
Industrial Code Amendment Act, 1935	Industrial Code, 1967
Industrial Code Amendment Act, 1943	Industrial Code, 1967
Industrial Code Amendment Act, 1947	Industrial Code, 1967
Industrial Code Amendment Act, 1948	Industrial Code, 1967
Industrial Code Amendment Act, 1949	Industrial Code, 1967
Industrial Code Amendment Act, 1950	Industrial Code, 1967
Industrial Code Amendment Act (No. 2), 1950	Industrial Code, 1967
Industrial Code Amendment Act, 1951	Industrial Code, 1967
Industrial Code Amendment Act (No. 3), 1951	Industrial Code, 1967
Industrial Code Amendment Act, 1955	Industrial Code, 1967
Industrial Code Amendment Act (No. 2), 1955	Industrial Code, 1967
Industrial Code Amendment Act, 1958	Industrial Code, 1967
Industrial Code Amendment Act, 1963	Industrial Code, 1967

Title of Act Repealed.	Title of Repealing Act.
Industrial Code Amendment Act, 1966	Industrial Code, 1967
Inebriates Act, 1908-1934	Alcohol and Drug Addicts (Treatment) Act, 1961
Infectious Diseases Hospital Act, 1922-1943	Infectious Diseases Hospital Transfer Act, 1947
Inflammable Oils Act, 1908-1954	Inflammable Liquids Act, 1961
Innkeepers Act, 1888-1935.....	Licensing Act, 1967
Insurance Companies (Deposits) Act, 1924-1931	Statute Law Revision Act, 1957
Inter-State Destitute Persons Relief Act, 1910-1958	Maintenance Act Amendment Act, 1965
Juries Act, 1844.....	Statute Law Revision Act, 1937
Juvenile Courts Act, 1941-1965	Juvenile Courts Act, 1965-1966
Kowulka Railway Act, 1922.....	Kowulka Branch Railway Act, 1948
Land Agents Act, 1925-1950	Land Agents Act, 1955
Landlord and Tenant (Rent Reduction) Act, 1932-1936	Statute Law Revision Act, 1957
Land Settlement Act Extension Act, 1956 .	Land Settlement Act Amendment Act, 1957
Leigh Creek Coal Act, 1942	Electricity Trust of South Australia Act Amendment Act, 1946
Licensing Act, 1932-1936	Licensing Act, 1967
Licensing Act, 1933.....	Licensing Act, 1967
Licensing Act, 1935.....	Licensing Act, 1967
Licensing Act Amendment Act, 1945	Licensing Act, 1967
Licensing Act Amendment Act, 1949	Licensing Act, 1967
Licensing Act Amendment Act, 1953	Licensing Act, 1967
Licensing Act Amendment Act, 1954	Licensing Act, 1967
Licensing Act Amendment Act, 1960	Licensing Act, 1967
Licensing Act Amendment Act, 1963	Licensing Act, 1967
Licensing Act Amendment Act, 1964	Licensing Act, 1967
Licensing Act Amendment Act, 1966	Licensing Act, 1967
Life Assurance Companies Act (Partial Suspension) Act, 1943	Statute Law Revision Act, 1952
Lifts Regulation Act, 1908-1934	Lifts Act, 1960
Loans for Fencing and Water Piping Act, 1930	Loans for Fencing and Water Piping Act, 1938
Long Service Leave Act, 1957.....	Long Service Leave Act, 1967
Lottery and Gaming and Licensing Acts Amendment Act, 1933—Part II	Licensing Act, 1967
Maintenance Act Amendment Act, 1965 (in part)	Adoption of Children Act, 1966-1967
Maintenance Orders (Facilities) Enforcement Act, 1922-1965	Maintenance Act Amendment Act, 1965
Margarine Act, 1934	Margarine Act, 1939
Marriage Act, 1936	Births, Deaths and Marriages Registration Act, 1966
Marriage Act Amendment Act, 1941	Births, Deaths and Marriages Registration Act, 1966
Marriage Act Amendment Act, 1944	Births, Deaths and Marriages Registration Act, 1966
Marriage Act Amendment Act, 1950	Births, Deaths and Marriages Registration Act, 1966
Marriage Act Amendment Act, 1957	Births, Deaths and Marriages Registration Act, 1966

Title of Act Repealed.	Title of Repealing Act
Marriage Act Amendment Act, 1961	Births, Deaths and Marriages Registration Act, 1966
The Meters and Gas Act, 1881.....	Gas Act Amendment Act, 1954
The Mining on Private Property Act, 1909-1916	Mining Act Amendment Act, 1941
Money-lenders Act, 1924	Money-lenders Act, 1940
National Bank of Australasia Act, 1859-1863	Statute Law Revision Act, 1957
The National Park Act, 1891	National Parks Act, 1966
National Park Act Amendment Act, 1933 ..	National Parks Act, 1966
National Park Act Amendment Act, 1955 ..	National Parks Act, 1966
National Park and Wild Life Reserves Act Amendment Act, 1960	National Parks Act, 1966
Northern Areas and Whyalla Water Supply Act, 1940	Broken Hill Proprietary Company's Steel Works Indenture Act, 1958
Notification of Births Act, 1926	Births, Deaths and Marriages Registration Act, 1966
Noxious Weeds Act, 1931-1939	Weeds Act, 1956
Payment of Members of Parliament Act, 1936-1944	Payment of Members of Parliament Act, 1948
Payment of Members of Parliament Act, 1948-1958	Parliamentary Salaries and Allowances Act, 1965
Pest Destroyers Act, 1919-1934	Agricultural Chemicals Act, 1955
Police Pensions Act, 1929-1951	Police Pensions Act, 1954
Port Adelaide Water Frontage Act, 1886....	Water Frontages Act Repeal Act, 1960
Port Adelaide Water Frontage Act, 1902 ..	Water Frontages Act Repeal Act, 1960
Port Adelaide Water Frontages Act, 1910 ..	Water Frontages Act Repeal Act, 1960
Port Pirie Park Lands Act, 1932	Port Pirie Park Lands Repeal Act, 1951
Producer Gas Equipment Act, 1942	Statute Law Revision Act, 1952
Public Library, Museum, and Art Gallery, and Institutes Act, 1936	Libraries and Institutes Act, 1939
Public Officers Salaries Act, 1952.....	Public Officers Salaries Act, 1953
Public Officers Salaries Act, 1953.....	Statutes Amendment (Public Salaries) Act, 1955
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Public Service Act, 1936	Public Service Act, 1967
Public Service Act Amendment Act, 1937 ..	Public Service Act, 1967
Public Service Act Amendment Act (No. 2), 1937	Public Service Act, 1967
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Public Service Act Amendment Act, 1940 ..	Public Service Act, 1967
Public Service Act Amendment Act, 1941 ..	Public Service Act, 1967
Public Service Act Amendment Act, 1942 ..	Public Service Act, 1967
Public Service Act Amendment Act, 1945 ..	Public Service Act, 1967
Public Service Act Amendment Act, 1946 ..	Public Service Act, 1967
Public Service Act Amendment Act, 1947 ..	Public Service Act, 1967
Public Service Act Amendment Act, 1948 ..	Public Service Act, 1967
Public Service Act Amendment Act, 1949 ..	Public Service Act, 1967
Public Service Act Amendment Act, 1950 ..	Public Service Act, 1967
Public Service Act Amendment Act, 1951 ..	Public Service Act, 1967

Title of Act Repealed.	Title of Repealing Act.
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Public Service Act Amendment Act, 1953 ..	Public Service Act, 1967
Public Service Act Amendment Act, 1954 ..	Public Service Act, 1967
Public Service Act Amendment Act (No. 2), 1954	Public Service Act, 1967
Public Service Act Amendment Act, 1958 ..	Public Service Act, 1967
Public Service Act Amendment Act, 1965-1966	Public Service Act, 1967
Public Service Superannuation Fund Act, 1902-1913	Public Service Superannuation Fund (Arrangement) Act, 1960
Railways Standardization Agreement Act, 1946	Railways Standardization Agreement Act, 1949
Registration of Business Names Act, 1928-1961	Business Names Act, 1963
Remission of Fees Act, 1941	Statute Law Revision Act, 1952
Remission of Registration Fees Act, 1942 ..	Statute Law Revision Act, 1952
Road Traffic Act, 1934-1959	Road Traffic Act, 1961
Road Traffic Board Act, 1960	Road Traffic Act, 1961
Sand Drift Act, 1923-1927	Statute Law Revision Act, 1965
Scaffolding Inspection Act, 1934	Construction Safety Act, 1967
Scaffolding Inspection Act Amendment Act, 1940	Construction Safety Act, 1967
Scaffolding Inspection Act Amendment Act, 1957	Construction Safety Act, 1967
Scaffolding Inspection Act Amendment Act, 1961	Construction Safety Act, 1967
Scaffolding Inspection Act Amendment Act, 1963	Construction Safety Act, 1967
South Australian Railway Commissioner's Act, 1936 (in part)	Licensing Act, 1967
State Salaries (Commonwealth Taxation) Act, 1916	Statute Law Revision Act, 1937
Statute Law Revision Act, 1934 (in part) ..	Adoption of Children Act, 1966-1967
Statute Law Revision Act, 1935 (in part)...	National Parks Act, 1966
Statute Law Revision Act, 1936 (in part) ..	Adoption of Children Act, 1966-1967
Statute Law Revision Act, 1936 (in part) ..	Births, Deaths and Marriages Registration Act, 1966
Statute Law Revision Act, 1936 (in part) ..	Licensing Act, 1967
Statute Law Revision Act, 1952 (in part) ..	Weights and Measures Act, 1967
Statute Law Revision Act, 1957 (in part) ..	Licensing Act, 1967
Statute Law Revision Act, 1965 (in part) ..	Licensing Act, 1967
Statutes Amendment (Long Service Leave) Act, 1958 (s. 3)	Public Service Act, 1967
Statutes Amendment (Public Salaries) Act, 1955 (ss. 10, 11)	Public Service Act, 1967
Statutes Amendment (Public Salaries) Act, 1957 (s. 5)	Public Service Act, 1967
Statutes Amendment (Public Salaries) Act, 1959 (s. 6)	Public Service Act, 1967
Statutes Amendment (Public Salaries) Act, (No. 2), 1960 (s. 6)	Public Service Act, 1967
Statutes Amendment (Public Salaries) Act, 1965 (s. 7)	Public Service Act, 1967

Title of Act Repealed.	Title of Repealing Act.
Statutes Amendment (Public Salaries) Act, 1967 (s. 6)	Public Service Act, 1967
Stock Licks Act, 1931	Stock Licks Act Repeal Act, 1956
The Teachers Superannuation Act, 1890-1928	Superannuation Act Amendment Act, 1949
Technical Education of Apprentices Act, 1917-1940	Apprentices Act, 1950
Textile Products Description Act, 1944	Textile Products Description Act, 1953
Town Planning Act, 1929	Planning and Development Act, 1966-1967
Town Planning Act Amendment Act, 1955	Planning and Development Act, 1966-1967
Town Planning Act Amendment Act, 1956	Planning and Development Act, 1966-1967
Town Planning Act Amendment Act, 1957	Planning and Development Act, 1966-1967
Town Planning Act Amendment Act, 1963	Planning and Development Act, 1966-1967
Travelling Stock Waybills Act, 1911-1960	Statute Law Revision Act, 1965
Trespassing on Land Act, 1928	Trespassing on Land Act, 1951
Use of Firearms Restriction Act, 1917	Firearms Act, 1958
Venereal Diseases Act, 1920	Venereal Diseases Act, 1947
Weights and Measures Act, 1934	Weights and Measures Act, 1967
Weights and Measures Act Amendment Act, 1938	Weights and Measures Act, 1967
Weights and Measures Act Amendment Act, 1939	Weights and Measures Act, 1967
Weights and Measures Act Amendment Act, 1940	Weights and Measures Act, 1967
Weights and Measures Act Amendment Act, 1941	Weights and Measures Act, 1967
Weights and Measures Act Amendment Act, 1944	Weights and Measures Act, 1967
Weights and Measures Act Amendment Act, 1953	Weights and Measures Act, 1967
Weights and Measures Act Amendment Act, 1958	Weights and Measures Act, 1967
Weights and Measures Act Amendment Act, 1962	Weights and Measures Act, 1967
Weights and Measures Act Amendment Act, 1964	Weights and Measures Act, 1967
Weights and Measures Act Amendment Act, 1966	Weights and Measures Act, 1967
Wheat Industry Stabilization Act, 1948-1953	Wheat Industry Stabilization Act, 1954
Wheat Industry Stabilization Act, 1954-1955	Wheat Industry Stabilization Act, 1958
Wheat Industry Stabilization Act, 1958	Wheat Industry Stabilization Act, 1963
Wheat Products Prices Act, 1938	Statute Law Revision Act, 1957
The Woods and Forests Act, 1882-1934	Forestry Act, 1950

TABLE OF ACTS AFFECTED BY AMENDMENT OR JUDICIAL DECISION

TABLE OF PUBLIC GENERAL ACTS AFFECTED BY AMENDMENT OR JUDICIAL DECISION.

This table contains a list of Public General Acts which have been amended by Acts passed since the publication in April, 1937, of the South Australian Statutes, 1837-1936. Under the title of every Act so amended are shown the sections affected, the number and section of the amending Act, and the page of the Annual Volume of Statutes in which the section of the amending Act is printed. Acts which have been repealed since April, 1937, are shown in the Table of Acts Repealed.

This table also contains notes, placed against references to the appropriate sections of the Acts affected, of the reported decisions of the Privy Council, the High Court of Australia, the Supreme Court of South Australia, and the Industrial Court of South Australia, relating to the interpretation of those sections. The cases so noted are those comprised in reports published since 1st April, 1937, and include the cases reported up to the end of 1966 Appeal Cases, up to page 536 of 115 Commonwealth Law Reports, up to page 78 of 1967 South Australian State Reports, and up to the end of 30 South Australian Industrial Reports. Cases comprised in reports published before 1st April, 1937, are noted in footnotes to the relevant sections of the Acts printed in Volumes 1 to 8 of the South Australian Statutes, 1837-1936.

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Abattoirs Act, 1911-1936 (Vol. 1, p. 1)	s. 2. Amended by No. 32, s. 3, 1946, p. 152 s. 3. Amended by No. 2421, s. 2, 1938, p. 190 s. 4. Amended by No. 2421, s. 3, 1938, p. 190 s. 13. Substituted by No. 2421, s. 4, 1938, p. 191 s. 26. Substituted by No. 2421, s. 5, 1938, p. 191 s. 27. Amended by No. 2421, s. 6, 1938, p. 192 s. 34. Amended by No. 2421, s. 7, 1938, p. 192 s. 40. Amended by No. 2421, s. 8, 1938, p. 192 s. 41. Amended by No. 2421, s. 9 (1), 1938, p. 192 s. 42. Amended by No. 2421, s. 9 (1) and (2), p. 192 s. 43. Amended by No. 2421, s. 9 (1) and (3), pp. 192, 193 s. 45. Amended by No. 2421, s. 10, 1938, p. 193 s. 46. Amended by No. 2421, s. 11, 1938, p. 193, and by No. 44, s. 2, 1950, p. 124 s. 48. Amended by No. 2421, s. 12, 1938, p. 193, and by No. 26, s. 2, 1947, p. 68 s. 50. Amended by No. 2421, s. 13, 1938, p. 194 s. 51. Amended by No. 2421, s. 14, 1938, p. 194 s. 53. Amended by No. 2421, s. 15, 1938, p. 194 s. 55. Amended by No. 2421, s. 16, 1938, p. 194 s. 62. Amended by No. 2421, s. 17, 1938, p. 194 s. 65. Amended by No. 2421, s. 18, 1938, p. 194 s. 73. Amended by No. 2421, s. 19, 1938, p. 194 s. 74. Substituted by No. 2421, s. 20, 1938, p. 195 ss. 74a to 74g. Enacted by No. 32, s. 2, 1946, p. 149 s. 79. Amended by No. 2421, s. 21, 1938, p. 195

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Acts Interpretation Act, 1915-1936 (Vol. 1, p. 55)	s. 4. Amended by No. 58, s. 3, 1949, p. 212 s. 15. *Spiller v. Webb and another* (1940) S.A.S.R. 102 s. 22. *International Hotel Limited v. McNally* (1940) 64 C.L.R. 24; 14 A.L.J. 267 s.22a. Enacted by No. 10, s. 3, 1945, p. 33 *Nilson v. The State of South Australia and others* (1955) 93 C.L.R. 292 *Pioneer Tourist Coaches Proprietary Limited v. The State of South Australia and others* (1955) 93 C.L.R. 307 s. 27. Amended by No. 10, s. 4, 1945, p. 34 s. 32. *Heffernan v. Richardson* (1946) S.A.S.R. 201 s. 33. Amended by No. 23, s. 3, 1957, p. 56 s. 33b. Enacted by No. 58, s. 4, 1949, p. 213 s. 37. *Day v. Hunkin* (1938) 61 C.L.R. 65; 12 A.L.J. 269, affirming *Day v. Hunkin* (1938) S.A.S.R. 121, which reversed *Day v. Hunkin* (1937) S.A.S.R. 453 s. 50. *O'Sullivan v. Friebe* (1956) S.A.S.R. 89
Adelaide Electric Supply Company's Acts, 1897-1931	ss. 15, 16. *Bennett & Fisher Limited v. The Electricity Trust of South Australia* (1961) S.A.S.R. 286
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Act Affected.	How Affected.
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Agricultural Chemicals Act, 1955 (1955, p. 167)	s. 12. Varied by regulations *Gazette* 21st January, 1965, p. 102 s. 18. Varied by regulations *Gazette* 21st January, 1965, p. 102 s. 19. Varied by regulations *Gazette* 21st January, 1965, p. 102
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Electricity (Country Areas) Subsidy Act, 1962 (1962, p. 9)	s. 3. Amended by No. 20, s. 3, 1965, p. 65 s. 3a. Enacted by No. 20, s. 4, 1965, p. 66
Electricity Trust of South Australia Act, 1946 (1946, p. 5)	s. 6. Amended by No. 22, s. 3, 1952, p. 53, and by No. 53, s. 3, 1954, p. 145 s. 8a. Enacted by No. 22, s. 4, 1952, p. 53 and repealed by No. 53, s. 4, 1954, p. 145 s. 15. *The Electricity Trust of South Australia v. Linterns Limited* (1950) S.A.S.R. 133 s. 20a. Enacted by No. 22, s. 5, 1952, p. 54 ss. 26a to 26d. Enacted by No. 53, s. 5, 1954, pp. 145-147 s. 28. Amended by No. 25, s. 3, 1946, p. 120 s. 30. Amended by No. 25, s. 4, 1946, p. 120 s. 31. Substituted by No. 25, s. 5, 1946, p. 120 s. 32. Substituted by No. 25, s. 5, 1946, p. 122 s. 33. Repealed by No. 25, s. 5, 1946, p. 120 s. 37. Amended by No. 8, s. 3, 1966, p. 57 s. 40. Amended by No. 8, s. 4, 1966, p. 58 *Bennett & Fisher Ltd. v. Electricity Trust of South Australia* 35 A.L.J.R. 481 ss. 43a to 43d. Enacted by No. 25, s. 6, 1946, pp. 122, 123 s. 43da. Enacted by No. 44, s. 3, 1949, p. 154 ss. 43e to 43h. Enacted by No. 25, s. 6, 1946, p. 124 s. 44. Amended by No. 25, s. 6, 1946, p. 125
Emergency Powers Act, 1948 (1941, p. 8)	s. 2. Amended by No. 42, s. 3, 1952, p. 121
Employees Registry Offices Act, 1915-1934 (Vol. 2, p. 632)	s. 2. Amended by No. 9, s. 4, 1966, p. 59 s. 2a. Enacted by No. 41, s. 3, 1939, p. 259 s. 2b. Enacted by No. 9, s. 5, 1966, p. 61 s. 4. Amended by No. 9, ss. 3 and 6, 1966, pp. 59, 61 s. 4a. Enacted by No. 9, s. 7, 1966, p. 62 s. 4b. Enacted by No. 9, s. 7, 1966, p. 62 s. 5. Amended by No. 9, ss. 3 and 8, 1966, pp. 59, 63 s. 6. Amended by No. 9, ss. 3 and 9, 1966, pp. 59, 63 s. 6a. Enacted by No. 9, s. 10, 1966, p. 63 s. 6b. Enacted by No. 9, s. 10, 1966, p. 63 s. 7. Amended by No. 9, s. 11, 1966, p. 64 s. 8. Amended by No. 9, ss. 3 and 12, 1966, pp. 59, 64 s. 9. Amended by No. 9, s. 3, 1966, p. 59 s. 10. Amended by No. 9, s. 13, 1966, p. 64

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Employees Registry Offices Act, 1915-1934 (Vol. 2, p. 632)—*continued*	s. 11. Substituted by No. 9, s. 14, 1966, p. 65 s. 11a. Enacted by No. 9, s. 15, 1966, p. 65 s. 12. Amended by No. 9, s. 16, 1966, p. 66 s. 13. Substituted by No. 29, s. 3, 1953, p. 78 and amended by No. 9, s. 3, 1966, p. 59 s. 13a. Enacted by No. 29, s. 3, 1953, p. 79 s. 14. Amended by No. 29, s. 4, 1953, p. 79 s. 14a. Enacted by No. 29, s. 5, 1953, p. 79 s. 16. Repealed by No. 9, s. 17, 1966, p. 66 s. 16a. Amended by No. 9, s. 3, 1966, p. 59 s. 17. Amended by No. 9, s. 18, 1966, p. 66 s. 22. Amended by No. 9, s. 19, 1966, p. 66 Second schedule. Amended by No. 9, s. 20, 1966, p. 66 Third schedule. Amended by No. 9, s. 21, 1966, p. 66 Fifth schedule. Repealed by No. 29, s. 6, 1953, p. 80
Encroachments Act, 1944 (1944, p. 59)	s. 2. *Bolton and another v. Clutterbuck and others* (1955) S.A.S.R. 253
Enfield General Cemetery Act, 1944 (1944, p. 146)	s. 5. Amended by No. 63, s. 3, 1966, p. 396 s. 6a. Enacted by No. 63, s. 4, 1966, p. 396 s. 14. Amended by No. 33, s. 3, 1960, p. 94 s. 16. Amended by No. 33, s. 4, 1960, p. 94 s. 22a. Enacted by No. 35, s. 5, 1960, p. 95 s. 23. Amended by No. 17, s. 2, 1949, p. 62, and by No. 46, s. 8, 1952, p. 130, and by No. 12, s. 2, 1956, p. 36 s. 24. Amended by No. 17, s. 3, 1949, p. 62 and by No. 46, s. 9, 1952, p. 130 s. 24a. Enacted by No. 63, s. 5, 1966, p. 397 s. 25. Amended by No. 63, s. 6, 1966, p. 397 s. 26. Amended by No. 63, s. 7, 1966 p. 397 s. 27. Amended by No. 33, s. 6, 1960, p. 95 s. 31. Amended by No. 63, s. 8, 1966, p. 397 s. 32. Amended by No. 33, s. 7, 1960, p. 95 s. 33. Amended by No. 33, s. 8, 1960, p. 96 s. 38. Amended by No. 33, s. 9, 1960, p. 96 and by No. 63, s. 9, 1966, p. 398 s. 39. Amended by No. 33, s. 10, 1960, p. 96 s. 42. Amended by No. 33, s. 11, 1960, p. 96 Fourth schedule. Amended by No. 17, s. 4, 1949, p. 62 and by No. 46, s. 10, 1952, p. 130
Evidence Act, 1929-1933 (Vol. 2, p. 649)	This Act, as amended by No. 40, 1940, p. 129, No. 27, 1941, p. 100, No. 29, 1945, p. 133, No. 5, 1947, p. 7, No. 36, 1949, p. 121, No. 42, 1952, p. 119, No. 26, 1955, p. 85 and No. 36, 1957, p. 94, and with notes of judicial decisions, is reprinted in the 1958 volume, p. 235. *See also* the following paragraph
Evidence Act, 1929-1957 (1958, p. 235)	s. 18. *Stuart v. The Queen* (1959) 101 C.L.R. 1; 33 A.L.J.R. 113, affirming *R. v. Stuart* (1959) S.A.S.R. 144 s. 30. *Adami v. The Queen* (1959) 108 C.L.R. 605; 33 A.L.J.R. 391 affirming *R. Adami* (1959) S.A.S.R. 81 s. 34c. *In the estate of Constantine, deceased; Constantine v. Constantinides* (1960) S.A.S.R. 19 *Murphy v. Haskell* (1961) S.A.S.R. 1 *Alstev Paramount Motors* (*Souter, Third Party*) (1965) S.A.S.R. 228 s. 40. *Verran (falsely called Wilton) v. Spearman (falsely called Wilton)* (1959) S.A.S.R. 259 s. 45. *N.T.I. Limited v. Queensland Insurance Company Limited* (1962) S.A.S.R. 51 s. 67. Amended by No. 25, s. 3, 1960, p. 64 s. 69. *The Queen v. Hermes; ex parte V* (1963) S.A.S.R. 81

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Excessive Rents Act, 1962 (1962, p. 173)	s. 3. Amended by No. 22, s. 3, 1966, p. 126 s. 4a. Enacted by No. 22, s. 4, 1966, p. 127 s. 5. Amended by No. 22, s. 5, 1966, p. 127 s. 14. Amended by No. 22, s. 6, 1966, p. 127 s. 15a. Enacted by No. 22, s. 7, 1966, p. 127 s. 15b. Enacted by No. 22, s. 7, 1966, p. 127 s. 15c. Enacted by No. 84, s. 8, 1966, p. 481 s. 16a. Enacted by No. 22, s. 8, 1966, p. 131
Explosives Act, 1936 (Vol. 2, p. 677)	s. 3. Amended by No. 15, s. 3, 1963, p. 40 s. 4. Amended by No. 89, s. 15, 1966, p. 503 ss. 28a to 28f. Enacted by No. 15, s. 4, 1963, pp. 41, 42 s. 30. Amended by No. 89, s. 15, 1966, p. 503 s. 31. Amended by No. 15, s. 5, 1963, p. 42 and by No. 89, s. 15, 1966, p. 503 ss. 33 to 40. Amended by No. 89, s. 15, 1966, p. 503 s. 42. Amended by No. 33, s. 3, 1958, p. 126 s. 52. Amended by No. 33, s. 4, 1958, p. 126 and by No. 23, s. 3, 1962, p. 55 Schedule. Enacted by No. 15, s. 6, 1963, p. 43
Fair Prices Act, 1924-1935 (Vol. 2, p. 699)	s. 11. *In the matter of an application under the Fair Prices Act*, 1924-1935 (1961) S.A.S.R. 33
Farmers Assistance Act, 1933-1936 (Vol. 2, p. 707)	ss. 5 and 6. Repealed by No. 26, s. 13, 1943, p. 68 s. 12. Amended by No. 2418, s. 2, 1938, p. 170, and by No. 26, s. 14, 1943, p. 68 s. 13. Amended by No. 26, s. 15, 1943, p. 68 s. 16. Amended by No. 26, s. 16, 1943, p. 68 s. 29. Amended by No. 2418, s. 3, 1938, p. 170 s. 31. *Chapman v. Wade* (1939) S.A.S.R. 298 s. 41. Amended by No. 33, s. 3, 1939, p. 195 ss. 42 to 57. Repealed by No. 26, s. 18, 1943, p. 69 s. 60. Amended by No. 26, s. 19, 1943, p. 69 s. 80. Repealed by No. 26, s. 18, 1943, p. 69
Fauna and Flora Reserve Act, 1919-1935 (Vol. 2, p. 740)	s. 16a. Enacted by No. 25, s. 3, 1940, p. 73
Fauna Conservation Act, 1964 (1964, p. 272)	s. 14. Amended by No. 44, s. 3, 1965, p. 152 s. 33. Amended by No. 44, s. 4, 1965, p. 153 s. 40. Amended by No. 44, s. 5, 1965, p. 153 s. 69. Amended by No. 44, s. 6, 1965, p. 153
Fences Act, 1924-1926 (Vol. 3, p. 1)	ss. 5, 21. *District Council of Noarlunga v. Coventry* (1967) S.A.S.R. 71
Fibre and Sponges Act, 1909-1935 (Vol. 3, p. 27)	s. 7a. Enacted by No. 2369, s. 3, 1937, p. 104
Financial Agreement Act, 1927 (Vol. 3, p. 33)	The Financial Agreement made on 12th December, 1927, and as varied by the provisions of other agreements made on 3rd July, 1934, and on 15th November, 1944, is reprinted, as a schedule to the Amending Financial Agreement Act, 1944, in the 1944 volume, p. 122
Financial Emergency Act, 1931-1936 (Vol. 3, p. 46)	s. 14. Repealed by No. 2342, s. 3, 1937, p. 11 s. 15. Repealed by No. 2342, s. 3, 1937, p. 11
Financial Emergency Act Extension Act, 1934 (Vol. 3, p. 66)	s. 3. Amended by No. 39, s. 3, 1939, p. 249

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Fire Brigades Act, 1936 (Vol. 3, p. 78)	s. 5. Amended by No. 2389, s. 3 (1), 1938, p. 18 s. 24a. Enacted by No. 25, s. 2, 1944, p. 64 s. 26. Amended by No. 7, s. 2, 1958, p. 16 s. 27a. Enacted by No. 25, s. 3, 1944, p. 64 s. 32. Amended by No. 2389, s. 3 (2), 1938, p. 18 s. 53. Amended by No. 2389, s. 2, 1938, p. 17 and by No. 32, s. 3, 1942, p. 98 s. 54. Amended by No. 32, s. 4, 1942, p. 98 s. 58. Amended by No. 2389, s. 3 (3), 1938, p. 18 s. 60a. Enacted by No. 32, s. 5, 1942, p. 99 s. 68. Amended by No. 32, s. 6, 1942, p. 100
Fisheries Act, 1917-1935 (Vol. 3, p. 115)	This Act, as amended by No. 2391, 1938, p. 29 and No. 2419, 1938, p. 171, and with notes of judicial decisions, is reprinted in the 1938 volume, p. 338. *See also* the following paragraph
Fisheries Act, 1917-1938 (1938, p. 338)	s. 4. Amended by No. 18, s. 2, 1946, p. 104 and by No. 35, s. 3, 1962, p. 99 s. 6. Amended by No. 18, s. 3, 1946, p. 104 and by No. 35, s. 4, 1962, p. 100 s. 7a. Enacted by No. 26, s. 3, 1956, p. 67 s. 13. Amended by No. 18, s. 4, 1946, p. 104 and by No. 35, s. 5, 1962, p. 100 s. 14. Amended by No. 18, s. 5, 1946, p. 105 s. 14a. Amended by No. 18, s. 6, 1946, p. 105 and by No. 35, s. 6, 1962, p. 100 s. 16. Amended by No. 35, s. 7, 1962, p. 100 s. 53. Amended by No. 18, s. 7, 1946, p. 105 and by No. 35, s. 8, 1962, p. 101 s. 56. Amended by No. 35, s. 9, 1962, p. 101 s. 59. Amended by No. 35, s. 10, 1962, p. 102
The Flinders University of South Australia Act, 1966 (1966, p. 132)	s. 11. Amended by No. 53, s. 3, 1966, p. 339 s. 12. Substituted by No. 53, s. 4, 1966, p. 339 s. 14. Substituted by No. 53, s. 5, 1966, p. 340
Food and Drugs Act, 1908-1935 (Vol. 3, p. 139)	s. 5. Amended by No. 13, s. 3, 1954, p. 30 s. 5a. Enacted by No. 21, s. 2, 1943, p. 74 s. 5b. Enacted by No. 13, s. 4, 1954, p. 31 s. 6a. Enacted by No. 13, s. 5, 1954, p. 31 s. 15. Amended by No. 8, s. 3, 1939, p. 24, and by No. 67, s. 2, 1949, p. 242 s. 15a. Enacted by No. 8, s. 4, 1939, p. 24 s. 22a. *Gepp v. Anderson* (1949) S.A.S.R. 135 s. 25a. Enacted by No. 21, s. 3, 1943, p. 47 s. 27. Amended by No. 13, s. 2, 1953, p. 28 and by No. 70, s. 26, 1967, p. 714 s. 29. Amended by No. 21, s. 4, 1943, p. 48 s. 51. Amended by No. 10, s. 2, 1950, p. 22 s. 57. Substituted by No. 21, s. 5, 1943, p. 48 s. 58. Amended by No. 21, s. 6, 1943, p. 49 s. 61. Amended by No. 21, s. 7, 1943, p. 49, by No. 13, s. 3, 1953, p. 29, by No. 13, s. 6, 1954, p. 32, and by No. 12, s. 3, 1962, p. 36 s. 61a. Enacted by No. 21, s. 8, 1943, p. 49 s. 62. Substituted by No. 21, s. 9, 1943, p. 49
Foot and Mouth Disease Eradication Fund Act, 1958 (1958, p. 143)	s. 3. Amended by No. 18, s. 3, 1965, p. 60
Footwear Regulation Act, 1920 (Vol. 3, p. 173)	s. 5. Substituted by No. 45, s. 3, 1949, p. 156 s. 6. Substituted by No. 45, s. 3, 1949, p. 158 s. 10. Amended by No. 45, s. 4, 1949, p. 158

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Forestry Act, 1950 (1950, p. 40)	s. 6. Amended by No. 27, s. 2, 1956, p. 69
Friendly Societies Act, 1919-1936	This Act, as amended by No. 2374, 1937, p. 121, No. 2425, 1938, p. 233, No. 32, 1940, p. 92, No. 8, 1946, p. 32, No. 24, 1949, p. 79, No. 37, 1950, p. 109, No. 19, 1952, p. 46, No. 32, 1954, p. 90, and No. 52, 1956, p. 162, and with notes of judicial decisions, is reprinted in the 1956 volume, p. 231. *See also* the following paragraph
Friendly Societies Act, 1919-1956 (1956, p. 231)	s. 7. Amended by No. 25, s. 3, 1961, p. 66 and by No. 30, s. 3, 1966, p. 240 s. 9. Amended by No. 25, s. 4, 1961, p. 67 s. 9a. Amended by No. 25, s. 5, 1961, p. 67 and by No. 30, s. 4, 1966, p. 240 s. 12. Amended by No. 25, s. 6, 1961, p. 67 and by No. 30, s. 5, 1966, p. 240 s. 23. Amended by No. 25, s. 7, 1961, p. 67 Second schedule. Varied by proclamations, *Gazette* 14th December, 1961, p. 1963; 6th September, 1962, p. 590
Fruit Fly Act, 1947 (1947, p. 12).....	s. 3. Amended by No. 23, s. 3, 1953, p. 56 s. 4. Amended by No. 11, s. 2, 1948, p. 72, by No. 27, s. 3, 1949, p. 85, by No. 24, s. 2, 1950, p. 70, by No. 10, s. 3, 1952, p. 22, by No. 23, s. 4, 1953, p. 56, and by No. 14, s. 3, 1955, p. 48 s. 5. Amended by No. 11, s. 3, 1948, p. 72, and by No. 27, s. 4, 1949, p. 85 s. 8. Amended by No. 23, s. 5, 1953, p. 57 Schedule. Substituted by No. 14, s. 4, 1955, p. 48
Garden Suburb Act, 1919-1936 (Vol. 3, p. 223)	s. 15. Amended by No. 50, s. 4, 1960, p. 191 ss. 16, 17 and 18. Repealed by No. 50, s. 5, 1960, p. 192 s. 23. Amended by No. 50, s. 6, 1960, p. 192 s. 23b. Amended by No. 50, s. 7, 1960, p. 192 s. 23d. Repealed by No. 50, s. 8, 1960, p. 192 s. 28. Amended by No. 50, s. 10, 1960, p. 193 s. 29. Repealed by No. 50, s. 5, 1960, p. 192
Gas Act, 1924 (Vol. 3, p. 236)	s. 5. Amended by No. 4, s. 4, 1954, p. 7 s. 5a. Enacted by No. 4, s. 5, 1954, p. 8 s. 7. Amended by No. 4, s. 6, 1954, p. 8 s. 8. Amended by No. 4, s. 9, 1954, p. 9 s. 9. Amended by No. 4, s. 9, 1954, p. 9 s. 12. Amended by No. 4, s. 9, 1954, p. 9 s. 13. Amended by No. 4, s. 9, 1954, p. 9 s. 15. Amended by No. 4, s. 9, 1954, p. 9 s. 16. Amended by No. 4, s. 9, 1954, p. 9 s. 17. Amended by No. 4, s. 9, 1954, p. 9 s. 18. Amended by No. 33, s. 3, 1950, p. 97 and by No. 4, s. 9. 1954, p. 9 s. 19. Amended by No. 4, s. 7, 1954, p. 8 s. 20. Amended by No. 4, s. 9, 1954, p. 9 s. 21. Amended by No. 4, s. 9, 1954, p. 9 s. 23. Amended by No. 4, s. 9, 1954, p. 9 s. 25. Amended by No. 4, s. 9, 1954, p. 9 s. 27. Amended by No. 33, s. 4, 1950, p. 98, and by No. 26, s. 3, 1961, p. 68 s. 29a. Enacted by No. 33, s. 5, 1950, p. 98

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Gas Act, 1924 (Vol. 3, p. 236)—*continued*	s. 30. Amended by No. 33, s. 6, 1950, p. 99 s. 31. Amended by No. 33, s. 7, 1950, p. 99 s. 33. Amended by No. 33, s. 8, 1950, p. 99, and by No. 60, s. 6, 1965, p. 369 s. 35. Amended by No. 33, s. 9, 1950, p. 99 s. 36. Amended by No. 33, s. 10, 1950, p. 99 s. 37. Amended by No. 60, s. 6, 1965, p. 369 s. 38. Substituted by No. 17, s. 3, 1955, p. 55 ss. 39 and 40. Repealed by No. 17, s. 3, 1955, p. 55 s. 40a. Enacted by No. 17, s. 4, 1955, p. 56 s. 41. Amended by No. 17, s. 5, 1955, p. 56 s. 43. Amended by No. 17, s. 6, 1955, p. 56, and by No. 26, s. 4, 1961, p. 69. s. 44. Repealed by No. 17, s. 7, 1955, p. 56 s. 45 Substituted by No. 17, s. 8, 1955, p. 56 s. 45a. Enacted by No. 33, s. 11, 1950, p. 99 s. 45b. Enacted by No. 17, s. 9, 1955, p. 56 s. 46. Amended by No. 17, s. 10, 1955, p. 58 s. 49. Amended by No. 17, s. 11, 1955, p. 59 s. 50. Amended by No. 17, s. 12, 1955, p. 59 s. 51. Repealed by No. 17, s. 13, 1955, p. 59 s. 55. Amended by No. 4, s. 8, 1954, p. 9 s. 56. Enacted by No. 17, s. 14, 1955, p. 59 First schedule. Amended by No. 33 ,s. 12, 1950, p. 99 and by No. 4, s. 9, 1954, s. 9 Second schedule. Repealed by No. 17, s. 15, 1955, p. 59
Gold Buyers Act, 1916-1935 (Vol. 3, p. 294)	s. 3. Amended by No. 35, s. 3, 1967, p. 339 s. 15. Amended by No. 35, s. 4, 1967, p. 339
Guardianship of Infants Act, 1940 (1940, p. 186)	s. 6. *In re Wilkinson* (1941) S.A.S.R. 231, reversing *in re W.* (1941) S.A.S.R. 188 *Wilkinson v. Wilkinson* (1944) S.A.S.R. 239 *In the matter of Santa Maria Gazzola, Maria Anna Gazzola, and Augusto Bruno Gazzola (Infants)* (1953) S.A.S.R. 333 s. 10. *In re H., an Infant* (1960) S.A.S.R. 55 s. 11. *Hedges v. Hedges* (1944) S.A.S.R. 266 *Besanko v. Besanko* (1949) S.A.S.R. 275
Hairdressers Registration Act 1939 (1939, p. 161)	s. 19. Amended by No. 27, s. 2, 1946, p. 128 s. 19a. Enacted by No. 27, s. 3, 1946, p. 129 s. 21. Amended by No. 44, s. 2, 1951, p. 100 s. 29. Amended by No. 44, 2. 3, 1951, p. 101
Harbors Act, 1936 (Vol. 3, p. 333)	s. 3a. Enacted by No. 89, s. 4, 1966, p. 498 s. 4. Amended by No. 89, s. 5, 1966, p. 500 s. 5. Amended by No. 89, s. 12, 1966, p. 503 s. 39. Amended by No. 89, s. 12, 1966, p. 503 s. 42. Amended by No. 89, s. 12, 1966, p. 503 s. 43. Amended by No. 89, s. 12, 1966, p. 503 s. 44. Amended by No. 89, s. 12, 1966, p. 503 s. 45. Amended by No. 89, s. 12, 1966, p. 503 s. 46. Amended by No. 89, s. 12, 1966, p. 503 s. 48. Amended by No. 89, s. 12, 1966, p. 503 Heading before s. 49. Substituted by No. 89, s. 6, 1966, p. 500 ss. 49 to 57. Substituted by No. 89, s. 7, 1966, pp. 500-502 ss. 58 to 63. Repealed by No. 89, s. 7, 1966, p. 500 Heading before s. 64. Amended by No. 89, s. 12, 1966, p. 503 s. 64. Amended by No. 89, s. 12, 1966, p. 503 s. 65. Amended by No. 89, s. 12, 1966, p. 503 Heading before s. 66. Amended by No. 89, s. 12, 1966, p. 503

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Harbors Act, 1936 (Vol. 3, p. 333)—*continued*	ss. 66 to 71. Amended by No. 89, s. 12, 1966, p. 503 s. 69. Amended by No. 12, s. 3, 1943, p. 26 s. 71a. Enacted by No. 52, s. 2, 1950, p. 172 and amended by No. 89, s. 12, 1966, p. 503 s. 71b. Enacted by No. 50, s. 3, 1955, p. 155 and amended by No. 36, s. 3, 1962, p. 103 and by No. 89, s. 12, 1966, p. 503 ss. 72 to 85. Amended by No. 89, s. 12, 1966, p. 503 s. 86. Repealed by No. 89, s. 8, 1966, p. 502 s. 87. Amended by No. 89, s. 12, 1966, p. 503 s. 88. Amended by No. 89, s. 12, 1966, p. 503 s. 90. Amended by No. 30, s. 3, 1965, p. 101 s. 92. Amended by No. 89, s. 12, 1966, p. 503 s. 98. Amended by No. 89, s. 12, 1966, p. 503 s. 99. Amended by No. 89, s. 12, 1966, p. 503 s. 100. Amended by No. 89, s. 12, 1966, p. 503 s. 106. Amended by No. 89, s. 12, 1966, p. 503 s. 109. Amended by No. 89, s. 12, 1966, p. 503 s. 111. Amended by No. 89, s. 12, 1966, p. 503 s. 112. Amended by No. 89, s. 12, 1966, p. 503 s. 113. Amended by No. 89, s. 12, 1966, p. 503 s. 115. Amended by No. 34, s. 3, 1953, p. 87 s. 116. Amended by No. 17, s. 3, 1947, p. 43 and by No. 89, s. 12, 1966, p. 503 s. 117. Amended by No. 89, s. 12, 1966, p. 503 s. 118. Amended by No. 89, s. 12, 1966, p. 503 s. 121. Amended by No. 89, s. 12, 1966, p. 503 s. 122. Amended by No. 89, s. 12, 1966, p. 503 s. 123. Amended by No. 89, s. 12, 1966, p. 503 s. 124. Amended by No. 89, s. 12, 1966, p. 503 s. 125. Amended by No. 89, s. 12, 1966, p. 503 s. 126. Amended by No. 89, s. 12, 1966, p. 503 s. 127. Amended by No. 30, s. 4, 1965, p. 101 and by No. 89, s. 12, 1966, p. 503 s. 129. Amended by No. 89, s. 12, 1966, p. 503 s. 133. Amended by No. 89, s. 12, 1966, p. 503 s. 137. Amended by No. 89, s. 12, 1966, p. 503 s. 138. Amended by No. 89, s. 12, 1966, p. 503 s. 139. Amended by No. 89, s. 12, 1966, p. 503 s. 141. Repealed by No. 89, s. 9, 1966, p. 502 s. 142. Repealed by No. 89, s. 9, 1966, p. 502 s. 143. Repealed by No. 89, s. 9, 1966, p. 502 s. 144. Amended by No. 34, s. 4, 1953, p. 87 and by No. 89, s. 12, 1966, p. 503 Fourth schedule. Enacted by No. 52, s. 3, 1950, p. 17 and amended by No. 30, s. 5, 1965, p. 102 s. 146 Amended by No. 89, s. 12, 1966, p. 503 s. 155. Amended by No. 89, s. 12, 1966, p. 503 s. 157. Amended by No. 89, s. 12, 1966, p. 503 s. 158. Amended by No. 89, s. 12, 1966, p. 503 s. 165. Amended by No. 89, s. 12, 1966, p. 503 s. 167. Amended by No. 89, s. 12, 1966, p. 503 s. 169. Amended by No. 89, s. 12, 1966, p. 503 s. 172. Amended by No. 89, s. 12, 1966, p. 503 s. 174. Amended by No. 89, s. 12, 1966, p. 503 s. 179. Amended by No. 89, s. 12, 1966, p. 503 s. 180. Amended by No. 89, s. 12, 1966, p. 503 s. 181. Amended by No. 89, s. 12, 1966, p. 503 s. 182. Amended by No. 89, s. 12, 1966, p. 503 s. 187. Amended by No. 89, s. 12, 1966, p. 503 s. 190. Amended by No. 89, s. 12, 1966, p. 503 s. 192. Amended by No. 89, s. 12, 1966, p. 503 ss. 195 to 198. Amended by No. 89, s. 12, 1966, p. 503 s. 200. Amended by No. 89, s. 12, 1966, p. 503 s. 202. Amended by No. 89, s. 12, 1966, p. 503 s. 204. Amended by No. 89, s. 12, 1966, p. 503 s. 207. Amended by No. 89, s. 12, 1966, p. 503

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Hawkers Act, 1934 (Vol. 3, p. 425) ...	s. 9a. Enacted by No. 5, s. 2, 1941, p. 12. s. 9b. Enacted by No. 5, s. 2, 1941, p. 13 s. 11. Amended by No. 5, s. 3, 1941, p. 13 s. 16a. Enacted by No. 5, s. 4, 1941, p. 13 s. 20. Amended by No. 42, s. 3, 1948, p. 187 and by No. 43, s. 3(1), 1960, p. 165 *Ward v. Pearson* (1939) S.A.S.R. 419
Health Act, 1935-1936 (Vol. 3, p. 432)	This Act, as amended by No. 33, 1940, p. 93, No. 35, 1941, p. 128, No. 13, 1943, p. 27, No. 34, 1943, p. 96, No. 48, 1947, p. 139, No. 14, 1950, p. 34, No. 39, 1950, p. 114, No. 45, 1951, p. 102, No. 15, 1952, p. 31, No. 18, 1953, p. 45, No. 14, 1954, p. 33, and No. 27, 1955, p. 87, and with notes of judicial decisions, is reprinted in the 1955 volume, p. 267. *See also* the following paragraph
Health Act, 1935-1955 (1955, p. 267)..	s. 3. Amended by No. 11, s. 3, 1963, p. 24 s. 51. Amended by No. 28, s. 4(c), 1956, p. 74 s. 61. Amended by No. 28, s. 4(d), 1956, p. 74 s. 77. Amended by No. 28, s. 4(a), 1956, p. 74 s. 81. Amended by No. 28, s. 4(e), 1956, p. 74 s. 83. Amended by No. 28, s. 4(d), 1956, p. 74 s. 85. Amended by No. 28, s. 4(c), 1956, p. 74 s. 88. Amended by No. 28, s. 4(c), 1956, p. 74 s. 90. Amended by No. 28, s. 4(d), 1956, p. 74 s. 94a. Enacted by No. 11, s. 4, 1963, p. 24 s. 94b. Enacted by No. 11, s. 4, 1963, p. 25 s. 94c. Enacted by No. 11, s. 4, 1963, p. 27 s. 95. Amended by No. 28, s. 4(b), 1956, p. 74 s. 98. Amended by No. 28, s. 4(c), 1956, p. 74 s. 100. Amended by No. 28, s. 4(c), 1956, p. 74 s. 101. Amended by No. 28, s. 4(c), 1956, p. 74 s. 102. Amended by No. 28, s. 4(c), 1956, p. 74 s. 110. Amended by No. 28, s. 4(d), 1956, p. 74 s. 111. Amended by No. 28, s. 4(d), 1956, p. 74 s. 112. Amended by No. 28, s. 4(d), 1956, p. 74 s. 113. Amended by No. 28, s. 4(c), 1956, p. 74 s. 115. Amended by No. 70, s. 28, 1967, p. 715 s. 117. Amended by No. 28, s. 4(c), 1956, p. 74 *Piro and another v. Boorman* (1958) S.A.S.R. 226 s. 118. Amended by No. 28, s. 4(d), 1956, p. 74 s. 119. Amended by No. 28, s. 4(d), 1956, p. 74 s. 121. Amended by No. 28, s. 4(c), 1956, p. 74 s. 123. Amended by No. 28, s. 4(d), 1956, p. 74, by No. 48, s. 3, 1959, p. 163, and by No. 4, s. 3, 1960, p. 16 s. 124. Amended by No. 28, s. 4(d), 1956, p. 74, and by No. 42, s. 3, 1957, p. 112 s. 127. Amended by No. 28, s. 4(b), 1956, p. 74, by No. 64, s. 3, 1966, p. 399 and by No. 10, s. 3, 1967, p. 40 s. 128. Amended by No. 28, s. 4(b), 1956, p. 74 and by No. 64, s. 4, 1966, p. 399 s. 132. Amended by No. 28, s. 4(d), 1956, p. 74 s. 134. Amended by No. 28, s. 4(b), 1956, p. 74 s. 135. Amended by No. 28, s. 4(a), 1956, p. 74 s. 137. Amended by No. 28, s. 4(b), 1956, p. 74 s. 138. Amended by No. 28, s. 4(d), 1956, p. 74 s. 139. Amended by No. 28, s. 4(b), 1956, p. 74 s. 140. Amended by No. 28, s. 4(d), 1956, p. 74 s. 146. Amended by No. 28, s. 4(d), 1956, p. 74 s. 146a. Amended by No. 28, s. 4(d), 1956, p. 74, and by No. 27, s. 3, 1961, p. 70 ss. 146o to 146q. Enacted by No. 28, s. 3, 1956, pp. 71-73 Part IXc. Enacted by No. 64, s. 5, 1966, p. 400

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Health Act, 1935-1955 (1955, p. 267)—*continued*	s. 146r. Enacted by No. 64, s. 5, 1966, p. 400 s. 146s. Enacted by No. 64, s. 5, 1966, p. 400 s. 147. Amended by No. 28, s. 4(c), 1956, p. 74 and by No. 89, s. 12, 1966, p. 503 s. 151. Amended by No. 28, s. 4(c), 1956, p. 74 s. 156. Amended by No. 28, s. 4(c), 1956, p. 74 s. 160. *Schulz v. Virgin* (1966) S.A.S.R. 94 s. 169. Amended by No. 28, s. 4(e), 1956, p. 74
Hide, Skin, and Wool Dealers Act, 1915-1935 (Vol. 3, p. 476)	s. 2. Amended by No. 15, s. 4, 1959, p. 34 s. 10. Amended by No. 15, s. 5, 1959, p. 35 s. 12. Substituted by No. 15, s. 6, 1959, p. 35 s. 12a. Enacted by No. 15, s. 3, 1965, p. 54 s. 12b. Enacted by No. 15, s. 3, 1965, p. 55 s. 13. Substituted by No. 15, s. 7, 1959, p. 36 s. 16. Amended by No. 15, s. 8, 1959, p. 36
Highways Act, 1926-1936 (Vol. 3, p. 483)	s. 6. Amended by No. 34, s. 3, 1960, p. 97 s. 7. Amended by No. 34, s. 4, 1960, p. 97 s. 8. Amended by No. 47, s. 2, 1953, p. 136 s. 11. Amended by No. 2388, s. 5, 1938, p. 16 s. 14. Amended by No. 47, s. 3, 1953, p. 136 s. 16. Amended by No. 2388, s. 5, 1938, p. 16 s. 17. Amended by No. 47, s. 4, 1953, p. 136 s. 20. Amended by No. 47, s. 5, 1953, p. 136 s. 20a. Amended by No. 47, s. 6, 1953, p. 137 s. 20b. Amended by No. 47, s. 7, 1953, p. 137 s. 20c. Enacted by No. 36, s. 2, 1944, p. 161, and amended by No. 47, s. 8, 1953, p. 137 s. 22. Amended by No. 47, s. 9, 1953, p. 137 s. 23. Amended by No. 47, s. 10, 1953, p. 137 s. 26. Amended by No. 47, s. 11, 1953 p. 137 and by No. 37, s. 3, 1963, p. 126 s. 26a. Amended by No. 47, s. 12, 1953, p. 137 s. 26b. Amended by No. 34, s. 5, 1960, p. 98 s. 26c. Enacted by No. 36, s. 3, 1944, p. 162 and amended by No. 37, s. 4, 1963, p. 127 and by No. 26, s. 3, 1967, p. 306 s. 26ca. Enacted by No. 37, s. 5, 1963, p. 127 s. 26d. Enacted by No. 36, s. 4, 1944, p. 162 s. 27a. Amended by No. 47, s. 13, 1953, p. 137 s. 27b. Enacted by No. 6, s. 2, 1949, p. 10, and amended by No. 47, s. 14, 1953, p. 137 s. 27ba. Enacted by No. 6, s. 2, 1949, p. 132 s. 27d. Amended by No. 36, s. 5, 1944, p. 16 s. 27f. Enacted by No. 37, s. 6, 1963, p. 128 s. 28. Substituted by No. 47, s. 16, 1953, p. 138 s. 29. *Bonnett v. Commissioner of Highways* (1956) S.A.S.R. 10 ss. 30a and 30b. Enacted by No. 34, s. 6, 1960, pp. 98, 99 s. 30c. Enacted by No. 34, s. 6, 1960, p. 100 and amended by No. 37, s. 7, 1963, p. 129 ss. 30d and 30e. Enacted by No. 34, s. 6, 1960, p. 100 Part III. Heading amended by No. 36, s. 9, 1944, p. 164 s. 31. Substituted by No. 2388, s. 3, 1938, p. 14, and amended by No. 36, ss. 6 (2) and 9, 1944, pp. 163 164, by No. 6, s. 3, 1949, p. 14 by No. 33, s. 3 (1), 1955, p. 102, and by No. 37, s. 8, 1963, p. 129 s. 31a. Amended by No. 2350, s. 4, 1937, p. 40 and repealed by No. 2388, s. 3, 1938, p. 14, and new section enacted by No. 33, s. 4, 1955, p. 102 s. 32. Amended by No. 2388, ss. 4 and 5, 1938, p. 16, by No. 36, s. 6 (1), 1944, p. 163, by No. 38, s. 18, 1948, p. 174, and by No. 47, s. 17, 1953, p. 138 s. 33. Amended by No. 2388, ss. 5 and 6, 1938, p. 16 s. 34. Amended by No. 2388, s. 5, 1938, p. 16

Act Affected.	How Affected.
Highways Act, 1926-1936 (Vol. 3, p. 483) —*continued*	s. 35. Amended by No. 2350, s. 5, 1937, p. 40, and by No. 47, s. 18, 1953, p. 138 s. 36. Amended by No. 2350, s. 6, 1937, p. 41 s. 36a. Enacted by No. 36, s. 7, 1944, p. 164 and substituted by No. 40, s. 2, 1954, p. 111 s. 36b. Enacted by No. 47, s. 19, 1953, p. 138 s. 36c. Enacted by No. 47, s. 19, 1953, p. 139 s. 36d. Enacted by No. 47, s. 19, 1953, p. 139 s. 36e. Enacted by No. 47, s. 19, 1953, p. 140 s. 37. Amended by No. 47, s. 20, 1953, p. 140 s. 38. Amended by No. 47, s. 21, 1953, p. 140 s. 39. Amended by No. 47, s. 22, 1953, p. 140 s. 39c. Amended by No. 36, s. 9, 1944, p. 164 s. 39d. Amended by No. 36, s. 8, 1944, p. 164 s. 43. Amended by No. 34 s. 7, 1960, p. 101
Hire-purchase Agreements Act, 1960 (1960, p. 262)	s. 2. Amended by No. 72, s. 3, 1966, p. 421 s. 46a. Enacted by No. 37, s. 3, 1962, p. 105 s. 46b. Enacted by No. 37, s. 3, 1962, p. 106 s. 46c. Enacted by No. 37, s. 3, 1962, p. 106
Holidays Act, 1910-1935 (Vol. 3, p. 519)	s. 3b. Enacted by No. 29, s. 4, 1958, p. 121 s. 4a. Enacted by No. 6, s. 3, 1947, p. 8 Second schedule. Amended by No. 6, s. 4, 1947, p. 9 Third schedule. Enacted by No. 29, s. 5, 1958, p. 121
Holidays Act Amendment Act, 1958 (1958, p. 120)	2. Amended by No. 21, s. 2, 1959, p. 58
Homes Act, 1941 (1941, p. 131).....	This Act, as amended by No. 9, 1947, p. 18, No. 18, 1949, p. 64, No. 30, 1950, p. 85, No. 17, 1951, p. 31, No. 38, 1952, p. 110, No. 15, 1956, p. 41 and No. 18, 1957, p. 46, and with notes of judicial decisions, is reprinted in the 1957 volume, p. 218. *See also* the following paragraph
Homes Act, 1941-1957 (1957, p. 218)	s. 4. Amended by No. 27, s. 2, 1958, p. 84 s. 7. Amended by No. 27, s. 3, 1958, p. 84 and by No. 24, s. 3, 1962, p. 57
Honey Marketing Act, 1949 (1949, p. 100)	s. 4. Substituted by No. 22, s. 3, 1964, p. 82 s. 4a. Enacted by No. 22, s. 4, 1964, p. 82 s. 7. Amended by No. 22, s. 5, 1964, p. 83 s. 15. Amended by No. 22, s. 6, 1964, p. 84 s. 21. Amended by No. 44, s. 3, 1953, p. 127 s. 26. Amended by No. 22, s. 7, 1964, p. 84 s. 27. Amended by No. 24, s. 8, 1964, p. 84 s. 29. Amended by No. 24, s. 9, 1964, p. 84 s. 29a. Enacted by No. 24, s. 10, 1964, p. 84 s. 29b. Enacted by No. 24, s. 10. 1964, p. 85 s. 29c. Enacted by No. 24, s. 10, 1964, p. 85 s. 36a. Enacted by No. 44, s. 4, 1953, p. 127 and amended by No. 24, s. 11, 1964, p. 86 s. 36b. Enacted by No. 24, s. 12, 1964, p. 86 s. 37. Amended by No. 44, s. 5, 1953, p. 128, by No. 5, s. 3, 1959, p. 10, and by No. 24, s. 13, 1964, p. 86
Hospitals Act, 1934 (Vol. 3, p. 531)...	s. 4. Amended by No. 10, s. 2, 1941, p. 23 and by No. 65, s. 4, 1966, p. 401 s. 5a. Enacted by No. 65, s. 5, 1966, p. 402 s. 16. Amended by No. 13, s. 3, 1962, p. 37 s. 33. Amended by No. 47, s. 4, 1958, p. 182 s. 47. Amended by No. 10, s. 4, 1941, p. 23, and by No. 41, s. 3, 1959, p. 134 *Spiller v. Webb and another* (1940) S.A.S.R. 10 s. 48. Amended by No. 28, s. 3, 1961, p. 72

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Hospital Act, 1934 (Vol. 3, p. 531—*continued*	s. 49. Substituted by No. 30, s. 3, 1951, p. 61 and amended by No. 20, s. 2, 1952, p. 50 ss. 50 to 55. Substituted by No. 30, s. 3, 1951, pp. 61-65 ss. 56 to 58. Enacted by No. 30, s. 3, 1951, p. 65
Hospital Benefits Act, 1945 (1945, p. 77)	Schedule. Amendments authorized by No. 36, s. 3, 1948, p. 164
Housing Agreement Act, 1956 (1956, p. 20)	Schedule. Amended by No. 15, schedule, 1961, p. 46
Housing Improvement Act, 1940 (1940, p. 192)	s. 4. Amended by No. 15, s. 2, 1942, p. 45 s. 11. Substituted by No. 15, s. 3, 1942, p. 46 s. 11a. Enacted by No. 15, s. 3, 1942, p. 46 s. 11b. Enacted by No. 15, s. 3, 1942, p. 46 s. 11c. Enacted by No. 15, s. 3, 1942, p. 46 s. 16. Amended by No. 15, s. 4, 1942, p. 46, by No. 19, s. 2, 1950, p. 53, by No. 48, s. 2, 1958, p. 184, and by No. 16, s. 3, 1961, p. 49 s. 16a. Enacted by No. 16, s. 4, 1961, p. 51 s. 16b. Enacted by No. 31, s. 3, 1965, p. 105 s. 18. Amended by No. 28, s. 2, 1946, p. 131 s. 21a. Enacted by No. 22, s. 2, 1943, p. 50 s. 23. Amended by No. 19, s. 3, 1950, p. 54 s. 26. Repealed by No. 20, s. 2, 1947, p. 48 s. 43. Amended by 48, s. 3, 1958, p. 185 s. 44a. Enacted by No. 15, s. 5, 1942, p. 46 s. 50. Amended by No. 84, s. 3, 1966, p. 480 s. 54. Amended by No. 15, s. 6, 1942, p. 47 s. 55. Amended by No. 15, s. 7, 1942, p. 47 s. 56a. Enacted by No. 22, s. 3, 1943, p. 51 *Silins v. Dempsey* (1966) S.A.S.R. 385 s. 56b. Enacted by No. 22, s. 3, 1943, p. 51 s. 56c. Enacted by No. 31, s. 4, 1965, p. 106 s. 56d. Enacted by No. 31, s. 4, 1965, p. 106 s. 57. Amended by No. 15, s. 8, 1942, p. 47 s. 58. Amended by No. 15, s. 9, 1942, p. 47 s. 58a. Enacted by No. 31, s. 5, 1965, p. 107 s. 59. Amended by No. 22, s. 4, 1943, p. 51 s. 60a. Enacted by No. 31, s. 6, 1965, p. 107 s. 61a. Enacted by No. 31, s. 7, 1965, p. 108 s. 61b. Enacted by No. 31, s. 7, 1965, p. 108 s. 62. Repealed by No. 31, s. 8, 1965, p. 109 s. 70a. Enacted by No. 31, s. 9, 1965, p. 109 and amended by No. 84, s. 4, 1966, p. 480 s. 73. Amended by No. 31, s. 10, 1965, p. 109 s. 74. Amended by No. 22, s. 5, 1943, p. 52 s. 84a. Enacted by No. 31, s. 11, 1965, p. 109 s. 87. Amended by No. 84, s. 5, 1966, p. 480 s. 89a. Enacted by No. 84, s. 6, 1966, p. 480 s. 90. Enacted by No. 22, s. 6, 1943, p. 52
Immigration Act, 1923-1935 (Vol. 3, p. 554)	s. 10. Amended by No. 2344, s. 2, 1937, p. 14
Impounding Act, 1920-1935 (Vol. 3, p. 563.)	s. 3. Amended by No. 2413, s. 2, 1938, p. 129 and by No. 64, s. 3, 1967, p. 644 s. 11. Amended by No. 10, s. 2, 1947, p. 19 s. 12. Amended by No. 10, s. 3, 1947, p. 20 s. 14. Amended by No. 2413, s. 3, 1938, p. 129, by No. 10, s. 4, 1947, p. 20 and by No. 64, s. 4, 1967, p. 644 s. 15. Amended by No. 26, s. 3, 1962, p. 66 s. 15a. Enacted by No. 26, s. 4, 1962, p. 66 and amended by No. 10, s. 3, 1966, p. 67 s. 19. Amended by No. 2413, s. 4, 1938, p. 129 s. 25. Amended by No. 10, s. 5, 1947, p. 20 and by No. 26, s. 5, 1962, p. 67

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Impounding Act, 1920-1935 (Vol. 3, p. 563)—*continued*	s. 26. Amended by No. 10, s. 6, 1947, p. 20 s. 28. Amended by No. 2413, s. 5, 1938, p. 130 s. 32. Amended by No. 10, s. 7, 1947, p. 20 s. 33. Amended by No. 10, s. 8, 1947, p. 21 s. 34. Amended by No. 10, s. 9, 1947, p. 21 s. 39. Amended by No. 10, s. 10, 1947, p. 21 s. 41. Amended by No. 64, s. 5, 1967, p. 645 s. 42. Amended by No. 10, s. 11, 1947, p. 21 s. 45. Amended by No. 26, s. 6, 1962. p. 67 s. 46. Amended by No. 2413, s. 6, 1938, p. 130, by No. 10, s. 12, 1947, p. 21, by No. 26, s. 7, 1962, p. 67 and by No. 64, s. 6, 1967, p. 645 *Snell v. Ryan* (1951) S.A.S.R. 59 *Tanner v. Smart* (1965) S.A.S.R. 44 *Norcock v. Bowey* (1966) S.A.S.R. 250 s. 46a. Enacted by No. 2413, s. 7, 1938, p. 130 Fourth schedule. Substituted by No. 26, s. 8, 1962, p. 67 Fifth Schedule. Substituted by No. 26, s. 8, 1962, p. 67 Sixth schedule. Substituted by No. 26, s. 8, 1962, p. 67 Seventh schedule. Amended by No. 10, s. 13, 1947, p. 22
Income Tax Assessment Act, 1936 (Vol. 3, p. 593)	This Act, as amended by No. 37, 1941, p. 138, and with notes of judicial decisions, is reprinted in the 1941 volume, p. 251. *See also* the following paragraph.
Income Tax Assessment Act, 1936-1941 (1941, p. 251)	s. 15. *Honeychurch v. Honeychurch* (1943) S.A.S.R. 31, reversing *Honeychurch and another v. Honeychurch and another* (1942) S.A.S.R., 206. Special leave to appeal to the High Court refused, 66 C.L.R. 672 (note) s. 226. *Burrows v. Harris* (1944) S.A.S.R. 3. Appeal to the High Court dismissed, 69 C.L.R. 640 (note); (1944) S.A.S.R. XIX. (note) s. 236. *Burrows v. Harris* (1944) S.A.S.R. 3. Appeal to the High Court dismissed, 69 C.L.R. 640 (note); (1944) S.A.S.R. XIX. (note) s. 251. Amended by No. 36, s. 3, 1946, p. 174
Income Tax Suspension Act, 1942 (1942, p. 73)	s. 8. Repealed by No. 36, s. 4, 1946, p. 175
Industrial and Provident Societies Act, 1925-1935 (Vol. 3, p. 703)	s. 5. Amended by No. 26, s. 3, 1958, p. 82 and by No. 45, s. 3, 1966, p. 295 *Australian Independent Distributors Limited v. Winter and others* 38 A.L.J.R. 330, 112 C.L.R. 443 *In the matter of the Adelaide Co-operative Society Limited (In Liquidation)* (1964) S.A.S.R. 266 s. 8. *United Co-operative Dairymen Ltd. v. Rayner* (1952) S.A.S.R. 81 s. 12. Amended by No. 45, s. 4, 1966, p. 295 s. 15. Amended by No. 23, s. 3, 1952, p. 56 s. 16. Amended by No. 23, s. 4, 1952, p. 56 s. 25. Amended by No. 26, s. 4 (1), 1958, p. 82 and by No. 45, s. 8, 1966, p. 296 s. 26. Amended by No. 26, s. 5, 1958, p. 83 and by No. 45, ss. 5 and 8, 1966, p. 296 s. 27. Amended by No. 26, s. 6, 1958, p. 83 and by No. 45, s. 8, 1966, p. 296 s. 50. *Australian Independent Distributors Limited v. Winter and others* 38 A.L.J.R. 330

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Landlord and Tenant (Control of Rents) Act, 1942-1955 (1955, p. 324)	s. 4. *Piro and another v. Boorman* (1958) S.A.S.R. 226 s. 6. Amended by No. 53, s. 3, 1957, p. 157, by No. 42, s. 3, 1959, p. 137, and by No. 29, s. 3, 1961, p. 75 *Williams and another v. Thomson and another* (1961) S.A.S.R. 23 s. 13. *Mahoney v. Whitelaw* (1956) S.A.S.R. 138 s. 21. Amended by No. 53, s. 4, 1957, p. 158 and by No. 29, s. 4, 1961, p. 75 s. 24. Amended by No. 53, s. 5 (1), 1957, p. 158 s. 38. Amended by No. 53, s. 5 (2), 1957, p. 158 s. 40. Amended by No. 70, s. 3, 1960, p. 300 s. 42. Amended by No. 53, s. 6 (1), 1957, p. 158 and by No. 70, s. 4, 1960, p. 300 *Crooks National Stores Pty. Ltd. v. Collie* 31 A.L.J. 833 s. 48a. Enacted by No. 29, s. 5, 1961, p. 75 s. 54. Amended by No. 42, s. 4, 1959, p. 137 s. 55c. Amended by No. 41, s. 3, 1956, p. 118, by No. 53, s. 6 (2), 1957, p. 158, and by No. 42, s. 5, 1959, p. 137 s. 55d. Enacted by No. 2, s. 3, 1957, p. 6 and amended by No. 13, s. 8, 1957, p. 159 and by No. 42, s. 6, 1959 p. 137 s. 60. Amended by No. 53, s. 9, 1957, p. 159 and by No. 42, s. 7, 1959, p. 137 s. 60a. Enacted by No. 49, s. 3, 1958, p. 187 s. 72. Amended by No. 41, s. 4, 1956, p. 119 s. 100a. Enacted by No. 41, s. 5, 1956, p. 119 s. 103b. Enacted by No. 53, s. 10, 1957, p. 160 s. 123, Amended by No. 41, s. 6, 1956, p. 120, by No. 53, s. 11, 1957, p. 160, by No. 49, s. 4, 1958, p. 188, by No. 42, s. 8, 1959, p. 138, by No. 70, s. 5, 1960, p. 300, and by No. 29, s. 6, 1961, p. 75

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Local Government Act, 1934-1936 (Vol. 5, p. 1)	s. 3. Amended by No. 2424, s. 26 (2), 1938, p. 209 by No. 17, s. 4, 1941, p. 61, by No. 34, s. 3, 1943 p. 96, by No. 16, ss. 8 (11), 15 (9), 17 and 49 (6) 1946, pp. 59, 53, 72, 90, by No. 48, s. 15 (6), 1952 p. 142, and by No. 1, s. 3, 1957, p. 5, by No. 54, s. 41, 1957, p. 174, and by No. 60, s. 3, 1963, p. 293 s. 5. Amended by No. 2424, ss. 2 and 109, 1938, pp. 201, 231, by No. 16, ss. 2 (1), 3, and 65, 1946, pp. 55, 56, 98, by No. 51, ss. 2 and 21, 1948, pp. 217, 223, by No. 48, ss. 2 and 20, 1952, pp. 137, 144, by No. 56, s. 2, 1954, p. 158, by No. 54, s. 2, 1957, p. 161, by No. 39, s. 4, 1963, p. 145, by No. 60, s. 4 (1), 1963, p. 293 and by No. 28, s. 3, 1966, p. 230 *The University of Adelaide v. The District Council of Mitcham* (1937) S.A.S.R. 288 *Queen Victoria Maternity Hospital Incorporated v. City of Burnside* (1959) S.A.S.R. 91 *District Council of Noarlunga v. Coventry* (1967) S.A.S.R. 71 s. 6. Amended by No. 16, s. 65, 1946, p. 98 s. 7. Amended by No. 16, s. 4 (1), 1946, p. 56 and by No. 48, s. 3, 1952, p. 137 s. 9. Amended by No. 2424, s. 3, 1938, p. 202 s. 9a. Enacted by No. 30, s. 3, 1961, p. 76 and amended by No. 36, s. 3, 1967, p. 340 s. 12. Amended by No. 30, s. 4, 1961, p. 77. s. 21. Amended by No. 43, s. 28, 1939, p. 279 s. 24. Amended by No. 16, s. 4 (2), 1946, p. 57, and by No. 50, s. 3, 1959, p. 180 s. 27. Amended by No. 46, s. 2, 1951, p. 111 s. 27a. Enacted by No. 46, s. 3, 1951, p. 111 s. 27b. Enacted by No. 28, s. 3a, 1966, p. 231 s. 29. Amended by No. 16, s. 65, 1946, p. 98

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Local Government Act, 1934-1936 (Vol. 5, p. 1)—*continued*	s. 34. Amended by No. 43, s. 28, 1939, p. 279 s. 42. Amended by No. 54, s. 3, 1964, p. 250 s. 46. Amended by No. 16, s. 65, 1946, p. 98, and by No. 51, s. 21, 1948, p. 223 s. 47. Amended by No. 21, s. 2, 1952, p. 51 and by No. 48, s. 4 (1), 1952, p. 138 s. 48. Amended by No. 21, s. 3, 1952, p. 52 and by No. 48, s. 4 (2), 1952, p. 138 s. 49. Amended by No. 46, s. 4, 1951, p. 112 s. 51. Amended by No. 2424, s. 4, 1938, p. 202 s. 52. Amended by No. 2424, ss. 5 and 6, 1938, p. 202, by No. 16, ss. 5 (1) and 65, 1946, pp. 57, 98, by No. 51, s. 3, 1948, p. 218, by No. 34, s. 2, 1959, p. 104, by No. 28, s. 4, 1966, p. 231 and by No. 36, s. 4, 1967, p. 341 s. 54. Amended by No. 2424, s. 7, 1938, p. 202, and by No. 16, s. 2 (2), 1946, p. 55 s. 57. Amended by No. 16, s. 65, 1946, p. 98 s. 57a. Enacted by No. 46, s. 5, 1951, p. 112 and amended by No. 48, s. 20, 1952, p. 144 s. 65. Amended by No. 2424, s. 8, 1938, p. 202, by No. 16, s. 65, 1946, p. 98, by No. 56, s. 33, 1954, p. 72, and by No. 34, s. 3 (1), 1959, p. 104 s. 73. Amended by No. 16, s. 6, 1946, p. 57, and by No. 54, s. 3, 1957, p. 162 s. 74. Substituted by No. 48, s. 5, 1952, p. 138 s. 75. Repealed by No. 48, s. 5, 1952, p. 138 s. 79. Amended by No. 2424, s. 9, 1938, p. 203 s. 82. Amended by No. 43, s. 28, 1939, p. 279, and by No. 56, s. 33, 1954, p. 172 s. 83. Amended by No. 54, s. 4, 1957, p. 162 s. 84. Amended by No. 16, s. 7, 1946, p. 57 s. 86. Amended by No. 16, s. 65, 1946, p. 98 s. 86a. Enacted by No. 2424, s. 10, 1938, p. 203 Heading to Division I. of Part VI. Amended by No. 16, s. 8 (1), 1946, p. 57 s. 87. Repealed by No. 16, s. 8 (2), 1946, p. 57 s. 88. Amended by No. 16, s. 9 (1), 1946, p. 60, and by No. 50, s. 4, 1959, p. 181 s. 89. Substituted by No. 16, s. 8 (3), 1946, p. 58 s. 90. Substituted by No. 16, s. 8 (3), 1946, p. 58 *Wache v. Parham* (1937) S.A.S.R. 116 s. 91. Substituted by No. 16, s. 8 (3), 1946, p. 58 s. 92. Substituted by No. 16, s. 8 (3), 1946, p. 59 s. 93. Substituted by No. 16, s. 8 (3), 1946, p. 59 ss. 94 to 98. Repealed by No. 16, s. 8 (3), 1946, p. 58 s. 99. Repealed by No. 16, s. 8 (4), 1946, p. 59 s. 100. Amended by No. 2424, s. 12, 1938, p. 203, by No. 30, s. 5, 1961, p. 77, and by No. 54, s. 4, 1964, p. 251 s. 101. Amended by No. 16, s. 2 (3), 1946, p. 55 s. 101a. Enacted by No. 16, s. 12 (3), 1946, p. 61 s. 104. Amended by No. 16, s. 8 (5), 1946, p. 59 and by No. 48, s. 6, 1952, p. 138 s. 105. Amended by No. 2424, ss. 13 and 14 (1), 1938, pp. 203, 204, by No. 43, ss. 2 and 4 (2), 1939, pp. 263, 264, and by No. 16, ss. 2 (4), and 65, 1946, pp. 55, 98 s. 106. Amended by No. 51, s. 21, 1948, p. 223 s. 107. Amended by No. 56, s. 33, 1954, p. 172 s. 108. Amended by No. 2424, s. 15, 1938, p. 204 and by No. 56, s. 33, 1954, p. 172 s. 111. Amended by No. 16, s. 11, 1946, p. 60 s. 115. Amended by No. 2424, s. 16, 1938, p. 204, by No. 16, s. 12 (1), 1946, p. 60, by No. 30, s. 6, 1961, p. 77, and by No. 54, s. 5, 1964, p. 251 s. 116. Amended by No. 16, s. 2 (5), 1946, p. 56

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Local Government Act, 1934-1936 (Vol. 5, p. 1)—*continued*	s. 117. Amended by No. 2424, s. 17, 1938, p. 205, and by No. 16, s. 8 (6), 1946, p. 59 *Wache v. Parham* (1937) S.A.S.R. 116 s. 118. Amended by No. 2424, s. 18, 1938, p. 206, and by No. 16, s. 8 (7), 1946, p. 59 s. 120. Amended by No. 16, s. 13 (1), 1946, p. 62 s. 122. Amended by No. 16, s. 9 (2), 1946, p. 60 s. 126. Amended by No. 2424, s. 19, 1938, p. 206, and by No. 16, s. 65, 1946, p. 98 s. 127. Amended by No. 2424, s. 20, 1938, p. 206 s. 128. Amended by No. 2424, s. 21, 1938, p. 206 s. 130. Amended by No. 16, s. 64 (8), 1946, p. 97 s. 133. Amended by No. 60, s. 5, 1963, p. 294 s. 137. Amended by No. 2424, s. 22, 1938, p. 206, by No. 43, s. 28, 1939, p. 279, by No. 16, s. 65, 1946, p. 98, by No. 51, s. 4, 1948, p. 218, and by No. 56, s. 3, 1954, p. 159 s. 142a. Enacted by No. 2424, s. 23, 1938, p. 206 s. 144. Amended by No. 2424, s. 24, 1938, p. 207 s. 147. Amended by No. 2424, s. 25, 1938, p. 207, by No. 34, s. 3 (2), 1959, p. 105 and by No. 28 s. 5, 1966, p. 231 s. 153. Amended by No. 60, s. 6, 1963, p. 294 s. 155. Amended by No. 54, s. 5, 1957, p. 162 s. 157. Amended by No. 16, s. 14, 1946, p. 62, by No. 48, s. 7, 1952, p. 138, and by No. 30, s. 7, 1961, p. 77 *Rex v. The Clerks Appeal Board. Ex parte District Council of West Torrens* (1941) S.A.S.R. 54 s. 158. Amended by No. 54, s. 6 (1), 1957, p. 162 and by No. 66, s. 3, 1966, p. 403 s. 163. Amended by No. 43, s. 28, 1939, p. 279 Heading to Part IXA. Amended by No. 16, s. 15 (8), 1946, p. 63 s. 163a. Enacted by No. 2424, s. 26 (1), 1938, p. 207 and substituted by No. 16, s. 15 (1), 1946, p. 62 ss. 163b to 163e. Enacted by No. 2424, s. 26 (1), 1938, p. 207 and repealed by No. 16, s. 15 (2), 1946, p. 62 s. 163f. Enacted by No. 2424, s. 26 (1), 1938, p. 208, and amended by No. 16, s. 15 (3), 1946, p. 63 s. 163g. Enacted by No. 2424, s. 26 (1), 1938, p. 209, and amended by No. 16, s. 15 (4), 1946, p. 63 *Rex v. The Clerks Appeal Board. Ex parte District Council of West Torrens* (1941) S.A.S.R. 54 s. 163h. Enacted by No. 2424, s. 26 (1), 1938, p. 209, and amended by No. 16, s. 15 (5), 1946, p. 63 s. 163i. Enacted by No. 2424, s. 26 (1), 1938, p. 209, and repealed by No. 16, s. 15 (6), 1946, p. 63 s. 163j. Enacted by No. 2424, s. 26 (1), 1938, p. 209, and substituted by No. 16, s. 15 (7), 1946, p. 63 s. 163k. Enacted by No. 16, s. 16, 1946, p. 64 s. 163l. Enacted by No. 16, s. 16, 1946, p. 64, and amended by No. 51, s. 21, 1948, p. 223 ss. 163m to 163r. Enacted by No. 16, s. 16, 1946, pp. 65, 66 s. 163s. Enacted by No. 16, s. 16, 1946, p. 65, and amended by No. 51, s. 21, 1948, p. 223 ss. 163t and 163u. Enacted by No. 16, s. 16, 1946, p. 67 s. 163v. Enacted by No. 16, s. 16, 1949, p. 67, and amended by regulations *Gazette* 9th August, 1951, p. 292 ss. 163w to 163y. Enacted by No. 16, s. 16, 1946, pp. 67, 68 s. 163z. Enacted by No. 16, s. 16, 1946, p. 69, and amended by No. 54, s. 7, 1957, p. 162 ss. 163bb and 163cc. Enacted by No. 16, s. 16, 1946, p. 69

Act Affected.	How Affected.
Local Government Act, 1934-1936 (Vol. 5, p. 1)—*continued*	s. 163dd. Enacted by No. 16, s. 16, 1946, p. 69, and amended by No. 46, s. 6, 1951, p. 113, and by No. 54, s. 8, 1957, p. 163 s. 163de. Enacted by No. 28, s. 6, 1966, p. 232 s. 163ee. Enacted by No. 16, s. 16, 1946, p. 69 s. 163ff. Enacted by No. 16, s. 16, 1946, p. 69 and amended by No. 60, s. 7, 1963, p. 294 and by No. 28, s. 7, 1966, p. 232 ss. 163gg. to 163nn. Enacted by No. 16, s. 16, 1946, pp. 70, 71 ss. 164a and 164b. Enacted by No. 2424, s. 27, 1938. pp. 209, 210 s. 165. Amended by No. 16, s. 65, 1946, p. 98 s. 169. Amended by No. 2424, s. 28, 1938, p. 210, by No. 46, s. 7, 1951, p. 113, and by No. 56, s. 4, 1954, p. 159 s. 170. Amended by No. 51, s. 21, 1948, p. 223 s. 171. Amended by No. 51, s. 21, 1948, p. 223 s. 172. Amended by No. 16, s. 10, 1946, p. 60, by No. 56, s. 5, 1954, p. 159, and by No. 36, s. 8, 1961, p. 78 s. 172a. Enacted by No. 2424, s. 29, 1938, p. 210 s. 173. Amended by No. 2424, ss. 30 and 31, 1938, pp. 210, 211, by No. 43, s. 3, 1939, p. 264, and by No. 16, s. 18, 1946, p. 72 s. 173a. Enacted by No. 46, s. 8, 1951, p. 113 and amended by No. 60, s. 8, 1963, p. 294 s. 177. Amended by No. 28, s. 8, 1966, p. 232 s. 178. Amended by No. 16, s. 19 (1), 1946, p. 72 s. 178a. Enacted by No. 30, s. 97, 1961, p. 78 s. 180. Amended by No. 2424, s. 109, 1938, p. 231, by No. 48, s. 20, 1952, p. 144, and by No. 54, s. 9 (1), 1957, p. 163 s. 181. Amended by No. 2424, s. 109, 1938, p. 231 s. 182. Amended by No. 48, s. 20, 1952, p. 144 s. 183. Amended by No. 48, s. 20, 1951, p. 144 s. 184. Amended by No. 2424, s. 109, 1938, p. 231, and by No. 16, ss. 19 (2) and 65, 1946, pp. 72, 98 s. 184a. Enacted by No. 56, s. 6, 1954, p. 160 and amended by No. 30, s. 10, 1961, p. 78 s. 184b. Enacted by No. 56, s. 6, 1954, p. 160 and amended by No. 30, s. 11, 1961, p. 78 s. 186. Amended by No. 28, s. 9, 1966, p. 232 s. 187. Amended by No. 16, s. 65, 1946, p. 98 s. 188. Amended by No. 2424, ss. 32 and 109, 1938, pp. 211, 231 by No. 48, s. 20, 1952, p. 144, by No. 54, s. 9 (2), 1957, p. 163, and by No. 60, s. 9, 1963, p. 294 s. 188a. Enacted by No. 30, s. 12, 1961, p. 78 s. 193. Amended by No. 16, s. 65, 1946, p. 98, and by No. 56, s. 7(1), 1954, p. 160 s. 196a. Enacted by No. 2424, s. 33, 1938, p. 211 s. 197. Amended by No. 2424, s. 34, 1938, p. 211 s. 198. Amended by No. 16, s. 65, 1946, p. 98, and by No. 56, s. 7(2), 1954, p. 161 s. 203. Amended by No. 2424, s. 35, 1938, p. 211 and by No. 48, s. 8, 1952, p. 138 s. 204. Amended by No. 2424, s. 36 (1), 1938, p. 211, and by No. 46, s. 9, 1951, p. 114 s. 205. Amended by No. 2424, s. 36 (2), 1938, p. 212, by No. 46, s. 10, 1951, p. 114, and by No. 56, s. 8, 1954, p. 161 s. 206. Amended by No. 16, s. 65, 1946, p. 98 and by No. 48, s. 9, 1952, p. 139 s. 207. Amended by No. 48, s. 10, 1952, p. 139 s. 207a. Enacted by No. 46, s. 11, 1951, p. 115 s. 212. Amended by No. 56, ss. 9 and 33, 1954, pp. 162, 172, and by No. 30, s. 13, 1961, p. 78

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Local Government Act, 1934–1936 (Vol. 5, p. 1)—*continued*	s. 212a. Enacted by No. 56, s. 10, 1954, p. 162, and amended by No. 30, s. 14, 1961, p. 78 s. 214. Amended by No. 56, s. 11, 1954, p. 162, and by No. 30, s. 15, 1961, p. 78 *Baker v. The Corporation of the Town of Hindmarsh* (1958) S.A.S.R. 92 *Baker v. The Corporation of the Town of Hindmarsh* (1960) S.A.S.R., 299 s. 215. Amended by No. 30, s. 16, 1961, p. 79 s. 225. Amended by No. 60, s. 10, 1963, p. 295 s. 227. Amended by No. 2424, s. 37, 1938, p. 212 s. 228. Amended by No. 2424, s. 38 (2), 1938, p. 213, by No. 34, s. 4 (1), 1959, p. 105 and by No. 36, s. 5, 1967, p. 341 s. 233a. Enacted by No. 2424, s. 38 (1), 1938, p. 212, and amended by No. 46, s. 12, 1951, p. 115, by No. 34, s. 4 (2), 1959, p. 105, by No. 28, s. 10, 1966, p. 232 and by No. 36, s. 6, 1967, p. 341 s. 234. Amended by No. 56, s. 2, 1949, p. 208, by No. 48, s. 20, 1952, p. 144, and by No. 56, s. 12 (1), 1954, p. 161 s. 235. Amended by No. 2424, s. 109, 1938, p. 231 s. 237. Amended by No. 46, s. 13 (1), 1951, p. 115 s. 238. Amended by No. 48, s. 20, 1952, p. 144 s. 239. Amended by No. 46, s. 13 (2), 1951, p. 115 s. 240. Amended by No. 48, s. 20, 1952, p. 144 s. 243. Amended by No. 56, s. 3, 1949, p. 208, by No. 46, s. 13 (3), 1951, p. 115, and by No. 56, s. 12 (2), 1954, p. 161 s. 244. Amended by No. 56, s. 4, 1949, p. 208, by No. 48, s. 20, 1952, p. 144, and by No. 56, s. 12 (3), 1954, p. 161 s. 244a. Enacted by No. 56, s. 13, 1954, p. 163 and amended by No. 30, s. 17, 1961, p. 79 s. 245. Amended by No. 56, s. 5, 1949, p. 208 s. 246. Amended by No. 56, s. 6, 1949, p. 209, by No. 46, s. 13 (4), 1951, p. 115, and by No. 56, s. 12 (4) 1954, p. 163 s. 247. Amended by No. 56, s. 7, 1949, p. 209, by No. 48, s. 20, 1952, p. 144, and by No. 56, s. 12 (5), 1954, p. 163 s. 248. Amended by No. 56, s. 8, 1949, p. 209 s. 251. Amended by No. 2424, s. 39, 1938, p. 213, and by No. 43, s. 4 (1), 1939, p. 264 s. 252. Amended by No. 43, s. 4 (3), 1939, p. 264 s. 254. Amended by No. 16, s. 65, 1946, p. 98 s. 255. Amended by No. 2424, s. 40, 1938, p. 213 s. 257. Amended by No. 30, s. 18, 1961, p. 79 s. 262. Amended by No. 2424, s. 109, 1938, p. 231 s. 264. Amended by No. 43, s. 4 (4), 1939, p. 264 s. 267a. Enacted by No. 50, s. 5, 1959, p. 181 s. 267b. Enacted by No. 60, s. 11, 1963, p. 295 and amended by No. 54, s. 6, 1964, p. 251 s. 268. Amended by No. 16, s. 20, 1946, p. 72 s. 269. Amended by No. 16, s. 21, 1946, p. 73 s. 274. Amended by No. 43, s. 5, 1939, p. 265 s. 276. Amended by No. 43, s. 6, 1939, p. 265, and by No. 16, s. 22, 1946, p. 73 s. 281a. Enacted by No. 43, s. 7 (1), 1939, p. 265, and amended by No. 16, ss. 23 (1) and 65, 1946, pp. 73, 98 s. 281b. Enacted by No. 43, s. 7 (1), 1939, p. 267, and amended by No. 16, ss. 24 and 65, 1946, pp. 75, 98 s. 282. Amended by No. 43, s. 7 (2), 1939, p. 268 s. 284. Amended by No. 2424, s. 109, 1938, p. 231 s. 286. Amended by No. 2424, s. 41, 1938, p. 213 s. 286. Amended by No. 2424, s. 41, 1938, p. 213 and by No. 66, s. 4, 1966, p. 404

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Pawnbrokers Act, 1888-1934 (Vol. 6, p. 464)	s. 45a. Enacted by No. 26, s. 2, 1950, p. 74 s. 54. Amended by No. 26, s. 3, 1950, p. 74 First schedule. Amended by No. 26, s. 4, 1950, p. 75 and by No. 60, s. 6, 1965, p. 369 Second schedule. Amended by No. 60, s. 6, 1965, p. 369
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Pharmacy Act, 1935-1936 (Vol. 6, p. 501)	s. 22. Amended by No. 34, s. 3, 1952, p. 100 and by No. 42, s. 3, 1965, p. 144 s. 22a. Enacted by No. 27, s. 3, 1942, p. 77 and amended by No. 34, s. 4, 1952, p. 101, by No. 42, s. 3, 1952, p. 121, by No. 42, s. 4, 1965, p. 145 and by No. 73, s. 3, 1967, p. 738 s. 24. Substituted by No. 34, s. 5, 1952, p. 101 s. 25. Amended by No. 42, s. 10, 1965, p. 148 s. 26. Amended by No. 42, s. 10, 1965, p. 148 s. 26a. Enacted by No. 27, s. 4, 1942, p. 79 and amended by No. 42, s. 10, 1965, p. 148 s. 26aa. Enacted by No. 42, s. 5, 1965, p. 146 s. 26b. Enacted by No. 27, s. 4, 1942, p. 80 and amended by No. 42, s. 10, 1965, p. 148 s. 26c. Enacted by No. 27, s. 4, 1942, p. 81 and amended by No. 42, s. 10, 1965, p. 148 s. 26d. Enacted by No. 38, s. 3, 1947, p. 99 and amended by No. 42, ss. 6, 10, 1965, pp. 146-148 s. 26e. Enacted by No. 38, s. 3, 1947, p. 100 and amended by No. 42, s. 10, 1965, p. 148 s. 26f. Enacted by No. 38, s. 3, 1947, p. 101 s. 28. Amended by No. 42, s. 7, 1965, p. 146 s. 29. Amended by No. 42, s. 10, 1965, p. 148 s. 30. Amended by No. 21, s. 3, 1951, p. 39 *Wright v. Edwards. Sauer v. Edwards* (1961) S.A.S.R. 267 s. 31. Amended by No. 27, s. 5, 1942, p. 81 s. 31a. Enacted by No. 27, s. 6, 1942, p. 82 s. 32. Amended by No. 42, s. 10, 1965, p. 148 s. 33a. Enacted by No. 2354, s. 2, 1937, p. 51 and amended by No. 42, s. 8, 1965, p. 146 s. 37. Substituted by No. 42, s. 9, 1965, p. 146 Fourth to sixth schedules. Repealed by No. 34, s. 6, 1952, p. 101
Phylloxera Act, 1936 (Vol. 6, p. 518)..	s. 5. Amended by No. 2367, s. 2, 1937, p. 100, by No, 26, s. 3, 1948, p. 124, and by No. 28, s. 3, 1963, p. 84 s. 7. Amended by No. 28, s. 4, 1963, p. 84 s. 10a. Enacted by No. 79, s. 3, 1966, p. 461 s. 11. Amended by No. 26, s. 5, 1948, p. 125 s. 12. Repealed by No. 2367, s. 3, 1937, p. 100 s. 15. Amended by No. 26, s. 6, 1948, p. 125 s. 16. Substituted by No. 2367, s. 4, 1937, p. 101 and amended by No. 28, s. 5, 1963, p. 84 s. 16a. Enacted by No. 26, s. 4, 1948, p. 124 s. 19a. Enacted by No. 26, s. 7, 1948, p. 125 s. 23. Substituted by No. 28, s. 6, 1963, p. 85 ss. 24 and 25. Repealed by No. 28, s. 7, 1963, p. 85

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Phylloxera Act, 1936 (Vol. 6, p. 518)—*continued*	s. 26. Substituted by No. 28, s. 8, 1963, p. 85 s. 27. Amended by No. 28, s. 9, 1963, p. 85 s. 28. Amended by No. 28, s. 10, 1963, p. 85 s. 29. Amended by No. 28, s. 10, 1963, p. 85 s. 29a. Enacted by No. 2367, s. 5, 1937, p. 101 and amended by No. 28, s. 9, 1963, p. 85 s. 30. Amended by No. 26, s. 9, 1948, p. 126 s. 35. Amended by No. 26, s. 10, 1948, p. 126 s. 36. Amended by No. 28, s. 11, 1963, p. 85 s. 37. Substituted by No. 28, s. 12, 1963, p. 86 s. 38. Amended by No. 26, s. 12, 1948, p. 126, by No. 28, s. 13, 1963, p. 86, and by No. 39, s. 3, 1965, p. 138 s. 38a. Enacted by No. 26, s. 12, 1948, p. 127 s. 42. Amended by No. 28, s. 14, 1963, p. 86 s. 43. Amended by No. 26, s. 12, 1948, p. 127 s. 49. Substituted by No. 26, s. 14, 1948, p. 128 s. 50. Amended by No. 26, s. 15, 1948, p. 128 s. 51. Repealed by No. 28, s. 15, 1963, p. 86 s. 53. Repealed by No. 26, s. 16, 1948, p. 128 s. 56. Repealed by No. 26, s. 17, 1948, p. 128 Second schedule. Substituted by No. 79, s. 4, 1966, p. 462
Physiotherapists Act, 1945 (1945, p. 166)	s. 6. Amended by No. 53, s. 3, 1948, p. 288 and by No. 44, s. 3, 1963, p. 161 s. 8a. Enacted by No. 34, s. 3, 1949, p. 116 s. 29. Amended by No. 13, s. 3, 1955, p. 44 s. 32. Substituted by No. 13, s. 4, 1955, p. 45 *In re Ward* (1953) S.A.S.R. 308 ss. 32a. to 32c. Enacted by No. 13, s. 4, 1955, p. 46 s. 38. Amended by No. 43, s. 2, 1946, p. 205, and by No. 53, s. 4, 1948, p. 229 s. 39. Amended by No. 44, s. 4, 1963, p. 162 s. 39a. Enacted by No. 44, s. 5, 1963, p. 162 and amended by No. 56, s. 3, 1964, p. 259 s. 39b. Enacted by No. 44, s. 5, 1963, p. 162 s. 41a. Enacted by No. 56, s. 4, 1964, p. 260 s. 42. Amended by No. 29, s. 3, 1966, p. 237 s. 44a. Enacted by No. 13, s. 5, 1955, p. 46 s. 47a. Enacted by No. 44, s. 6, 1963, p. 163, and repealed by No. 56, s. 5, 1964, p. 259
Pistol Licence Act, 1929 (Vol. 6, p. 534)	s. 5. Amended by No. 36, s. 3, 1965, p. 125 s. 9. *Coghlan v. Fleetwood* (1951) S.A.S.R. 76 s. 10. Amended by No. 36, s. 4, 1965, p. 126
The Places of Public Entertainment Act, 1913-1934 (Vol. 6, p. 541)	General amendment relating to decimal currency : No. 68, s. 8, 1967, p. 697 s. 3. Amended by No. 18, s. 3, 1954, p. 44 and by No. 68, s. 3, 1967, p. 691 s. 4. Repealed and re-enacted by No. 68, s. 4, 1967, p. 692 s. 7. Amended by No. 18, s. 4, 1954, p. 44 s 9. Amended by No. 60, s. 6, 1965, p. 369 s. 13. Amended by No. 18, s. 5, 1954, p. 45 s. 17. Amended by No. 68, s. 5, 1967, p. 693 s. 20. Amended by No. 18, s. 6, 1954, p. 46 and by No. 68, s. 6, 1967, p. 693 s. 25a. Enacted by No. 18, s. 7, 1954, p. 46. Repealed and re-enacted by No. 68, s. 7, 1967, p. 696 s. 25b. Enacted by No. 68, s. 7, 1967, p. 696 s. 28. Amended by No. 40, s. 3, 1955, p. 120 Second schedule. Amended by No. 18, s. 8, 1954, p. 47

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Planning and Development Act, 1966-1967 (1967, p. 226)	s. 5. Amended by No. 76, s. 3, 1967, p. 893 s. 44. Amended by No. 76, s. 4, 1967, p. 894 s. 59. Amended by No. 76, s. 5, 1967, p. 894
Police Act, 1936 (Vol. 6, p. 557)	Headings to Parts, II, III, IV, V, and VI, repealed by No. 54, s. 3 (2), 1953, p. 167 s. 2. Amended by No. 54, s. 3 (2), 1952, p. 167 ss. 5 to 20. Repealed by No. 54, s. 3 (1), 1952, p. 167 s. 21. Repealed by No. 55, s. 3, 1953, p. 163 ss. 22 to 43. Repealed by No. 54, s. 3 (1), 1952, p. 167 ss. 44 to 55. Repealed by No. 2399, s. 3, 1938, p. 64 ss. 56 to 134. Repealed by No. 55, s. 3, 1953, p. 163 ss. 135 to 138. Repealed by No. 48, s. 13, 1953, p. 145 ss. 139 to 151. Repealed by No. 55, s. 3, 1953, p. 163 First schedule. Repealed by No. 2399, s. 3, 1938, p. 64
Police Offences Act, 1953 (1953, p. 163)	This Act, as amended by No. 51, 1956, p. 160, No. 39, 1957, p. 106, No. 22, 1958, p. 65, No. 1, 1960, p. 1, No. 61, 1960, p. 243, and No. 62, 1960, p. 245, and with notes of judical decisions, is reprinted in the 1960 volume, p. 305. *See also* the following paragraph
Police Offences Act, 1953-1960 (1960, p. 305)	s. 13. *Wilson v. Giles* (1966) S.A.S.R. 361 s. 15. Amended by No. 58, s. 3, 1967, p. 586 *Pelvay v. Brebner* (1963) S.A.S.R. 36 s. 17. *Page v. Turbill* (1962) S.A.S.R. 237 s. 18. *Wilson v. O'Sullivan* (1962) S.A.S.R. 194 *Mills v. Brebner* (1962) S.A.S.R. 209 s. 19. *Rosey v. Beard and Cameron* (1962) S.A.S.R. 150 s. 21. *Donaldson v. Bottroff* (1965) S.A.S.R. 145 s. 33a. Enacted by No. 57, s. 4, 1967, p. 587 s. 38a. Enacted by No. 45, s. 3, 1961, p. 167 s. 41. *Beard v. Brebner* (1962) S.A.S.R. 223 *Yeo v. Capper* (1964) S.A.S.R. 1 *Thwaites v. O'Sullivan* (1965) S.A.S.R. 34 *Borrillo v. Bartlett* (1966) S.A.S.R. 286 *Brook v. Whitbread* (1966) S.A.S.R. 310 *Turner v. Deed* (1966) S.A.S.R. 374 s. 45. Amended by No. 39, s. 3, 1965, p. 138 s. 51. *Hayward v. Whitbread* (1966) S.A.S.R. 1 s. 58b. Enacted by No. 44, s. 3, 1961, p. 165 ss. 75, 78. *Feldman v. Buck and another* (1966) S.A.S.R. 236
Police Pensions Act, 1954 (1954, p. 52)	s. 4. Amended by No. 44, s. 4, 1957, p. 117 and by No. 80, s. 4, 1966, p. 463 s. 6. Amended by No. 30, s. 3, 1959, p. 83 s. 9. Substituted by No. 30, s. 4, 1959, p. 84 s. 10. Repealed by No. 30, s. 4, 1959, p. 84, and s. 11 reinserted as s. 10 by No. 30, s. 5, 1959, p. 84 s. 11. Enacted by No. 30, s. 6, 1959, p. 84, amended by No. 41, s. 4, 1964, p. 169, substituted by No. 80, s. 5, 1966, p. 464 and amended by No. 7, s. 3, 1967, p. 29 s. 12. Amended by No. 41, s. 5, 1964, p. 170 and by No. 80, s. 6, 1966, p. 464 s. 14. Amended by No. 34, s. 4, 1956, p. 97, by No. 44, s. 5, 1957, p. 118, by No. 36, s. 4, 1960, p. 104, by No. 41, s. 6, 1964, p. 171, substituted by No. 80, s. 7, 1966, p. 464 and amended by No. 7, s. 4, 1967, p. 29 s. 15. Amended by No. 41, s. 7, 1964, p. 172 s. 18a. Enacted by No. 44, s. 6, 1957, p. 119 s. 19. Amended by No. 44, s. 7, 1957, p. 119, and by No. 41, s. 8, 1964, p. 172 s. 20. Amended by No. 44, s. 8, 1957, p. 119, by No. 36, s. 5, 1960, p. 105, by No. 41, s. 9, 1964, p. 172 and by No. 80, s. 8, 1966, p. 465

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Police Pensions Act, 1954 (1954, p. 52) —*continued*	s. 21. Amended by No. 44, s. 9, 1957, p. 120, by No. 36, s. 6, 1960, p. 106, by No. 41, s. 10, 1964, p. 174, and by No. 80, s. 9, 1966, p. 466 s. 22. Amended by No. 44, s. 10, 1957, p. 120, by No. 36, s. 7, 1960, p. 106, by No. 41, s. 11, 1964, p. 174, and by No. 80, s. 10, 1966, p. 466 s. 24. Amended by No. 80, s. 11, 1966, p. 467 s. 27. Amended by No. 41, s. 12, 1964, p. 175 s. 29. Amended by No. 44, s. 11, 1957, p. 121, by No. 36, s. 8, 1960, p. 106, by No. 41, s. 13, 1964, p. 175 and by No. 80, s. 12, 1966, p. 467 s. 30a. Enacted by No. 34, s. 5, 1956, p. 98 s. 30b. Enacted by No. 44, s. 12, 1957, p. 121 s. 30c. Enacted by No. 36, s. 9, 1960, p. 106 s. 30ca. Enacted by No. 41, s. 14, 1964, p. 176 and amended by No. 80, s. 13, 1966, p. 468 s. 30cb. Enacted by No. 80, s. 14, 1966, p. 468 s. 30cc. Enacted by No. 7, s. 5, 1967, p. 30 s. 30d. Enacted by No. 36, s. 9, 1960, p. 107 and amended by No. 41, s. 15, 1964, p. 177, by No. 80, s. 15, 1966, p. 469 and by No. 7, s. 6, 1967, p. 30 s. 32. Amended by No. 43, s. 4, 1954, p. 120 s. 32a. Enacted by No. 44, s. 13, 1957, p. 122 s. 32b. Enacted by No. 36, s. 10, 1960, p. 180 s. 32c. Enacted by No. 41, s. 16, 1964, p. 177 s. 32d. Enacted by No. 80, s. 16, 1966, p. 469 s. 36. Amended by No. 80, s. 17, 1966, p. 470 s. 42. Amended by No. 80, s. 18, 1966, p. 470 Heading after s. 42. Enacted by No. 7, s. 8, 1967, p 31 s. 42a. Enacted by No. 7, s. 8, 1967, p. 31 s. 43. Amended by No. 80, s. 19, 1966, p. 470 s. 44. Amended by No. 80, s. 20, 1966, p. 470
Police Regulation Act, 1952, (1952, p. 167)	s. 8. Amended by No. 3, s. 9, 1955, p. 8, by No. 3, s. 4, 1957, p. 10, by No. 10, s. 5, 1959, p. 22, by No. 20, s. 5, 1960, p. 57, by No. 51, s. 6, 1963, p. 188, by 44, s. 6, 1964, p. 185, by No. 29, s. 6, 1965, p. 100, by No. 56, s. 4, 1966, p. 356 and by No. 38, s. 5, 1967, p. 401 s. 9. Substituted by No. 36, s. 4, 1955, p. 109 s. 9a. Enacted by No. 36, s. 4, 1955, p. 110 s. 11. Amended by No. 56, s. 3, 1966, p. 355 s. 15. Amended by No. 56, s. 4, 1966, p. 356 s. 19. Amended by No. 56, s. 4, 1966, p. 356 s. 20. Amended by No. 56, s. 4, 1966, p. 356 s. 27. Amended by No. 20, s. 3, 1963, p. 53 and by No. 58, s. 4, 1966, p. 356 s. 28. Amended by No. 56, s. 4, 1966, p. 356 s. 29. Amended by No. 56, s. 4, 1966, p. 356 s. 34. Amended by No. 56, s. 4, 1966, p. 356 s. 46. Amended by No. 56, s. 4, 1966, p. 356
Poor Persons Legal Assistance Act, 1936 (Vol. 6, p. 640)	s. 6. *Hastings v. Hastings* (1939) S.A.S.R. 57
Potato Marketing Act, 1948 (1948, p. 145)	s. 3. Amended by No. 3, s. 3, 1964, p. 22 s. 15. Amended by No. 3, s. 4, 1964, p. 23 s. 16. Substituted by No. 3, s. 5, 1964, p. 23 s. 19. Amended by No. 3, s. 6, 1964, p. 23 *Lonie v. Willmott* (1966) S.A.S.R. 368 s. 19a. Enacted by No. 3, s. 7 1964, p. 24 s. 20. Amended by No. 3, s. 8, 1964, p. 25 and by No. 81, s. 3, 1966, p. 471 *Atkins v. Golding* (1963) S.A.S.R. 285 s. 21. Amended by No. 3, s. 9, 1964, p. 26 and by No. 81, s. 4, 1966, p. 472 s. 24. Amended by No. 3, 10, 1964, p. 27 and by No. 81, s. 4, 1966, p. 472

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Prevention of Cruelty to Animals Act, 1936 (Vol. 6. p. 643)	s. 5. Amended by No. 37, s. 3, 1960, p. 109 *Martin v. Gibson* (1954) S.A.S.R. 29 s. 5a. Enacted by No. 44, s. 3, 1954, p. 121 s. 5b. Enacted by No. 37, s. 4, 1960, p. 110 s. 18. Repealed by No. 60, s. 2, 1949, p. 215 s. 21. Amended by No. 57, s. 3, 1964, p. 261 s. 26. Amended by No. 60, s. 3, 1949, p. 215
Prevention of Pollution of Waters by Oil Act, 1961 (1961, p. 91)	s. 3. Amended by No. 4, s. 3, 1964, p. 28 s. 5. Amended by No. 4, s. 4, 1964, p. 29 s. 6. Amended by No. 4, s. 5, 1964, p. 29 s. 7. Amended by No. 39, s. 3, 1965, p. 138 s. 9. Amended by No. 4, s. 6, 1964, p. 29 s. 10. Amended by No. 39, s. 3, 1965, p. 138 s. 12. Amended by No. 4, s. 7, 1964, p. 29 s. 18. Amended by No. 4, s. 8, 1964, p. 29
Prices Act, 1948 (1948, p. 3)	Long Title. Amended by No. 45, s. 3, 1963, p. 164 s. 3. Amended by No. 40, s. 3, 1949, p. 132 and by No. 57, s. 3, 1965, p. 341 s. 21a. Enacted by No. 8, s. 3, 1952, p. 18 s. 22a. Enacted by No. 17, s. 3, 1966, p. 90 s. 22b. Enacted by No. 17, s. 3, 1966, p. 90 s. 22c. Enacted by No. 17, s. 3, 1966, p. 90 s. 22d. Enacted by No. 17, s. 3, 1966, p. 90 s. 22e. Enacted by No. 17, s. 3, 1966, p. 90 s. 22f. Enacted by No. 41, s. 189, 1967, p. 510 s. 24. *South Australian Cold Stores Ltd. v. Electricity Trust of South Australia* (1957) 98 C.L.R. 65; 31 A.L.J. 897 s. 25. *Annal v. Commonwealth Hostels Ltd*, (1958) S.A.S.R. 296 *South Australian Cold Stores Ltd. v. Electricity Trust of South Australia* 39 A.L.J.R. 332; (1965) 115 C.L.R. 247 s. 33a. Enacted by No. 45, s. 4, 1963, p. 164, and substituted by No. 49, s. 3, 1964, p. 198 s. 33b. Enacted by No. 45, s. 4, 1963, p. 165 s. 33c. Enacted by No. 45, s. 4, 1963, p. 166 and amended by No. 49, s. 4, 1964, p. 200 s. 33d. Enacted by No. 45, s. 4, 1963, p. 167, and amended by No. 49, s. 5, 1964, p. 200 s. 33e. Enacted by No. 49, s. 6, 1964, p. 200 s. 41. *South Australian Cold Stores Ltd. v. Electricity Trust of South Australia* 39 A.L.J.R. 332; (1965) 115 C.L.R. 247 s. 43. Amended by No. 41, s. 189, 1967, p. 510 s. 44. *South Australian Cold Stores Ltd. v. Electricity Trust of South Australia* (1957) 98 C.L.R. 65: 31 A.L.J. 897 s. 47. Amended by No. 23, s. 3, 1951, p. 43 s. 47a. Enacted by No. 23, s. 4, 1951, p. 43 s. 50. Amended by No. 17, s. 4, 1966, p. 92 and by No. 36, s. 3, 1966, p. 256 s. 51. Amended by No. 36, s. 4, 1966, p. 257 s. 53. Amended by No. 40, s. 4, 1949, p. 132, by No. 7, s. 3, 1950, p. 14, by No. 23, s. 5, 1951, p. 44, by No. 8, s. 4, 1952, p. 19, by No. 31, s. 3, 1953, p. 83 by No. 15, s. 3, 1954, p. 37, by No. 10, s. 3, 1955, p. 36, by No. 21, s. 3, 1956, p. 52, by No. 32, s. 3, 1957, p. 86, by No. 31, s. 3, 1958, p. 124, by No. 43, s. 3, 1959, p. 139, by No. 38, s. 3, 1960, p. 111, by No. 35, s. 3, 1961, p. 102, by No. 39, s. 3, 1962, p. 111, by No. 45, s. 5, 1963, p. 167, by No. 49, s. 7, 1964, p. 200, by No. 57, s. 4, 1965, p. 343, by No. 36, s. 5, 1966, p. 257 and by No. 25, s. 3, 1967, p. 305

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Primary Producers' Debts Act, 1935-1936 (Vol. 6, p. 656)	s. 3. Repealed by No. 26, s. 22, 1943, p. 70 s. 9. Amended by No. 5, s. 3, 1939, p. 16, and by No. 30, s. 3, 1941, p. 113, and repealed by No. 26, s. 22, 1943, p. 70 s. 10. Amended by No. 5, s. 4, 1939, p. 16, and repealed by No. 30, s. 4, 1941, p. 113 s. 12. Amended by No. 26, s. 23, 1943, p. 70 ss. 22-26. *In re Stringer* (1940) S.A.S.R. 401 s. 24. Amended by No. 30, s. 5, 1941, p. 113 s. 34a. Enacted by No. 2358, s. 3, 1937, p. 57 s. 36. Repealed by No. 26, s. 24, 1943, p. 70 s. 36a. Enacted by No. 5, s. 5, 1939, p. 17 s. 39. *Crafter v. Kelly* (1941) S.A.S.R. 237 s. 41. Amended by No. 26, s. 25, 1943, p. 70
Prisons Act, 1936 (Vol. 6, p. 670)....	s. 5. Amended by No. 50, s. 6, 1963, p. 185 s. 7a. Enacted by No. 44, s. 3, 1956, p. 126 s. 14. Amended by No. 22, s. 3 (1), 1954, p. 66 and by No. 54, s. 150, 1965, p. 319 s. 15a. Enacted by No. 50, s. 7, 1963, p. 185 s. 22. Amended by No. 22, s. 4, 1954, p. 67 s. 42a. Enacted by No. 22, s. 5, 1954, p. 67 s. 46. Amended by No. 22, s. 6, 1954, p. 68 s. 47. Substituted by No. 22, s. 7, 1954, p. 68 s. 48. Amended by No. 22, s. 8, 1954, p. 69 s. 48a. Enacted by No. 22, s. 9, 1954, p. 70 s. 58. Amended by No. 22, s. 10, 1954, p. 70 s. 62. Amended by No. 50, s. 8, 1963, p. 186 s. 63. Amended by No. 50, s. 9, 1963, p. 186 s. 65. Amended by No. 54, s. 150, 1965, p. 319
Public Charities Funds Act, 1935 (Vol. 6, p. 697)	s. 26a. Enacted by No. 50, s. 2, 1940, p. 155 Second schedule. Amended by No. 54, s. 150, 1965, p. 319
Public Finance Act, 1936 (Vol. 6, p. 710)	s. 7. Amended by No. 6, s. 3, 1954, p. 13, and by No. 20, s. 3, 1960, p. 49 s. 14. Substituted by No. 11, s. 3, 1947, p. 23 s. 27. Amended by No. 11, s. 4, 1947, p. 23 s. 32a. Enacted by No. 48, s. 3, 1949, p. 162 and amended by No. 17 s. 3, 1964, p. 69 ss. 32b to 32j. Enacted by No. 48, s. 3, 1949, pp. 163-165 s. 34. Amended by No. 6, s. 4, 1954, p. 14, and by No. 20, s. 4, 1960, p. 49 s. 38. Enacted by No. 48, s. 4, 1949, p. 165 s. 39. Enacted by No. 48, s. 4, 1949, p. 166
Public Service Act, 1936 (Vol. 7, p. 1)..	This Act, as amended by No. 2375, 1937, p. 123, No. 2377, 1937, p. 126, No. 2423, 1938, p. 199, No. 45, 1940, p. 143, No. 22, 1941, p. 82, No. 28, 1942, p. 83, No. 12, 1945, p. 43, No. 30, 1946, p. 137, No. 46, 1947, p. 126, No. 39, 1948, p. 175, and No. 20, 1949, p. 67, and with notes of judicial decisions, is reprinted in the 1949 volume, page 351, *See also* the following paragraph
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Sale of Fruit Act, 1915-1935 (Vol. 7, p. 465)	Schedule. Substituted by regulations *Gazette* 3rd December, 1936, p. 1195, and amended by regulations *Gazette* 25th December, 1947, p. 2265

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Sale of Furniture Act, 1904-1935 (Vol. 7, p. 473)	s. 3. Amended by No. 10, s. 3, 1961, p. 29 s. 5. Amended by No. 10, s. 4, 1961, p. 29 s. 6. Substituted by No. 10. s. 5, 1961, p. 30 s. 7. Amended by No. 10, s. 6, 1961, p. 30 s. 8a. Enacted by No. 10, s. 7, 1961, p. 30 s. 9. Amended by No. 10, s. 8, 1961, p. 31 s. 9a. Enacted by No. 10, s. 9, 1961, p. 31
Sandalwood Act, 1930-1936 (Vol. 7, p. 498)	s. 11. Amended by No. 9, s. 3, 1940, p. 19, by No. 7, s. 3, 1943, p. 15, and by No. 12, s. 3, 1946, p. 42 and repealed by No. 12, s. 3, 1949, p. 51
San Jose Scale Control Act, 1962 (1962, p. 118)	s. 3. Amended by No. 50, s. 15, 1964, p. 206 s. 6. Amended by No. 50, s. 19, 1964, p. 208 s. 9a. Enacted by No. 50, s. 16, 1964, p. 206 s. 10. Amended by No. 50, s. 17, 1964, p. 207 s. 11. Amended by No. 50, s. 19, 1964, p. 208 s. 15. Amended by No. 50, s. 18, 1964, p. 207
The Savings Bank of South Australia Act, 1929-1935 (Vol. 7, p. 526)	s. 2. Amended by No. 33, s. 2, 1948, p. 155 s. 4. Amended by No. 25, s. 2, 1949, p. 81 s. 4a. Enacted by No. 27, s. 3, 1945, p. 120 s. 5. Amended by No. 13, s. 3, 1942, p. 33, and by No. 31, s. 7 (2), 1947, p. 86 s. 8. Amended by No. 13, s. 5, 1942, p. 34 s. 16. Amended by No. 13, s. 6, 1942, p. 34 s. 17. Amended by No. 13, s. 7, 1942, p. 34, and by No. 33, s. 3, 1948, p. 155 s. 19. Substituted by No. 20, s. 3, 1953, p. 50 s. 20. Amended by No. 25, s. 4, 1949, p. 82, by No. 20, s. 4, 1953, p. 51, and by No. 36, s. 3, 1958, p. 136 s. 20a. Enacted by No. 36, s. 4, 1958, p. 136 s. 20b. Enacted by No. 24, s. 3, 1959, p. 67 s. 26a. Enacted by No. 27, s. 4, 1945, p. 121 s. 27. Amended by No. 13, s. 8, 1942, p. 34 s. 28. Substituted by No. 13, s. 9, 1942, p. 34 s. 29. Substituted by No. 13, s. 10, 1942, p. 35 s. 30. Substituted by No. 13, s. 11, 1942, p. 35 s. 30a. Enacted by No. 27, s. 5, 1945, p. 121 s. 31. Amended by No. 13, s. 12, 1942, p. 35 s. 32a. Enacted by No. 31, s. 2, 1947, p. 84 s. 33. Amended by No. 13, s. 13, 1942, p. 36 s. 34. Substituted by No. 27, s. 6, 1945, p. 121 s. 38. Amended by No. 13, s. 14, 1942, p. 36, and by No. 31, s. 3, 1947, p. 85 s. 39. Amended by No. 13, s. 15, 1942, p. 37 and by No. 60, s. 6, 1965, p. 369 s. 40. Amended by No. 13, s. 16, 1942, p. 37 s. 41. Amended by No. 13, s. 17, 1942, p. 37

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The Savings Bank of South Australia Act, 1929-1935 Vol. 7. p. 526)—*cont.*	s. 42. Amended by No. 13, s. 18, 1942, p. 37, by No. 25, s. 5, 1949, p. 82, and by No. 32, s. 3, 1962, p. 86 s. 42a. Enacted by No. 13, s. 19, 1942, p. 37 s. 42b. Enacted by No. 13, s. 19, 1942, p. 38 s. 43. Substituted by No. 31, s. 4, 1947, p. 85 s. 44. Amended by No. 13, s. 21, 1942, p. 38 s. 45. Amended by No. 13, s. 22, 1942, p. 38 s. 46. Amended by No. 31, s. 5, 1947, p. 85 s. 47. Amended by No. 31, s. 6, 1947, p. 85, and by No. 36, s. 5, 1958, p. 137 s. 48. Substituted by No. 13, s. 23, 1942, p. 38 s. 50. Amended by No. 31, s. 7 (1), 1947, p. 86, and by No. 25, s. 6, 1949, p. 82 s. 51. Amended by No. 13, s. 24, 1942, p. 39, and by No. 25, s. 7, 1949, p. 82 s. 52. Substituted by No. 13, s. 25, 1942, p. 39, and amended by No. 25, s. 8, 1949, p. 82 and by No. 60, s. 6, 1965, p. 369 s. 53. Substituted by No. 25, s. 9, 1949, p. 83 s. 54. Repealed by No. 13, s. 27, 1942, p. 39 s. 57. Amended by No. 13, s. 28, 1942, p. 40 *Hepworth v. Hepworth* (1963) S.A.S.R. 259 s. 59. Amended by No. 13, s. 29, 1942, p. 40, by No. 31, s. 8, 1947, p. 86, by No. 33, s. 4, 1948 p. 155, by No. 25, s. 10, 1949, p. 83, by No. 36, s. 6, 1958, p. 138, and by No. 32, s. 4, 1962, p. 86 s. 60. Amended by No. 31, s. 9, 1947, p. 86 s. 60a. Enacted by No. 33, s. 5, 1948, p. 156, and amended by No. 36, s. 7, 1958, p. 138 and by No. 32, s. 5, 1962, p. 86 s. 61. Amended by No. 13, s. 30, 1942, p. 40 s. 62. Amended by No. 13, s. 31, 1942, p. 40 s. 63. Amended by No. 13, s. 32, 1942, p. 40 s. 64. Substituted by No. 13, s. 33, 1942, p. 40 s. 65. Substituted by No. 25, s. 11, 1949, p. 83 s. 66. Substituted by No. 13, s. 35, 1942, p. 41 s. 67. Substituted by No. 13, s. 36, 1942, p. 41 s. 69. Substituted by No. 13, s. 37, 1942, p. 42
Scaffolding Inspection Act, 1934 (Vol. 7, p. 557)	s. 3. Amended by No. 5, s. 2, 1940, p. 7, by No. 46, s. 3, 1961, p. 169, and by No. 48, s. 3, 1963, p. 173 s. 4. Amended by No. 14, s. 3, 1957, p. 58, No. 46, s. 4, 1961, p. 170, and by No. 48, s. 4, 1963, p. 174 s. 5. Substituted by No. 24, s. 4, 1957, p. 59 s. 5a. Enacted by No. 46, s. 5, 1961, p. 171, and amended by No. 48, s. 5, 1963, p. 174 s. 6. Amended by No. 24, s. 5, 1957, p. 59, and by No. 46, s. 6, 1961, p. 171 s. 7. Substituted by No. 46, s. 7, 1961, p. 172 and amended by No. 48 s. 6, 1963, p. 174 s. 8. Substituted by No. 46, s. 8, 1961, p. 172, and amended by No. 48, s. 7, 1963, p. 174 s. 9. Amended by No. 24, s. 7, 1957, p. 60 s. 11. Amended by No. 24, s. 8, 1957, p. 60, by No. 46, s. 9, 1961, p. 174, and by No. 48, s. 8, 1963, p. 175 s. 11a. Enacted by No. 24, s. 9, 1957, p. 61 s. 12. Amended by No. 24, s. 10, 1957, p. 61 s. 13. Amended by No. 48, s. 9, 1963, p. 175 Second schedule. Amended by regulations *Gazette*, 14th September, 1944, p. 324, *Gazette* 13th June, 1957, p. 1469, *Gazette* 1st October, 1959, p. 825, *Gazette* 18th May, 1961, p. 1142, and *Gazette* 27th June, 1963 p. 1659

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School of Mines and Industries Act, 1892-1934 (Vol. 7, p. 565) (Now Institute of Technology Act, 1892-1959). For further history, *see* "Institute of Technology Act, 1892-1959.	Long title. Amended by No. 46, s. 4, 1959, p. 154 Preamble. Amended by No. 46, s. 5, 1959, p. 155 s. 3. Amended by No. 46, s. 6, 1959, p. 155 s. 4. Amended by No. 46, s. 7, 1959, p. 155 s. 5. Repealed by No. 46, s. 8, 1959, p. 155 s. 6. Amended by No. 46, s. 9, 1959, p. 156 s. 10. Amended by No. 46, s. 10, 1959, p. 158 s. 11. Amended by No. 46, s. 11, 1959, p. 158
Second-hand Dealers Act, 1919-1934	s. 3. Amended by No. 49, s. 3, 1963, p. 176, and by No. 33, s. 3, 1964, p. 138 s. 5. Amended by No. 49, s. 12, 1963, p. 181 s. 6. Amended by No. 19, s. 3, 1958, p, 53 and by No. 49, s. 4, 1963, p. 177 s. 6a. Enacted by No. 49, s. 5, 1963, p. 177 s. 6b. Enacted by No. 49, s. 5, 1963, p. 177 s. 8. Amended by No. 49, s. 6, 1963, p. 178 s. 8a. Enacted by No. 49, s. 7, 1963, p. 178 s. 8b. Enacted by No. 49, s. 7, 1963, p. 179 s. 9a. Amended by No. 41, s. 2, 1950, p. 118 s. 9b. Enacted by No. 41, s. 2, 1949, p. 133 s. 10. Amended by No. 41, s. 3, 1949, p. 134 and by No. 49, s. 8, 1963, p. 180 s. 12. Amended by No. 49, s. 9, 1963, p. 180 s. 15. Amended by No. 49, s. 12, 1963, p. 181 s. 16. Amended by No. 49, ss. 10, 12, 1963, pp. 180, 181 s. 17. Amended by No. 49, s. 12, 1963, p. 181 s. 18. Amended by No. 49, s. 12, 1963, p. 181 s. 19. Amended by No. 49, s. 12, 1963, p. 181 s. 20. Amended by No. 49, s. 12, 1963, p. 181 s. 21. Amended by No. 49, s. 12, 1963, p. 181 s. 22. Amended by No. 49, s. 12, 1963, p. 181 s. 23. Amended by No. 49, ss. 11, 12, 1963, pp. 180, 181 s. 24. Amended by No. 49, s. 12, 1963, p. 181 s. 32. Amended by No. 49, s. 12, 1963, p. 181
Settled Estates Act, 1880 (Vol. 7, p. 590)	s. 34. Amended by No. 17, s. 3 (1), 1943, p. 36
Sewerage Act, 1929-1936 (Vol. 7, p. 605)	s. 2. Amended by No. 27, s. 4, 1953, p. 75 s. 4. Amended by No. 48, s. 3, 1946, p. 222 s. 5. Amended by No. 51, s. 3, 1962, p. 164 s. 10. Repealed by No. 48, s. 4, 1946, p. 223 s. 11. Repealed by No. 48, s. 4, 1946, p. 223 s. 13. Amended by No. 51, s. 4, 1962, p. 165 s. 17a. Enacted by No. 27, s. 2, 1953, p. 73 s. 31a. Enacted by No. 48, s. 5, 1946, p. 223 s. 32. Amended by No. 48, s. 6, 1946, p. 223 s. 53. Substituted by No. 51, s. 5, 1962, p. 165 s. 61. Substituted by No. 40, s. 13, 1966, p. 272 s. 64. Amended by No. 48, s. 7, 1946, p. 223 s. 69. Amended by No. 40, s. 14, 1966, p. 273 s. 70. Amended by No. 40, s. 15, 1966, p. 274 s. 74. Amended by No. 24, s. 3, 1955, p. 81 and by No. 40, s. 16, 1966, p. 274 s. 74a. Enacted by No. 24, s. 4, 1955, p. 81, and amended by No. 65, s. 3, 1960, p. 252 s. 75. Amended by No. 24, s. 5, 1955, p. 82, and by No. 65, s. 4, 1960, p. 252 s. 75a. Enacted by No. 48, s. 8, 1946, p. 223, and repealed by No. 24, s. 6, 1955, p. 82 s. 78. Amended by No. 40, s. 17, 1966, p. 275 s. 79. Substituted by No. 40, s. 18, 1966, p. 275 s. 85. Amended by No. 48, s. 9, 1946, p. 224 ss. 85a to 85d. Enacted by No. 27, s. 3, 1953, p. 74

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Shearers Accommodation Act, 1922-1935 (Vol. 7, p. 647)	This Act, as amended by No. 35, 1942, p. 122, and with notes of judicial decisions, is reprinted in the 1942 volume, p. 137. *See also* the following paragraph.
Shearers Accommodation Act, 1922-1942 (1942, p. 137)	s. 3. Amended by No. 69, s. 3, 1967, p. 698 s. 4. Amended by No. 69, s. 4, 1967, p. 699 s. 6. Amended by No. 24, s. 2 (1), 1947, p. 62 by No. 20, ss. 3, 4 and 5, 1958, pp. 55-61 and by No. 69, s. 5, 1967, p. 699 s. 9. Amended by No. 20, s. 6, 1958, p. 61 s. 11. Amended by No. 69, s. 6, 1967, p. 702 s. 13. Amended by No. 69, s. 7, 1967, p. 703 s. 17. Amended by No. 69, s. 8, 1967, p. 703
Shearers Accommodation Act Amendment Act, 1947 (1947, p. 62)	s. 2 (2). Amended by No. 42, s. 3, 1952, p. 121
Soil Conservation Act, 1939 (1939, p. 124)	s. 2. Amended by No. 44, s. 3, 1945, p. 213 s. 2a. Enacted by No. 44, s. 4, 1945, p. 214 s. 4. Amended by No. 44, s. 5, 1945, p. 214 s. 6. Substituted by No. 37, s. 2, 1943, p. 114 s. 6a. Enacted by No. 44, s. 6, 1945, p. 214 and amended by No. 13, s. 3, 1960, p. 33 s. 6b. Enacted by No. 44, s. 6, 1945, p. 215 s. 6c. Enacted by No. 44, s. 6, 1945, p. 215 and amended by No. 13, s. 4, 1960, p. 34 ss. 6d. to 6i. Enacted by No. 44, s. 6, 1945, pp. 216-218 s. 6j. Enacted by No. 13, s. 5, 1960, p. 34 s. 10a. Enacted by No. 37, s. 3, 1943, p. 114, and repealed by No. 44, s. 7, 1945, p. 218 s. 12. Amended by No. 37, s. 4, 1943, p. 115 s. 12a. Enacted by No. 44, s. 8, 1945, p. 218, and amended by No. 32, s. 3, 1947, p. 87 s. 13a. Enacted by No. 37, s. 5, 1943, p. 116, and repealed by No. 32, s. 4, 1947, p. 88 ss. 13b to 13i. Enacted by No. 44, s. 10, 1945, pp. 219-222 s. 13j. Enacted by No. 44, s. 10, 1945, p. 223, and amended by No. 13, s. 6, 1960, p. 34 ss. 13k to 13m. Enacted by No. 44, s. 10, 1945, pp. 224, 225 s. 13n. Enacted by No. 44, s. 10, 1945, p. 226, and amended by No. 32, s. 5, 1947, p. 88, and by No. 13, s. 7, 1960, p. 35 s. 13o. Enacted by No. 44, s. 10, 1945, p. 226, and amended by No. 32, s. 5, 1947, p. 88 and repealed by No. 39, s. 2, 1965, p. 138 s. 18. Amended by No. 37, s. 6, 1943, p. 117, and by No. 44, s. 11, 1945, p. 226 s. 19. Enacted by No. 37, s. 7, 1943, p. 117
South Australian Housing Trust Act, 1936 (Vol. 7, p. 653)	s. 2. Amended by No. 21, s. 2, 1942, p. 58 s. 3. Amended by No. 48, s. 3, 1965, p. 160 s. 3a. Enacted by No. 48, s. 4, 1965, p. 160 s. 8. Amended by No. 21, s. 3, 1942, p. 58 s. 13. Amended by No. 49, s. 2, 1946, p. 225 s. 13a. Enacted by No. 49, s. 3, 1946, p. 226 s. 14. Substituted by No. 21, s. 4, 1942, p. 59, and amended by No. 7, s. 2, 1947, p. 10 s. 14a. Enacted by No. 21, s. 4, 1942, p. 59 s. 14b. Enacted by No. 21, s. 4, 1942, p. 59 s. 14c. Enacted by No. 21, s. 4, 1942, p. 59 s. 20. Amended by No. 21, s. 5, 1942, p. 59 s. 20a. Enacted by No. 50, s. 2, 1952, p. 149 s. 20b. Enacted by No. 50, s. 2, 1952, p. 149 s. 20c. Enacted by No. 50, s. 2, 1952, p. 151

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South Australian Housing Trust Act, 1936 (Vol. 7, p. 653)—*continued.*	s. 24a. Enacted by No. 10, s. 2, 1948, p. 70 s. 25. Substituted by No. 21, s. 6, 1942, p. 59 s. 27. Amended by No. 2371, s. 4, 1937, p. 108 and by No. 21, ss. 7 and 8, 1942, p. 60 s. 28a. Enacted by No. 46, s. 3, 1940, p. 146 and amended by No. 21, s. 9, 1942, p. 60 s. 28b. Enacted by No. 21, s. 10, 1942, p. 61 s. 29a. Enacted by No. 2371, s. 5, 1937, p. 108 Schedule. Enacted by No. 49 s. 4, 1946, p. 227 and amended by No. 42, s. 3, 1957, p. 112
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South-Eastern Drainage Act, 1931-1935 (Vol. 7, p. 721)	s. 3. Amended by No. 25, s. 3, 1959, p. 69 s. 6. Amended by No. 25, s. 3, 1947, p. 65 and by No. 25, s. 4, 1959, p. 70 *Matthews v. South-Eastern Drainage Board* (1965) S.A.S.R. 328 s. 42. *The South-Eastern Drainage Board (South Australia) v. The Savings Bank of South Australia* (1939) 62 C.L.R. 603; 13 A.L.J. 421 varying *Savings Bank of South Australia v. South-Eastern Drainage Board and another* (1939) S.A.S.R. 339 s. 66. *The South-Eastern Drainage Board (South Australia) v. The Savings Bank of South Australia* (1939) 62 C.L.R. 603; 13 A.L.J. 421 varying *Savings Bank of South Australia v. South-Eastern Drainage Board and another* (1939) S.A.S.R. 339 s. 81. Amended by No. 25, s. 4, 1947, p. 66 s. 81a. Enacted by No. 25, s. 5, 1947, p. 66 s. 88. Amended by No. 25, s. 6, 1947, p. 67 s. 90. *In re Cameron and Ryder* (1937) S.A.S.R. 143 s. 98. *In re Cameron and Ryder* (1937) S.A.S.R. 143 s. 101. *In re Cameron and Ryder* (1937 S.A.S.R. 143 Heading to Part IVA. Amended by No. 25, s. 5, 1959, p. 70 s. 103a. Enacated by No. 34, s. 3, 1948, p. 159, and amended by No. 25, s. 6, 1959, p. 70 s. 103b. Enacted by No. 34, s. 3, 1948, p. 160, and amended by No. 25, s. 7, 1959, p. 70 s. 103c. Enacted by No. 34, s. 3, 1948, p. 160 and amended by No. 25, s. 8, 1959, p. 70 ss. 103d to 103f. Enacted by No. 34, s. 3, 1948, p. 160

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South-Eastern Drainage Act, 1931-1935 (Vol. 7, p. 721)—*continued*	s. 103g. Enacted by No. 34, s. 3, 1948, p. 161 and amended by No. 25, s. 9, 1959, p. 71 ss. 103h to 103j. Enacted by No. 34, s. 3, 1948, pp. 161, 162 *Matthews v. South-Eastern Drainage Board* (1965) S.A.S.R. 328 First schedule. Substituted by No. 25, s. 10, 1959, p. 71 Fifth schedule. Enacted by No. 25, s. 11, 1959, p. 72
Stamp Duties Act, 1923-1936 (Vol. 7, p. 762)	This Act as amended by No. 2359, 1937, p. 59, No. 2387, 1938, p. 12, No. 48, 1941, p. 206, No. 22, 1942, p. 62, No. 30, 1944, p. 90, No. 32, 1945, p. 139, No. 41, 1947, p. 107, No. 16, 1950, p. 38, No. 5, 1952, p. 13, No. 42, 1952, p. 119, and No. 55, 1952, p. 184, in the 1952 volume, p. 245. *See also* the following paragraph
Stamp Duties Act, 1923-1952 (1952, p. 245)	s. 2. Amended by No. 58, s. 4, 1965, p. 344 and by No. 14, s. 14, 1967, p. 90 s. 4. Amended by No. 14, s. 15, 1967, p. 90 s. 5. Amended by No. 14, s. 16, 1967, p. 91 s. 20. Amended by No. 58, s. 5, 1965, p. 344 s. 31. Amended by No. 30, s. 3, 1953, p. 81, and by No. 45, s. 4, 1959, p. 150 s. 31b. Enacted by No. 45, s. 5, 1959, p. 151, and amended by No. 7, s. 3 (1), 1960, p. 21 s. 31c. Enacted by No. 45, s. 5, 1959, p. 151 s. 31d. Enacted by No. 45, s. 5, 1959, p. 151 s. 40. Repealed by No. 30, s. 4 (1), 1953, p. 82 ss. 42a. to 42c. Enacted by No. 24, s. 4, 1964, pp. 99-101 s. 42d. Enacted by No. 24, s. 4, 1964, p. 101 and amended by No. 58, s. 6, 1965, p. 345 s. 42e. Enacted by No. 24, s. 4, 1964, p. 101 s. 47b. Enacted by No. 58, s. 7, 1965, p. 345 s. 48. Amended by No. 8, s. 3, 1956, p. 18 and by No. 58, s. 8, 1965, p. 345 s. 48a. Amended by No. 32, s. 7, 1962, p. 88 s. 54. Amended by No. 14, s. 17, 1967, p. 91 s. 56. Amended by No. 14, s. 18, 1967, p. 91 s. 56a. Amended by No. 24, s. 5, 1964, p. 101 and by No. 14, s. 19, 1967, p. 91 s. 59. Amended by No. 14, s. 20, 1967, p. 91 s. 59a. Enacted by No. 24, s. 6, 1964, p. 102 s. 60. Amended by No. 30, s. 5, 1953, p. 82 *In re South Australian Unit Trusts Pty., Ltd.* (1954) S.A.S.R. 227 s. 60a. Enacted by No. 58, s. 9, 1965, p. 345 s. 71. Amended by No. 24, s. 7, 1964, p. 102 s. 75a. Enacted by No. 24, s. 8, 1964, p.102 s. 82. Amended by No. 58, s. 10, 1965, p. 347 and by No. 59, s. 4, 1966, p. 365 s. 83. Amended by No. 58, s. 11, 1965, p. 347 s. 83a. Repealed by No. 58, s. 12, 1965, p. 347 s. 84. Amended by No. 58, s. 139, 1965, p. 347 and by No. 59, s. 5, 1966, p. 365 s. 84a. Enacted by No. 58, s. 13 (2), 1965, p. 348 s. 84b. Enacted by No. 58, s. 13 (2), 1965, p. 348 and amended by No. 59, s. 6, 1966, p. 366 s. 84c. Enacted by No. 58, s. 13 (2), 1965, p. 349 and amended by No. 59, s. 7, 1966, p. 366 Part IIIA. Enacted by No. 14, s. 21, 1967, p. 91 ss. 90a-90f. Enacted by No. 14, s. 21, 1967, p. 91 s. 106a. Enacted by No. 14, s. 22, 1967, p. 96

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Stamp Duties Act, 1923-1952 (1952, p. 245)—*continued*	Part IV. Repealed by No. 58, s. 14, 1965, p. 349 s. 113. Enacted by No. 58, s. 18, 1965, p. 353 Second schedule. Amended by No. 30, s. 6, 1953, p. 82, by No. 29, s. 3, 1954, p. 87, by No. 8, s. 4, 1956, p. 18, by No. 45, s. 6, 1959, p. 151, by No. 32, s. 8, 1962, p. 88, by No. 24, s. 9, 1964, p. 103, by regulations *Gazette* 29th September, 1965, p. 1138, by No. 58, s. 15, 1965, p. 349, by No. 46, s. 12, 1966, p. 321, by No. 59, s. 8, 1966, p. 366, and by No. 14, s. 23, 1967, p. 97 Fourth schedule. Repealed by No. 58, s. 16, 1965, p. 352
Stamp Duties Act Amendment Act, 1945 (1945, p. 139)	s. 4. Amended by No. 41, s. 3, 1947, p. 107
Stamp Duties Act Amendment Act, 1965 (1965, p. 344)	s. 15. Amended by No. 59, s. 9, 1966, p. 368
State Bank Act, 1925-1936 (Vol. 7, p. 812)	s. 8. Amended by No. 23, s. 3, 1941, p. 85, and by No. 56, s. 2, 1958, p. 212 s. 19. Amended by No. 63, s. 3, 1954, p. 195 s. 20. Repealed by No. 63, s. 4, 1954, p. 195 s. 37a. Enacted by No. 23, s. 4, 1941, p. 85 s. 39. Amended by No. 56, s. 3, 1958, p. 213 s. 76a. Amended by No. 23, s. 5, 1941, p. 86 s. 76j. Amended by No. 63, s. 5, 1954, p. 196 s. 78. Substituted by No. 63, s. 6, 1954, p. 196
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Stock Diseases Act, 1934 (Vol. 8, p. 39)	s. 1. Amended by No. 36, s. 2, 1956, p. 105 s. 2. Amended by No. 36, s. 18 (2), 1956, p. 108 s. 5. Amended by No. 29, ss. 3 and 4 (1), 1946, pp. 132, 133, by No. 36, s. 3, 1956, p. 105, by No. 19, s. 3, 1959, p. 47, and by No. 42, s. 3, 1962 p. 124 s. 6. Amended by No. 29, s. 4, (2), 1946, p. 133 s. 8. Amended by No. 36, s. 4, 1956, p. 105, by No. 18, s. 3, 1961, p. 54, and by No. 42, s. 4, 1962, p. 124 s. 8a. Enacted by No. 64, s. 2, 1954, p. 197, and amended by No. 36, s. 5, 1946, p. 106 s. 10a. Enacted by No. 31, s. 2, 1941, p. 115 s. 10b. Enacted by No. 31, s. 2, 1941, p. 116 s. 11. Amended by No. 36, s. 6, 1956, p. 106 s. 12. Amended by No. 36, s. 7, 1956, p. 106 s. 13. Amended by No. 36, s. 8, 1956, p. 106 s. 14. Amended by No. 36, s. 9, 1956, p. 106 s. 15. Amended by No. 36, s. 10, 1956, p. 106 s. 16. Amended by No. 36, s. 11, 1956, p. 107 s. 18. Amended by No. 29, s. 5, 1946, p. 133 s. 19. Amended by No. 29, s. 6 (1), 1946, p. 133, by No. 36, s. 12 (1), 1956, p. 107, and by No. 42, s. 5, 1962, p. 125

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Subdivided Land Debts Act, 1932-1934 (Vol. 8, p. 83)	s. 15. *Lake Beach Estate Limited v. Mitchell* (1939) S.A.S.R. 209, reversing *Lake Beach Estate Limited v. Mitchell* (1938) S.A.S.R. 280
Succession Duties Act, 1929-1936 (Vol. 8, p. 90)	This Act, as amended by No. 21, 1939, p. 112, No. 62, 1940, p. 309, and No. 23, 1942, p. 65, and with notes of judical decisions, is reprinted in the 1942 volume, p. 144. *See also* the following paragraph
Succession Duties Act, 1929-1942 (1942, p. 144)	General amendment relating to decimal currency: No. 31, s. 8, 1967, p. 328 s. 3. Amended by No. 52, s. 3, 1959, p. 3 s. 4. Amended by No. 51, s. 3, 1952, p. 152 and by No. 53, s. 3, 1963, p. 192 *Ashby and another v. The Commissioner of Succession Duties (South Australia)* (1942) 67 C.L.R. 284; 16 A.L.J. 259, reversing *Ashby and another v. The Commissioner of Succession Duties* (1942) S.A.S.R. 102 *Elder's Trustee and Executor Company Limited v. The Commissioner of Succession Duties* (1945) S.A.S.R. 34 s. 8. *In re Murphy deceased* (1951) S.A.S.R. 28 s. 9a. Enacted by No. 49, s. 3, 1954, p. 134 s. 9b. Enacted by No. 57, s. 3, 1955, p. 203 s. 10a. Enacted by No. 28, s. 2, 1943, p. 73 s. 12. Amended by No. 51, s. 4, 1952, p. 152 s. 13a. Enacted by No. 49, s. 3, 1951, p. 135

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Vine, Fruit, and Vegetable Protection Act 1885-1936 (Vol. 8, p. 525)	s. 6. *Vidovic v. Strickland* (1950) S.A.S.R. 19 s. 8. Amended by No. 26, s. 3, 1959, p. 76
Volunteer Fire Fighters Fund Act, 1949 (1949, p. 217)	s. 13. Amended by No. 34, s. 2, 1957, p. 89 and by No. 39, s. 3, 1965, p. 138
Waterworks Act, 1932-1936 (Vol. 8, p. 579)	s. 4. Amended by No. 50, s. 3, 1954, p. 136 s. 7. Repealed by No. 50, s. 4, 1954, p. 136 s. 8. Repealed by No. 50, s. 4, 1954, p. 136 s. 10. Amended by No. 53, s. 3, 1962, p. 168 s. 51. Substituted by No. 53, s. 4, 1962, p. 169 s. 66. Amended by No. 40, s. 3, 1966, p. 268 s. 69. Amended by No. 50, s. 5, 1954, p. 136 and by No. 40, s. 4, 1966, p. 269 s. 71. Amended by No. 50, s. 6, 1954, p. 137 s. 73. Amended by No. 40, s. 5, 1966, p. 270 s. 82. Amended by No. 40, s. 6, 1966, p. 270 s. 83. Amended by No. 10, s. 3, 1956, p. 29 s. 86. Amended by No. 40, s. 7, 1966, p. 270 s. 89. Amended by No. 50, s. 7, 1954, p. 137 s. 90. Amended by No. 50, s. 8, 1954, p. 137 and by No. 40, s. 8, 1966, p. 271 s. 94. Substituted by No. 40, s. 9, 1966, p. 271 s. 102. Amended by No. 50, s. 9, 1954, p. 137 s. 103. Amended by No. 50, s. 10, 1954, p. 137 s. 104. Substituted by No. 40, s. 10, 1966, p. 271 s. 121. Amended by No. 40, s. 11, 1966, p. 272 Third schedule. Repealed by No. 50, s. 11, 1954, p. 138
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Wheat Industry Stabilization Act, 1963 (1963, p. 103)	s. 14. Amended by No. 21, s. 3 (1), 1964, p. 79
Wheat Price Stabilization Scheme Ballot Act, 1953 (1953, p. 148)	s. 2. Amended by No. 7, s. 3, 1954, p. 15
Wi'd Dogs Act, 1931 (Vol. 8, p. 657)	s. 3. Amended by No. 2392, s. 3, 1938, p. 37, and by No. 41, s. 3, 1961, p. 134 s. 4. Amended by No. 41, s. 4, 1961, p. 135 s. 5. Amended by No. 8, s. 2, 1953, p. 18 and by No. 41, s. 5, 1961, p. 135

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Wild Dogs Act, 1931 (Vol. 8, p. 657) —*continued*	s. 6. Amended by No. 41, s. 6, 1961, p. 136 s. 6a. Enacted by No. 41, s. 2, 1951, p. 91 and amended by No. 8, s. 2, 1954, p. 16, and by No. 41, s. 7, 1961, p. 137 s. 7. Amended by No. 41, s. 3, 1951, p. 92, and by No. 41, s. 8, 1961, p. 137 s. 8. Substituted by No. 41, s. 9, 1961, p. 137 s. 8a. Enacted by No. 41, s. 3, 1948, p. 185 s. 9. Amended by No. 8, s. 3, 1953, p. 18 s. 10. Amended by No. 2392, s. 4, 1938, p. 37 s. 11. Amended by No. 2392, s. 5, 1938, p. 38 s. 12. Amended by No. 2392, s. 6, 1938, p. 38, and by No. 41, s. 4, 1948, p. 186 s. 13. Amended by No. 2392, s. 7, 1938, p. 38 s. 14. Amended by No. 2392, s. 8, 1938, p. 38
Wills Act, 1936 (Vol. 8, p. 665)	Heading before s. 1. Enacted by No. 27, s. 3, 1966, p. 225 s. 1. Amended by No. 27, s. 4, 1966, p. 225 Heading before s. 4. Substituted by No. 27, s. 5, 1966, p. 226 s. 5. Substituted by No. 27, s. 6, 1966, p. 226 s. 6. Repealed by No. 27, s. 6, 1966, p. 226 s. 6a. Enacted by No. 11, s. 3, 1940, p. 21 and repealed by No. 27, s. 6, 1966, p. 226 s. 8. *In re Sanders. Hill v. Sanders* (1944) S.A.S.R. 22 *In re Hazelgrove* (1950) S.A.S.R. 99 *In re Eaglestone, deceased* (1950) S.A.S.R. 257; 25 A.L.J. 189 *In re Gramp, Finck and another v. Gramp and others* (1952) S.A.S.R. 12 *In the estate of Bucknall, deceased, McGeachin v. Evans* (1965) S.A.S.R. 276 s. 11. *In re Pearce, deceased* (1946) S.A.S.R. 267; 21 A.L.J. 317 s. 13. Amended by No. 27, s. 7, 1966, p. 226 s. 14. Amended by No. 27, s. 8, 1966, p. 227 s. 17. *In re Rich deceased* (1947) S.A.S.R. 98 s. 24. *In re Sanders. Hill v. Sanders* (1944) S.A.S.R. 22 s. 25. *In re Marrie* (1938) S.A.S.R. 289; 12 A.L.J. 238 Part III. Enacted by No. 27, s. 9, 1966, p. 227 s. 25a. Enacted by No. 27, s. 9, 1966, p. 227 s. 25b. Enacted by No. 27, s. 9, 1966, p. 227 s. 25c. Enacted by No. 27, s. 9, 1966, p. 227 s. 25d. Enacted by No. 27, s. 9, 1966, p. 227 Heading before s. 26. Substituted by No. 27, s. 10, 1966, p. 229 s. 26. *Pohlner v. Pfeiffer and another* (1963-1964) 112 C.L.R. 52; 37 A.L.J.R. 461 s. 27. *McBride v. Hudson and another* 35 A.L.J.R. 439 *Pohlner v. Pfeiffer and another* (1963-1964) 112 C.L.R. 52; 37 A.L.J.R. 461 *In re Jones, deceased* (1963) S.A.S.R. 270 s. 30. *In re Ferguson deceased* (1947) S.A.S.R. 25; 21 A.L.J. 315 s. 36. *In the estate of E. F., deceased* (1948) S.A.S.R. 97
Workmen's Compensation Act, 1932-1935 (Vol. 8, p. 693)	This Act, as amended by No. 2427, 1938, p. 274, No. 65, 1940, p. 339, No. 50, 1941, p. 242, No. 39, 1943, p. 120, No. 33, 1944, p. 108, and by No. 52, 1947, p. 156, by No. 28, 1950, p. 78, by No. 24, 1951, p. 45, by No. 38, 1953, p. 105, by No. 68, 1954, p. 235, by No. 49, 1955, p. 152, by No. 48, 1956, p. 149 and by No. 42, 1958, p. 155, and with notes of judicial decisions, is reprinted in the 1958 volume, p. 271. *See also* the following paragraph.

Act Affected.	How Affected.
Workmen's Compensation Act, 1932-1958 (1958, p. 271)	s. 4. Amended by No. 47, s. 3, 1961, p. 175, by No. 55, s. 3, 1963, p. 198, by No. 52, s. 3, 1965, p. 170 and by No. 86, s. 3, 1966, p. 486 *Knuckey v. Wadrop* (1961) S.A.S.R. 215 *McCue v. The Corporation of the City of Adelaied* (1964) S.A.S.R. 149 *Pinopolous v. Pope Products Limited* (1965) S.A.S.R. 114 *Nogare v. Mosaic Flooring Co. Ltd.* (1965) S.A.S.R. 120 *S.A. Stevedoring Company Limited v. Gerai* (1965 S.A.S.R. 212 s. 5. Amended by No. 52, s. 4, 1965, p. 171 s. 7. Amended by No. 11, s. 3, 1960, p. 29, by No. 55, s. 4, 1963, p. 199, and by No. 86, s. 4, 1966, p. 486 s. 10. Amended by No. 52, s. 10, 1965, p. 173 s. 16. Amended by No. 11, s. 4, 1960, p. 29, by No. 47, s. 4, 1961, p. 176, by No. 55, s. 5, 1963, p. 199 and by No. 52, s. 5, 1965, p. 172 s. 17. Amended by No. 11, s. 5, 1960, p. 30 and by No. 55, s. 6, 1963, p. 200 s. 18. Amended by No. 11, s. 6, 1960, p. 30, by No. 47, s. 5, 1961, p. 176, by No. 55, s. 7, 1963, p. 200 and by No. 52, s. 6, 1965, p. 172 *Perry Engineering Company Limited v. Mermingis* 38 A.L.J.R. 245, affirming *Mermingis v. Perry Engineering Co. Ltd.* (1964) S.A.S.R. 153 s. 18a. Amended by No. 47, s. 6, 1961, p. 177, by No. 55, s. 8, 1963, p. 200 and by No. 52, ss. 7, 10, pp. 172, 173 s. 20. Amended by No. 52, s. 10, 1965, p. 173 s. 21. Amended by No. 52, s. 10, 1965, p. 173 s. 22. Amended by No. 52, s. 10, 1965, p. 173 s. 24. Amended by No. 52, s. 10, 1965, p. 173 s. 25. Amended by No. 47, s. 7, 1961, p. 177 and by No. 52, s. 10, 1965, p. 173 s. 26. Amended by No. 11, s. 7, 1960, p. 30, by No. 47, s. 8, 1961, p. 177, by No. 55, s. 9, 1963, p. 200 and by No. 52, s. 8, 1965, p. 172 s. 27. Amended by No. 55, s. 10, 1963, p. 201 and by No. 52, s. 10, 1965, p. 173 s. 28. Amended by No. 11, s. 8, 1960, p. 31 *Perry Engineering Company Ltd. v. Mermingis* 38 A.L.J.R. 245 s. 28a. Enacted by No. 52, s. 9, 1965, p. 172 and amended by No. 86, s. 6, 1966, p. 487 s. 29. Amended by No. 52, s. 10, 1965, p. 173 s. 32. Amended by No. 52, s. 10, 1965, p. 173 s. 35. Amended by No. 52, s. 10, 1965, p. 173 s. 41. *Aubert v. South Australian Stevedoring Company Ltd. and others* (1961) S.A.S.R. 198 s. 49. Amended by No. 52, s. 10, 1965, p. 173 s. 58a. Amended by No. 11, s. 9, 1960, p. 31 s. 69. Amended by No. 52, s. 10, 1965, p. 173 *Djukic v. Adelaide Stevedoring Company Limited* (1960) S.A.S.R. 253 *Karchinsky v. Chrysler (Australia) Limited* (1964) S.A.S.R. 222 *Kellogg v. Austral Steel Limited* (1966) S.A.S.R. 34 s. 70. Amended by No. 52, s. 10, 1965, p. 173 s. 71. Amended by No. 52, s. 10, 1965, p. 173 s. 80. Amended by No. 52, s. 10, 1965, p. 173 s. 81. Amended by No. 52, s. 10, 1965, p. 173 s. 82. Amended by No. 52, s. 10, 1965, p. 173 *Wittenberg v. Harris* (1961) S.A.S.R. 138 s. 91. Amended by No. 52, s. 10, 1965, p. 173 s. 94. Amended by No. 52, s. 10, 1965, p. 173 s. 94e. Amended by No. 52, s. 10, 1965, p. 175 s. 94f. Amended by No. 52, s. 10, 1965, p. 173

Act Affected.	How Affected.
Workmen's Liens Act, 1893-1936 (Vol. 8, p. 733)	s. 2. *Ready Mixed Concrete (S.A.) Proprietary Limited v. Constructions (Broken Hill) Proprietary Limited and others* (1963) S.A.S.R. 340 s. 4. Amended by No. 35, s. 4, 1964, p. 141 s. 6. *Metropolitan Brick Company v. Hayward and another* (1938) S.A.S.R. 462 s. 7. Amended by No. 35, s. 5, 1964, p. 142 s. 10. *In re Hawker* (1939) S.A.S.R. 426 s. 15. *In the matter of Hollywood Homes Pty. Ltd; Christ and Marx v. Hollywood Homes Pty. Ltd.* (1964) S.A.S.R. 116 s. 28. Amended by No. 59, s. 8, 1964, p. 271 s. 48. *Ready Mixed Concrete (S.A.) Proprietary Limited v. Constructions (Broken Hill) Proprietary Limited and others* (1963) S.A.S.R. 340
Wrongs Act, 1936 (Vol. 8, p. 750)	This Act, as amended by No. 18, 1939, p. 97, No. 48, 1940, p. 151, No. 14, 1944, p. 33, No. 50, 1951, p. 138, No. 42, 1952, p. 119, No. 17, 1956, p. 44, No. 49, 1956, p. 152, No. 58, 1958, p. 220, and No. 38, 1959, p. 119, and with notes of judicial decisions is reprinted in the 1959 volume, p. 235. *See also* the following paragraph.
Wrongs Act, 1936-1959 (1959, p. 352)	s. 20. *Public Trustee v. Bednarczyk and Kijas* (1959) S.A.S.R. 178 s. 20. (2a) *Li Lian Tan v. Durham* (1966) S.A.S.R. 143 s. 23b. *Meynell v. Zalitis and Kowald* (1960) S.A.S.R. 251. *Li Lian Tan v. Durham* (1966) S.A.S.R. 143 s. 25. *Chapman v. Hearse* 35 A.L.J.R. 170 s. 27a. *Beck v. Mercantile Mutual Insurance Company and another* (1961) S.A.S.R. 311 *Teubner v. Humble* 36 A.L.J.R. 362, varying *Teubner v. Humble* (1962) S.A.S.R. 117 *Nesterczuk v. Mortimore* 39 A.L.J.R. 288; (1965) 115 C.L.R. 140

TABLE OF REGULATIONS, RULES, BY-LAWS, PROCLAMATIONS AND NOTICES

TABLE OF REGULATIONS, RULES, BY-LAWS, PROCLAMATIONS AND NOTICES.

The following table includes, under the heading of the title of each Act, references to regulations, rules, by-laws, proclamations and notices made or given under that Act and in force as at 9th May, 1968. The reference given is to the *Government Gazette* in which the regulations, rules, by-laws, proclamations or notices are published.

References to by-laws made by local authorities are not given, but with these exceptions, the table includes references to all regulations, rules, and by-laws in force at the above date.

The table includes references to proclamations of general application, but does not include references to proclamations having only a limited or temporary application. Proclamations fixing the date of commencement of an Act or indicating the Minister of the Crown to whom the administration of an Act has been committed, are shown under the title of that Act and following the heading "Commencement" or "Administration", as the case may be, and in every appropriate case particulars are given as to the date of commencement of the Act and the Minister to whom the administration of the Act is committed. Other proclamations are shown following a reference to the section of the Act under which the proclamations were made.

The table also includes references to notices given pursuant to any provision of an Act by the Governor, a Minister of the Crown, or other authority, in cases where the notices are of general application. These references are shown following a reference to the section of the Act under which the notices were given.

The regulations, rules, by-laws, proclamations and notices referred to in this table are those in force as at 9th May, 1968.

Abattoirs Act, 1911-1950

Administration: Committed to the Minister of Agriculture *Gazette* 12th January, 1939, p. 74.

s. 12. Proclamations: *Gazette* 14th April, 1949, p. 939; 16th November, 1950, p. 1205; 8th January, 1953, p. 1; 27th January, 1955, p. 170; 23rd June, 1955, p. 1444; 22nd January, 1959, p. 105; 10th December, 1959, p. 1447.

Regulations: *Gazette* 27th March, 1952, p. 657.

Regulations as to the Port Augusta Abattoirs: *Gazette* 9th February, 1961, p. 265; 6th July, 1961, p. 5; 8th November, 1962, p. 1290; 8th August, 1963, p. 369; 10th October, 1963, p. 1080; 20th February, 1964, p. 451; 24th December, 1964, p. 2099; 28th January, 1965, p. 149; 4th March, 1965, p. 480; 6th May, 1965, p. 1035; 17th June, 1965, p. 1536; 18th November, 1965, p. 1808.

Regulations as to the Port Pirie Abattoirs: *Gazette* 28th August, 1958, p. 528; 4th May, 1961, p. 1043.

Aboriginal Affairs Act, 1962.

Commencement : 28th February, 1963 ; *Gazette* 28th February, 1963, p. 503.
Administration : Committed to the Minister of Aboriginal Affairs *Gazette* 28th February, 1963, p. 503.
s. 18. Proclamations : *Gazette* 14th April, 1938, p. 837 ; 11th April, 1940, p. 720 ; 19th September, 1940, p. 569 ; 14th November, 1940, p. 1010 ; 29th May, 1941, p. 779 ; 24th October, 1946, p. 1046 ; 6th October, 1949, p. 846 ; 4th June, 1953, p. 1372 ; 4th March, 1954, p. 464 ; 22nd April, 1954, p. 806 ; 1st July, 1954, p. 2 ; 29th July, 1954, p. 217 ; 9th December, 1954, p. 1363 ; 9th June, 1955, p. 1325 ; 12th January, 1956, p. 42 ; 13th September, 1956, p. 577 ; 20th September, 1956, p. 626 ; 28th November, 1957, p. 1278 ; 10th April, 1958, p. 1042 ; 24th July, 1958, p. 187 ; 27th November, 1958, p. 1428 ; 5th February, 1959, p. 239 ; 8th October, 1959, p. 872 ; 17th March, 1960, p. 775 ; 23rd August, 1962, p. 385 ; 25th July, 1963, p. 160 ; 5th September, 1963, p. 711 ; 13th February, 1964, p. 274.
s. 30. Proclamations : *Gazette* 25th July, 1963, p. 161 ; 16th April, 1964, p. 813 ; 1st April, 1965, p. 735.
Regulations : *Gazette* 28th February, 1963, p. 510 ; 21st April, 1965, p. 749 ; 22nd April, 1965, p. 937 ; 7th October, 1965, p. 1297.

Aboriginal and Historic Relics Preservation Act, 1965.

Commencement : 3rd August, 1967 ; *Gazette* 3rd August, 1967, p. 911.

Aboriginal Lands Trust Act, 1966.

Commencement : 8th December, 1966 : *Gazette* 8th December, 1966, p. 2152.

Adelaide Show Grounds (By-laws) Act, 1929.

By-laws : *Gazette* 21st August, 1930, p. 351 ; 8th January, 1948, p. 3 ; 16th August, 1956, p. 352.

Administration and Probate Act, 1919-1960.

Commencement of the Administration and Probate Act Amendment Act, 1956 : 7th December, 1956, *Gazette* 6th December, 1956, p. 1278.
Rules of the Supreme Court under the Administration and Probate Act, 1919-1960 : 21st December, 1967, p. 2623.
Regulations under the Fees Regulation Act, 1927 : relating to fees payable to the Public Trustee : *Gazette* 3rd December, 1931, p. 1033 ; 24th December, 1959, p. 1545 ; relating to fees payable for Royal licence to apply for probate of deceased enemy subject's estate : *Gazette* 18th January, 1940, p. 73.

The Administration of Acts Act, 1910.

A proclamation committing the administration of any particular Act to a Minister of the Crown is noted in this table under the heading of that Act.

Administration of Justice Act, 1921-1926.

s. 5. Proclamations : *Gazette* 7th February, 1924, p. 322 ; 13th March, 1924, p. 660 ; 2nd July, 1925, p. 1 ; 17th June, 1926, p. 1509 ; 17th June, 1926, p. 1509 ; 11th November, 1926, p. 1191 ; 16th December, 1926, p. 1512 ; 20th April, 1950, p. 813 ; 29th May, 1958, p. 1587.
Rules of Court were made on 25th October, 1922, but have not been published in the *Gazette*.

Adoption of Children Act, 1966-1967.

Commencement : 2nd November, 1967 ; *Gazette* 2nd November, 1967, p. 1964.
Administration : Committed to the Minister of Social Welfare *Gazette* 25th March, 1965, p. 671.
s. 19. Arrangement with respect to Northern Territory, dated 24th February, 1953.
Regulations : *Gazette* 25th February, 1926, p. 400 ; 22nd April, 1926, p. 1087 ; 9th September, 1937, p. 662 ; 24th May, 1945, p. 818 ; 12th January, 1950, p. 89 ; 9th November, 1967, p. 2057.
Rules of Court were made on 23rd December, 1926, but have not been published in the *Gazette*.

Advances for Homes Act, 1928-1958.

Commencement : 2nd April, 1929 ; *Gazette* 28th March, 1929, p. 636.
s. 83. Notice : *Gazette* 29th April, 1965, p. 975.
Regulations : *Gazette* 28th March, 1929, p. 636 ; 23rd September, 1954, p. 799.

Advances to Settlers Act, 1930-1958.

Regulations : 2nd April, 1953, p. 689 ; 16th October, 1958, p. 1074.

Aged and Infirm Persons' Property Act, 1940-1965.

Commencement of the Aged and Infirm Persons' Property Act Amendment Act, 1965; 27th January, 1966; *Gazette* 27th January, 1966, p. 145.

Agricultural Chemicals Act, 1955.

Commencement: 1st July, 1957: *Gazette* 27th June, 1957, p. 1564.
2. 4 (3) Proclamations: *Gazette* 27th June, 1957, p. 1564; 21st August, 1958, p. 442.
Regulations: 8th March, 1962, p. 492; 10th September, 1964, p. 926; 21st January, 1965, p. 102; 27th May, 1965, p. 1305.

Agricultural College Act, 1936.

Regulations: *Gazette* 19th February, 1959, p. 388; 13th April, 1967, p. 1277; 1st February, 1968, p. 283

Agricultural Graduates Land Settlement Act, 1922-1938.

Administration: Committed to the Commissioner of Crown Lands *Gazette* 1st March, 1923, p. 485.
Regulations: *Gazette* 7th April, 1926, p. 979; 26th April, 1928, p. 870.

Agricultural Seeds Act, 1938-1957.

Commencement: 22nd June, 1939; *Gazette* 22nd June, 1939, p. 1458.
Regulations: *Gazette* 15th December, 1960, p. 1662; 15th December, 1966, p. 2235.

Air Navigation Act, 1937.

Commencement: 12th January, 1938; *Gazette* 13th January, 1938, p. 53.

Alcohol and Drug Addicts (Treatment) Act, 1961-1964.

Commencement: 1st January, 1965: *Gazette* 3rd December, 1964, p. 1715
Administration: Committed to the Chief Secretary *Gazette* 15th July, 1965, p. 103.
Regulations: *Gazette* 9th June, 1966, p. 2153; 26th October, 1967, p. 1891.

Alsatian Dogs Act, 1934-1965.

Administration: Committed to the Minister of Local Government *Gazette* 20th December, 1934, p. 1218.
Regulations: *Gazette* 9th January, 1936, p. 27; 26th January, 1950, p. 178.

Apiaries Act, 1931-1964.

Commencement: 22nd January, 1932; *Gazette* 21st January, 1932, p. 67.
Administration: Committed to the Minister of Agriculture *Gazette* 16th June, 1932, p. 1067.
s. 11. Proclamations: *Gazette* 19th May, 1932, p. 899; 30th November, 1933, p. 1091; 4th February, 1937, p. 229; 9th February, 1939, pp. 373 and 374; 19th November, 1942, p. 1015.
Regulations: *Gazette* 25th March, 1965, p. 677.

Apprentices Act, 1950-1966

Commencement: 25th January, 1951; *Gazette* 25th January, 1951, p. 115.
Administration: Committed to the Minister of Labour and Industry *Gazette* 18th November, 1965, p. 1806.
Part III: Proclamations: *Gazette* 24th May, 1951, p. 1122; 7th March, 1957, p. 479; 15th May, 1958, p. 1273; 20th October, 1960, p. 1062; 6th August, 1964, p. 269; 1st September, 1966, p. 1121; 1st December, 1966, p. 2057; 4th January, 1968, p. 43.
s. 18. Notice: *Gazette* 24th May, 1951, p. 1124; 20th October, 1966, p. 1660.
s. 20. Notice: *Gazette* 13th December, 1962, p. 1741.
s. 21. Notice: *Gazette* 13th December, 1962, p. 1741.
Regulations: *Gazette* 19th June, 1952, p. 1324; 29th September, 1960, p. 849; 20th October, 1966, p. 1731; 15th February, 1968, p. 456.

Arbitration Act, 1891-1934.

Rules of the Local Court: *Gazette* 8th July, 1909, p. 42; 5th March, 1964, p. 522.

Architects Act, 1939-1965.

Commencement: 1st March, 1940; *Gazette* 15th February, 1940, p. 369.
Administration: Committed to the Chief Secretary; *Gazette* 22nd February, 1940, p. 409.
By-laws: *Gazette* 2nd May, 1940, p. 953; 19th September, 1946, p. 491; 20th August, 1953, p. 551; 15th June, 1961, p. 1327.

Art Gallery Act, 1939-1960.

Commencement: 1st February, 1940: *Gazette* 18th January, 1940, p. 69.
Regulations: *Gazette* 29th August, 1940, p. 451; 24th July, 1952, p. 179; 7th March, 1968, p. 774.

Artificial Breeding Act, 1961.

Commencement: 11th June, 1962: *Gazette* 7th June, 1962, p. 1475.

Associations Incorporation Act, 1956-1965.

Commencement: 1st March, 1957; *Gazette* 28th February, 1957, p. 415.
Regulations: *Gazette* 28th February, 1957, p. 420.

Auctioneers Act, 1934-1961.

Commencement: 1st January, 1935; *Gazette* 20th December, 1934, p. 1217.

Audit Act, 1921-1966.

Commencement: 29th March, 1923; *Gazette* 29th March, 1923, p. 690.
Regulations: *Gazette* 31st October, 1940, p. 921; 15th April, 1943, p. 494; 3rd January, 1946, p. 22; 31st July, 1947, p. 252; 15th July, 1948, p. 294; 3rd February, 1966, p. 269; 30th March, 1967, p. 1140.
Regulations applicable to the South Australian Railways Commissioner: *Gazette* 16th March, 1944, p. 302; 3rd January, 1946, p. 21; 3rd February, 1966, p. 267.

The Australian Mineral Development Laboratories Act, 1959.

Commencement: 1st January, 1960; *Gazette* 17th December, 1959, p. 1504.
Commencement of the Australian Development Laboratories Act Amendment Act, 1963: 26th March, 1964; *Gazette* 26th March, 1964, p. 694.

Bailiffs and Inquiry Agents Licensing Act, 1945.

Commencement: 1st April, 1946: *Gazette* 28th March, 1946, p. 503.
Regulations: *Gazette* 28th March, 1946, p. 532.
Rules of Court: *Gazette* 9th May, 1946, p. 887; 5th March, 1964, p. 522.

Bakehouses Registration Act, 1945-1947.

Commencement: 7th March, 1946; *Gazette* 7th March, 1946, p. 385.
Regulations: *Gazette* 7th March, 1946, p. 424; 27th June, 1946, p. 1150; 3rd June, 1948, p. 1190.

Barley Marketing Act, 1947-1962.

Commencement: 16th September, 1948; *Gazette* 16th September, 1948, p. 1068.
Regulations as to the election of the Australian Barley Board; *Gazette* 20th September, 1948, p. 1119; 23rd May, 1957, p. 1203; 6th June, 1963, p. 1473.
General regulations: *Gazette* 11th November, 1948, p. 1498.

Benefit Associations Act, 1958.

Commencement: 1st May, 1959; *Gazette* 26th March, 1959, p. 647.
s. 3. Proclamations: *Gazette* 11th June, 1959, p. 1196; 21st April, 1960, p. 1167.
Regulations: 18th June, 1959, p. 1257; 2nd September, 1965, p. 867.

Bills of Sale Act, 1886-1940.

Regulations appointing fees payable to the Registrar-General: *Gazette* 9th January, 1941, p. 31.

Births, Deaths and Marriages Registration Act, 1966.

Commencement: 1st January, 1968; *Gazette* 5th October, 1967, p. 1623.

Botanic Garden Act, 1935-1961.

By-laws: *Gazette* 26th May, 1949, p. 1442; 6th September, 1956, p. 524; 31st March, 1960, p. 882.

Branding of Pigs Act, 1964-1966.

s. 5. *Gazette*, 12th January, 1967, p. 50.
Regulations: *Gazette*, 12th January, 1967, p. 53

Brands Act, 1933-1966.

Commencement of section 5 of the Brands Act Amendment Act, 1955 : 1st August, 1960; *Gazette* 24th September, 1959, p. 759.
Administration : Committed to the Minister of Agriculture *Gazette* 3rd January, 1935, p. 1.
ss. 14 and 18. Notice : *Gazette* 16th February, 1956, p. 301.
s. 22 (4). Proclamation : *Gazette* 24th December, 1936, p. 1322.
s. 53. Notice : *Gazette* 21st June, 1934, p. 1471.
Regulations as to sheep paint brands : *Gazette* 24th September, 1959, p. 771.
Regulations varying fees in twenty-fourth schedule ; *Gazette* 12th August, 1965, p. 362.

Bread Act, 1954.

Administration : Committed to the Chief Secretary *Gazette* 27th January, 1955, p. 169.
Regulations : *Gazette* 15th December, 1955, p. 1442 ; 26th July, 1956, p. 196 ; 28th July, 1966, p. 295.

Broadening of Gauge (South-Eastern Railways) Act, 1944.

Commencement : 15th February, 1945 ; *Gazette* 15th February, 1945, p. 271.

Broken Hill Proprietary Company's Steel Indenture Act, 1958.

Commencement : 12th December, 1958 : *Gazette* 18th December, 1958, p. 1635.

Builders Licensing Act, 1967.

Commencement : 22nd February, 1968 ; *Gazette* 22nd February, 1968, p. 516.
Administration : Committed to Minister of Housing ; *Gazette* 22nd February, 1968, p. 516.
Regulations : *Gazette* 11th April, 1968, p. 1196.

Building Act, 1923-1965.

Administration : Committed to the Minister of Local Government *Gazette* 7th February, 1924, p. 324.
s. 3. (1) (*b*). For proclamations made under the Building Act, 1881, or the District Councils Act, 1914, see the footnote in Volume 1, p. 425, of the South Australian Statutes, 1837-1936.
s. 3 (1) (c). Proclamations :
(i.) Municipalities : *Gazette* 6th March, 1924, p. 595 ; 17th April, 1924, p. 925 ; 21st May, 1925, p. 945 ; 18th March, 1926, p. 793 ; 30th June, 1927, p. 1406 ; 16th December, 1937, p. 1710; 17th March, 1938, p. 607 ; 27th October, 1938, p. 1100 ; 23rd January, 1941, p. 71 ; 21st October, 1943, p. 501 ; 15th February, 1945, p. 271 ; 11th April, 1946, p. 573 ; 9th May, 1946, p. 841 ; 10th July, 1947, p. 37 ; 4th August, 1949, p. 293 ; 24th August, 1950, p. 461 ; 6th November, 1952, p. 1200 ; 25th February, 1954, p. 399 ; 12th August, 1954, p. 316 ; 18th November, 1954, p. 1206; 18th August, 1955, p. 345 ; 4th June, 1959, p. 1152 ; 5th November, 1959, p. 1105 ; 24th November, 1960, p. 1432 ; 13th April, 1961, p. 861 ; 7th March, 1968, p. 770.
(ii.) District Council Districts : *Gazette* 29th May, 1924, p. 1207 ; 4th September, 1924, p. 1451 ; 24th July, 1924, p. 162 ; 16th October, 1924, p. 1018: 12th March, 1925, p. 433 ; 31st March, 1927, p. 741 ; 8th October, 1925, p. 846 ; 26th June, 1930, p. 1192 ; 22nd September, 1927, p. 712; 22nd March, 1928, p. 605 ; 17th May, 1928, p. 1033 ; 18th July, 1929 p. 113 ; 31st October, 1929, p. 1008 ; 14th November, 1929, p. 1085 ; 24th, March, 1932, p. 547; 3rd November, 1932, p. 886 ; 30th August, 1934, p. 427 ; 13th August, 1936, p. 249 ; 8th March, 1934, p. 462 ; 5th December, 1935, p. 1333 ; 17th September, 1925, p. 680 ; 4th June, 1936, p. 1133 ; 14th January, 1926, p. 46 ; 29th April, 1937, p. 945 ; 16th September, 1937, p. 698 ; 10th February, 1938, p. 295 ; 8th December, 1938, p. 1451 ; 15th December, 1938, p. 1498 ; 9th March, 1939, p. 570 ; 15th June, 1939, p. 1418 ; 16th May, 1940, p. 1058 ; 11th July, 1940, p. 33 ; 24th October, 1940, p. 842 ; 6th March, 1941, p. 335 ; 25th September, 1941. p. 624 ; 26th August, 1943, p. 231 ; 3rd February, 1944, p. 145 ; 2nd November, 1944, p. 577 ; 18th January, 1945, p. 57 ; 15th February, 1945, p. 271 ; 7th June, 1945, p. 845 ; 1st November, 1945, p. 632 ; 24th January, 1946, p. 119 ; 25th July, 1946, p. 139 ; 24th October, 1946, p. 1045 ; 24th October, 1946, p. 1045, 1046 ; 27th November, 1947, p. 1711 ; 8th January, 1948, p. 1 ; 8th April, 1948, p. 731 ; 12th May, 1949, p. 1147 ; 7th July, 1949, p. 3 ; 29th June, 1950, p. 1328 ; 24th August, 1950, p. 461 ; 7th September, 1950, p. 601 ; 1st February, 1951, p. 175 ; 15th November, 1951, p. 1186 ; 6th December, 1951, p. 1393 ; 6th November, 1952, p. 1200 ; 15th October, 1953, p. 991 ; 5th November, 1953, p. 1164 ; 12th November, 1953, p. 1196 ; 10th December, 1953, p. 1404 ; 18th February, 1954, p. 289 ; 25th February, 1954, p. 400 ; 1st July, 1954, p. 1 ; 1st July, 1954, p. 2 ; 14th October, 1954, p. 975 ; 14th October, 1954, pp. 975-976 ; 25th November,

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1954, p. 1261; 25th November, 1954, pp. 1261-1262; 20th January, 1955, p. 134; 28th April, 1955, p. 983; 28th April, 1955, pp. 983-984; 7th July, 1955, p. 1; 7th July, 1955, p. 2; 27th October, 1955, p. 942; 22nd December, 1955, p. 1504; 19th April, 1956, p. 740; 19th April, 1956, p. 741; 3rd May, 1956, p. 895; 21st June, 1956, p. 1550; 6th September, 1956, p. 522; 1st November, 1956, p. 963; 1st November, 1956, p. 964; 15th November, 1956, p. 1097; 20th June, 1957, p. 1501; 11th July, 1957, p. 50; 11th July, 1957, p. 51; 30th January, 1958, p. 160; 3rd April, 1958, p. 993; 3rd April, 1958, p. 994; 22nd May, 1958, p. 1325; 3rd July, 1958, p. 2; 31st July, 1958, pp. 265, 266; 7th August, 1958, p. 329; 28th May, 1959, p. 1116; 4th June, 1959, p. 1152; 11th June, 1959, p. 1197; 28th January, 1960, pp. 266, 267; 3rd March, 1960, p. 644; 26th May, 1960, p. 1437; 2nd June, 1960, p. 1500; 28th July, 1960, p. 225; 24th November, 1960, p. 1431; 15th December, 1960, p. 1645; 12th January, 1961, p. 51; 13th April, 1961, pp. 861, 862; 20th April, 1961, p. 916; 15th June, 1961, p. 1324; 22nd June, 1962, p. 1377; 6th July, 1961, p. 2; 31st August, 1961, p. 824; 2nd November, 1961, p. 1411; 11th January, 1962, pp. 47, 48; 15th February, 1962, p. 294; 8th March, 1962, pp. 487, 488; 19th July, 1962, pp. 109, 110; 2nd August, 1962, p. 229; 9th August, 1962, p. 270; 23rd August, 1962, p. 386; 30th August, 1962, p. 494; 13th September, 1962, p. 654; 4th October, 1962, p. 512; 15th November, 1962, p. 1391; 17th January, 1963, p. 82; 1st August, 1963, p. 272; 8th August, 1963, p. 367; 24th October, 1963, p. 1236; 21st November, 1963, p. 1567; 27th February, 1964, p. 458; 25th June, 1964, p. 1600; 20th August, 1964, p. 422; 24th September, 1964, p. 1036; 8th October, 1964, p. 1141; 13th May, 1965, pp. 1079, 1080; 3rd June, 1965, p. 1388; 17th June, 1965, pp. 1531, 1532, 1533; 30th September, 1965, p. 1197; 18th November, 1965, p. 1805; 17th August, 1967, p. 1062.

r. 3 (3). Proclamation: *Gazette* 13th January, 1944, p. 17.

s. 119. Proclamations; *Gazette* 24th August, 1950, p. 461; 11th October, 1951, p. 901; 21st August, 1952, p. 530; 21st August, 1952, p. 531; 3rd April, 1958, p. 995; 26th February, 1959, p. 401; 12th November, 1959, pp. 1152, 1153; 28th January, 1960, pp. 266, 267; 28th April, 1960, p. 1217; 1st June, 1961, p. 1245; 2nd November, 1961, p. 1410; 27th June, 1963, p. 1629; 4th June, 1964, p. 1193; 27th May, 1965, p. 1300.

Regulations in substitution for the second, third, fourth, sixth and seventh schedules: *Gazette*, 12th December, 1940, p. 1441. (These regulations are reprinted in the 1940 volume, pp. 416-526). Amending regulations: *Gazette* 11th April, 1946, p. 636; 5th September, 1946, p. 445; 20th November, 1947, p. 1706; 27th October, 1949, p. 1061; 27th September, 1951, p. 826; 28th August, 1952, p. 683; 30th October, 1952, p. 1149; 23rd April, 1953, p. 970; 8th April, 1954, p. 713; 28th October, 1954, p. 1079; 28th April, 1955, p. 987; 29th September, 1955, p. 715; 6th September, 1956, p. 528; 6th February, 1958, p. 491; 17th April, 1958, p. 1090; 30th October, 1958, p. 1183; 27th November, 1958, p. 1432; 14th May, 1959, p. 1033; 24th September, 1959, p. 774; 5th November, 1959, p. 1109; 17th March, 1960, p. 779; 24th November, 1960, p. 1436; 8th December, 1960, p. 1612; 9th March, 1961, p. 536; 15th February, 1962, p. 300; 7th March, 1963, p. 589; 26th September, 1963, p. 1006; 10th December, 1964, p. 1851; 29th April, 1965, p. 971; 27th May, 1965, p. 1305; 9th June, 1966, p. 2153; 25th August, 1966, p. 1087; 19th January, 1967, p. 158; 11th May, 1967, p. 1540; 25th May, 1967, p. 1661; 24th August, 1967, p. 1131; 9th November, 1967, p. 2175-6; 21st March, 1968, p. 968.

Regulations as to qualifications of building surveyors: *Gazette* 24th October, 1946, p. 1106; 20th July, 1950, p. 157; 28th September, 1967, p. 1543.

Regulations prescribing forms: *Gazette* 26th June, 1924, p. 1411; 27th February, 1930, p. 443.

Regulations as to travelling expenses of referees: *Gazette* 11th November, 1954, p. 1160.

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Administration: Committed to the Treasurer, *Gazette* 27th November, 1952, p. 1383.

s. 4. Proclamation: *Gazette* 12th February, 1953, p. 195.

s. 5. Proclamation: *Gazette* 12th February, 1953, p. 195.

s. 7. Proclamation: *Gazette* 12th February, 1953, p. 195.

Building Societies Act, 1881-1938.

Commencement: 16th December, 1881; *Gazette* 15th December, 1881, p. 1747.

Regulations as to fees: *Gazette* 30th March, 1882, p. 1034.

Regulations as to qualifications of auditors: *Gazette* 29th March, 1934, p. 932.

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Bulk Handling of Grain Act, 1955-1964.

Regulations: *Gazette* 2nd April, 1964, p. 733; 24th September, 1964, p. 1038

Bush Fires Act, 1960.

Commencement : 1st July, 1961 ; *Gazette* 4th May, 1961, p. 1041.
Administration : Committed to the Minister of Agriculture *Gazette* 27th July, 1961, p. 531.
Regulations ; *Gazette* 1st June, 1961, p. 1252.
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Commencement : 1st April, 1939 ; *Gazette* 19th January, 1939, p. 122.
Regulations : *Gazette* 4th August, 1960, p. 337 ; 30th January, 1964, p. 187.

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Commencement : 1st July, 1964 ; *Gazette* 21st May, 1964, p. 1063.
Administration : Committed to the Attorney-General *Gazette* 25th June, 1964, p. 1600.
s. 9. Declarations by Attorney-General : 25th June, 1964, p. 1638 ; 24th March, 1966, p. 1549 ; 21st April, 1966, p. 1735.
Regulations ; 21st May, 1964, p. 1068 ; 20th April, 1967, p. 1349 ; 7th December, 1967, p. 2518.

Cattle Compensation Act, 1939-1965.

Commencement : 1st March, 1940 ; *Gazette* 15th February, 1940, p. 369.
Administration : Committed to the Minister of Agriculture *Gazette* 15th February, 1940, p. 369.
Regulations : *Gazette* 15th January, 1940, p. 403.

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Regulations : *Gazette* 17th November, 1938, p. 1269.

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Administration : Committed to the Minister of Agriculture *Gazette* 5th October, 1944, p. 415.
s. 5. Proclamation : *Gazette* 12th October, 1944, p. 447.
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Children's Institutions Subsidies Act, 1961.

Administration : Committed to the Minister of Social Welfare *Gazette* 25th March, 1965, p. 671.

Children's Protection Act, 1936-1965.

Commencement : 1st April, 1937 ; *Gazette* 11th February, 1937, p. 286.
Administration : Committed to the Minister of Social Welfare *Gazette* 25th March, 1965, p. 671

Chiropodists Act, 1950.

Commencement : 2nd July, 1951 ; *Gazette* 10th May, 1951, p. 1033.
Regulations : *Gazette* 20th September, 1951, p. 735 ; 21st August, 1952, p. 532 ; 15th June, 1967, p. 1817.

The Church of England in Australia Constitution Act, 1961.

Commencement : 1st January, 1962 ; *Gazette* 11th January, 1962, p. 47.

Citrus Industry Organization Act, 1965.

Commencement : 23rd December, 1965 ; *Gazette* 23rd December, 1965, p. 2162.
Administration : Committed to the Minister of Agriculture *Gazette* 23rd December, 1965, p. 2162.
Regulations : *Gazette* 28th April, 1966, p. 1795 ; 9th June, 1966, p. 2150 ; 13th October, 1966, p. 1596 ; 13th October, 1966, p. 1600 ; 23rd February, 1967, p. 514 ; 25th January, 1968, p. 235.

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s. 10. Notice : *Gazette* 5th April, 1945, p. 519.
s. 27a. Proclamation : *Gazette* 2nd November, 1950, p. 1065.
s. 31. Proclamation : *Gazette* 19th April, 1945, p. 551.
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Civil Aviation (Carriers' Liability) Act, 1962.

Commencement : 7th November, 1963 ; *Gazette* 7th November, 1963, p. 1426.
Administration : Committed to the Minister of Transport *Gazette* 20th May, 1965, p. 1136.

Collections for Charitable Purposes Act, 1939-1947.

Commencement: 1st February, 1940; *Gazette* 23rd November, 1939, p. 1379.
Administration: Committed to the Chief Secretary, *Gazette* 23rd November, 1939, p. 1379.
s. 5. Proclamation: *Gazette* 23rd November, 1939, p. 1379.
s. 16. Proclamations: *Gazette* 4th December, 1947, p. 1751; 4th December, 1947, p. 1751. 1752; 4th December, 1947, p. 1752; 26th November, 1953, p. 1308; 7th January, 1954, p. 1; 20th November, 1958, p. 1380; 26th May, 1960, p. 1436; 26th October, 1961, p. 1340.
s. 17. Proclamations: *Gazette* 27th August, 1953, p. 644; 4th March, 1954, p, 466; 21st, April, 1955, p. 899; 10th January, 1957, p. 22; 2nd October, 1958, p. 971; 26th November, 1959, p. 1313.

Companies Act, 1962-1966.

Commencement: 1st July, 1963; *Gazette* 28th February, 1963, p. 503
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Administration: Committed to the Attorney-General, *Gazette* 27th June, 1963, p. 1630,
ss. 22 and 353. Notices: *Gazette* 27th June, 1963, p. 1631; 10th March, 1966, p. 1320; 21st April, 1966, p. 1735.
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s. 76. Proclamation: *Gazette* 27th June, 1963, p. 1630.
s. 88 (1). Notices: *Gazette* 16th July, 1964, p. 108; 24th September, 1964, p. 1063; 8th October, 1964, p. 1192; 1st July, 1965, p. 12.
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s. 2. Proclamations: *Gazette* 1st June, 1944, p. 673; 20th April, 1950, p. 813.

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Commencement: 1st January, 1935; *Gazette* 20th December, 1934, p. 1217.

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Commencement: 1st April, 1968; *Gazette* 15th February, 1968, p. 453.
Regulations: *Gazette* 22nd February, 1968, p. 561; 7th March, 1968, p. 778; 28th March, 1968, p. 1112.

Control of Advertisements Act, 1916-1935.

Administration: Committed to the Minister of Immigration *Gazette* 3rd July, 1924, p. 1.
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Regulations: *Gazette* 5th April, 1928, p. 726; 20th February, 1936, p. 458.

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s. 3. Proclamation: *Gazette* 19th October, 1967, p. 1771
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Convicted Inebriates Act, 1913-1934.

Administration: Committed to the Chief Secretary *Gazette* 5th February, 1914, p. 319.

s. 3. Proclamation: *Gazette* 26th February, 1914, p. 515.
Regulations: *Gazette* 16th July, 1914, p. 117; 2nd March, 1916, p. 413; 16th June, 1921, p. 1270; 17th July, 1924, p. 112; 3rd September, 1925, p. 572; 11th August, 1927, p. 348; 17th October, 1929, p. 891; 31st October, 1929, p. 1010.

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Regulations: *Gazette* 17th June, 1937, p. 1308; 26th April, 1951, p. 928; 30th June 1955, p. 1549; 27th July, 1961, p. 534.

Country Factories Act, 1945-1965.

Commencement of the Country Factories Act Amendment Act, 1965; 1st January, 1966; *Gazette* 16th December, 1965, p. 2098.

s. 2. Proclamations: *Gazette* 30th May, 1946, p. 977; 25th November, 1954, p. 1260; 3rd March, 1960, p. 642; 14th September, 1961, p. 948; 19th March, 1964, p. 637; 17th December, 1964, p. 1897; 12th August, 1965, p. 359, 18th May, 1967, p. 1594.

Regulations: *Gazette* 12th January, 1961, p. 58; 24th February, 1966, p. 1163; 1st September, 1966, p. 1161.

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Regulations: *Gazette* 27th June, 1901, p. 1324; 3rd March, 1904, p. 462; 19th April; 1923, p. 866; 2nd October, 1930, p. 665; 5th February, 1942, p. 238.

Regulation under the Fees Regulation Act, 1927, relating to fees for cremation: *Gazette* 24th November, 1927, p. 1229.

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Commencement: 2nd January, 1936; *Gazette* 2nd January, 1936, p. 1.

s. 321. Proclamations: *Gazette* 6th April, 1911, p. 603; 26th August, 1937, p. 497; 16th May, 1963, 1269.

Rules of Court as to criminal appeals were made 1st September, 1925, but have not been published in the *Gazette*.

Rules of Court as to payment for transcripts and documents: *Gazette* 19th November, 1925, p. 1358.

Regulations as to costs and treatment of appellant: *Gazette* 5th November, 1925, p. 1231; 18th August, 1960, p. 456.

Regulations as to habitual criminals: *Gazette* 6th April, 1911, p. 606; 23rd November, 1916, p. 997.

Regulations as to payments to witnesses and others at criminal prosecutions: *Gazette* 7th January, 1954, p. 5; 31st August, 1961, p. 829; 4th November, 1965, p. 1615.

Regulation as to payments to psychiatrists under section 77a: *Gazette* 3rd February, 1955, p. 203.

Regulation as to places of confinement under section 77 (2): *Gazette* 6th March 1924, p. 596.

Crown Lands Act, 1929-1966.

s. 5. Proclamations: *Gazette* 8th December, 1966, p. 2151.

s. 211a. Proclamation declaring 1st February, 1954 as the day on which the 1939-1945 war ceased: *Gazette* 28th January, 1954, p. 155.

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Regulations under the Crown Lands Act, 1929-1939, and the Fees Regulation Act, 1927, relating to the fee payable on noting instrument on Crown lease, etc.: *Gazette* 18th July, 1940, p. 86.

Notice setting out conditions for application for licences under Part XIV: *Gazette* 19th February, 1942, p. 301.

Dairy Cattle Improvement Act, 1921-1960.

Administration: Committed to the Minister of Agriculture *Gazette* 2nd February, 1922, p. 471.

s. 7a. Notice: *Gazette* 30th January, 1941, p. 97.

Regulations: *Gazette* 8th July, 1937, p. 30; 9th September, 1937, p. 661; 28th September, 1939, p. 904; 31st July, 1941, p. 209; 6th May, 1948, p. 930; 21st July, 1955, p. 153; 20th October, 1955, p. 877; 24th January, 1963, p. 150.

Dairy Industry Act, 1928-1958.

Commencement: 8th August, 1929; *Gazette* 8th August, 1929, p. 329.

s. 3. Proclamation: *Gazette* 16th December, 1965, p. 2098.

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Dairy Produce Act, 1934-1946.

Commencement: 13th December, 1934; *Gazette* 13th December, 1934, p. 1185.

Administration: Committed to the Minister of Agriculture *Gazette* 27th May, 1937, p. 1205.

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Dangerous Drugs Act, 1934-1955.

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ss. 4 and 6. Proclamations : *Gazette* 27th March, 1958, p. 913 ; 30th July, 1959, p. 287 ; 21st April, 1960, p. 1167 ; 10th November, 1960, p. 1301 ; 21st September, 1961, p. 1028 ; 7th March, 1963, p. 585.
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Dog Fence Act, 1946-1964.

Commencement : 17th June, 1947 ; *Gazette* 12th June, 1947, p. 1637.
Administration : Committed to the Minister of Lands *Gazette* 27th February, 1947, p. 745.
ss. 19 and 21. Proclamations : *Gazette* 3rd July, 1947, p. 1 ; 2nd October, 1947, p. 970 ; 18th May, 1950, p. 1036 ; 25th August, 1960, p. 569 ; 9th January, 1964, p. 40.

Dog-Racing Control Act, 1966-1967

Commencement : 10th August, 1967 ; *Gazette* 27th July, 1967, p. 850
Administration : Committed to the Chief Secretary ; *Gazette* 27th July, 1967, p. 850.
Regulations : *Gazette* 27th July, 1967, p. 855.

Dried Fruits Act, 1934-1966.

Administration : Committed to the Minister of Agriculture *Gazette* 20th December, 1934, p. 1218.
Regulations : *Gazette* 13th January, 1955, p. 70 ; 19th January, 1956, p. 108 ; 4th October, 1956, p. 740 ; 10th January, 1957, p. 25 ; 11th July, 1957, p. 55 ; 6th March, 1958, p. 761 ; 7th August, 1958, p. 332 ; 1st October, 1959, p. 827 ; 14th December, 1961, p. 1966.

Drought Relief Act, 1940.

Administration : Committed to the Minister of Agriculture *Gazette* 15th June, 1944, p. 717
Regulations : *Gazette*, 16th October, 1941, p. 802.

Drought and Frost Relief Act, 1944.

Administration : Committed to the Minister of Agriculture *Gazette* 22nd March, 1945, p. 447.
Regulations : *Gazette* 25th January, 1945, p. 141.

Drought Relief Act, 1945.

Administration : Committed to the Minister of Agriculture *Gazette* 7th February, 1946, p. 206.
Regulations : *Gazette* 23rd May, 1946, p. 938.

Early Closing Act, 1926-1960.

Administration : Committed to the Minister of Industry *Gazette* 8th February, 1912, p. 225.
s. 14. Proclamations : *Gazette* 15th August, 1912, p. 376 ; 15th January, 1914, p. 127 ; 19th February, 1914, p. 449 ; 9th April, 1914, p. 858 ; 30th July, 1914, p. 262 ; 20th August, 1914, p. 488 ; 27th August, 1914, p. 533 ; 27th August, 1914, p. 534 ; 10th September, 1914, p. 624 ; 3rd December, 1914, p. 1187 ; 17th December, 1914, p. 1267 ; 21st January, 1915, p. 127 ; 6th May, 1915, p. 1089 ; 10th June, 1915, p. 1333 ; 19th August, 1915, p. 691 ; 20th January, 1916, p. 93 ; 27th July, 1916, p. 125 ;

Early Closing Act, 1926-1960—*continued.*

1st May, 1919, p. 798; 11th December, 1919, p. 1461; 15th April, 1920, p. 1061; 10th June, 1920, p. 1399; 4th November, 1920, p. 1168; 11th November, 1920, p. 1199; 25th August, 1921, p. 382; 1st September, 1921, p. 442; 22nd September, 1921, p. 633; 10th November, 1921, p. 1105; 15th December, 1921, p. 1388; 22nd December, 1921, p. 1458; 2nd February, 1922, p. 472; 16th February, 1922, p. 568; 23rd February, 1922, p. 640; 9th March, 1922, p. 787; 15th June, 1922. p. 1487; 6th July, 1922, p. 1; 27th July, 1922, p. 165; 28th June, 1923, p. 1375; 19th July, 1923, p. 107; 23rd August, 1923, p. 414; 11th October, 1923, p. 834; 21st February, 1924, p. 457; 11th September, 1924, p. 654; 8th January, 1925, p. 26; 5th February, 1925, p. 195; 29th October, 1925, p. 1161; 12th August, 1926, p. 372; 2nd December, 1926, p. 1401; 2nd December, 1926, p. 1402; 20th January, 1927, p. 121; 27th October, 1927, p. 1007; 12th April, 1928, p. 773; 3rd December, 1938, p. 1171; 6th July, 1939, p. 1; 30th January, 1941, p. 95; 9th April, 1942, p. 523; 8th March, 1945, p. 371; 11th October, 1945, p. 549; 7th February, 1946, p. 205; 8th May, 1952, p. 1005; 18th March, 1965, p. 620.

s. 15. Proclamation: *Gazette* 13th August, 1914, p. 425.

s. 23. Notices: *Gazette* 17th June, 1926, p. 1514; 24th December, 1925, p. 1665; 18th October, 1928, p. 903; 21st May, 1936, p. 1054; 15th September, 1938, p. 698.

s. 25*e*. Proclamations: *Gazette* 10th August, 1935, p. 242; 2nd August, 1956, p. 258; 21st February, 1957, p. 286; 12th September, 1957, p. 584; 22nd January, 1961, p. 1375; 2nd November, 1961, p. 1410; 17th January, 1963, p. 82.

s. 36*a*. Proclamations: *Gazette* 8th January, 1953, p. 2; 26th February, 1953, p. 345; 26th February, 1953, p. 345; 28th October, 1954, p. 1076; 25th August, 1955, p. 409; 26th April, 1956, p. 856; 5th October, 1961, p. 1188; 14th May, 1964, p. 1002; 4th November, 1965, p. 1558.

s. 59. Notices: *Gazette* 1st October, 1914, p. 769; 2nd January, 1936, p. 3; 6th October, 1927, p. 855; 29th May, 1913, p. 1148; 14th August, 1913, p. 428; 20th March, 1924, p. 715; 3rd August, 1939, p. 299; 6th June, 1940, p. 1258.

s. 69. Notices: *Gazette*: 1st October, 1914, p. 769; 17th February, 1938, p. 368; 11th May, 1939, p. 1084; 8th July, 1943, p. 29; 9th August, 1951, p. 352.

Regulations: *Gazette* 2nd June, 1927, p. 1217; 1st December, 1932, p. 1038; 23rd December, 1937, p. 1810; 11th October, 1945, p. 550; 8th January, 1948, p. 3; 23rd March, 1961, p. 637; 19th March, 1964, p. 642; 1st October, 1964, p. 1087.

Regulations under the Fees Regulation Act, 1927, varying the fees payable for registration of shops and other fees; *Gazette* 1st October, 1959, p. 826; 1st September, 1966, p. 1160.

Easter Act, 1929.

Commencement: At 30th May, 1966, this Act had not been brought into operation.

Economic Stability Act, 1946.

s. 11. Proclamations: *Gazette* 24th December, 1946, p. 1499; 7th August, 1947, p. 265; 30th October, 1947, p. 1303.

Education Act, 1915-1966.

Commencement: 13th January, 1916; *Gazette* 13th January, 1916, p. 43.

Commencement of the Education Act Amendment Act, 1960; 31st January, 1961; *Gazette* 26th January, 1961, p. 147.

Commencement of the Education Act Amendment Act, 1965; At 30th May, 1966, this Act had not been brought into operation.

s. 40a. Proclamation: *Gazette* 4th April, 1963, p. 799.

s. 59c. Proclamation: *Gazette* 15th May, 1958, p. 1274.

General regulations: *Gazette* 27th April, 1962, p. 1035; 10th May, 1962, p. 1257; 17th May, 1962, p. 1296; 2nd August, 1962, p. 231; 20th September, 1962, p. 721; 8th November, 1962, p. 1290; 6th December, 1962, p. 1602; 13th December, 1962, p. 1696; 12th September, 1963, p. 787; 26th September, 1963, p. 1011; 14th November, 1963, p. 1554; 28th November, 1963, p. 1644; 12th December, 1963, p. 1909; 11th June, 1964, p. 1230; 9th July, 1964, p. 52; 23rd July, 1964, p. 164; 12th November, 1964, p. 1505; 10th December, 1964, p. 1808; 14th January, 1965, p. 51; 14th January, 1965, p. 52; 3rd June, 1965, p. 1390; 17th June, 1965, p. 1536; 22nd July, 1965, p. 177; 5th August, 1965, pp. 285, 287; 2nd December, 1965, p. 1955; 16th December, 1965, p. 2101; 23rd December, 1965, p. 2163; 31st March, 1966, p. 1570; 16th June, 1966, p. 2165; 17th November, 1966, p. 1950; 22nd December, 1966, p. 2312; 1st June, 1967, p. 1712; 28th September, 1967, p. 1500; 21st December, 1967, p. 2622; 1st February, 1968, p. 281; 21st March, 1968, p. 967.

Electoral Act, 1929-1965.

Commencement : 19th December, 1929 ; *Gazette* 19th December, 1929, p. 1305.
Administration : Committed to the Attorney-General *Gazette* 20th May, 1937 p. 1150.
s. 13. Proclamations : *Gazette* 23rd June, 1949, p. 1816 ; 8th December, 1955, p. 1273.
s. 14. Notices : *Gazette* 13th February, 1930, p. 323 ; 20th February, 1930, p. 374 ; 13th March, 1930, p. 531 ; 17th November, 1932, p. 959 1st December, 1932, p. 1040 ; 23rd February 1933, p. 285 ; 9th March, 1933, p. 373 ; 30th March, 1933, p. 522 ; 1st February, 1934, p. 196 ; 2nd August, 1934, p. 186 ; 16th August, 1934, p. 312 ; 23rd August, 1934, p. 375 ; 30th May, 1935, p. 1464 ; 6th June, 1935, p. 1502 ; 16th January, 1941, p. 40 ; 20th February, 1941, p. 234 ; 20th March, 1941, p. 422.
s. 80. Proclamation : *Gazette* 9th February, 1950, p. 283.
s. 194. Proclamation : *Gazette* 20th February, 1958, p. 627.
General regulations : *Gazette* 19th December, 1957, p. 1543 ; 13th March, 1958, p, 796 ; 7th April, 1960, p. 993 ; 10th August, 1961, p. 649 ; 13th February, 1964, p. 285 ; 5th March, 1964, p. 529 ; 25th February, 1965, p. 349 ; 26th January, 1967, p. 214 ; 11th January, 1968, p. 75.
Regulations as to joint Commonwealth and State electoral rolls : *Gazette* 10th February, 1921, p. 279 ; 16th May, 1929, p. 1003.

Electrical Articles and Materials Act, 1940.

Administration : Committed to the Minister of Works : *Gazette* 2nd February, 1956, p. 163.
s. 10. Proclamation : *Gazette* 16th September, 1954, p. 694.
s. 11. Proclamations : *Gazette* 16th September, 1954, p. 692 ; 2nd February, 1956, p. 163 ; 7th August, 1958, p. 330 ; 26th May, 1960, p. 1436 ; 6th July, 1961, p. 1 ; 5th April, 1962, p. 751 ; 20th August, 1964, p. 422 ; 3rd December, 1964, p. 1716 ; 8th July, 1965, p. 34 ; 20th October, 1966, p. 1655.
Regulations : *Gazette* 16th September, 1954, p. 736 ; 2nd February, 1956, p. 165 ; 7th August, 1958, p. 332 ; 26th May, 1960, p. 1442 ; 6th July, 1961, p. 9 ; 5th April, 1962, p. 753 ; 20th August, 1964, p. 427 ; 3rd December, 1964, p. 1718 ; 8th July, 1965, p. 73 ; 20th October, 1966, p. 1732.

Electrical Workers and Contractors Licensing Act, 1965-1966.

s. 3. Proclamation ; *Gazette* 25th January, 1968, p. 200.
s. 7. Proclamation : *Gazette* 20th April, 1967, p. 1341.
Regulations : *Gazette* 13th October, 1966, p. 1630 ; 23rd February, 1967, p. 512.

Electricity Act, 1943.

Administration : Committed to the Commissioner of Public Works, *Gazette* 24th February, 1944, p. 213.

The Electricity Supply (Industries) Act, 1963.

s. 3. Notice : *Gazette* 6th May, 1965, p. 1034.

Electricity Trust of South Australia Act, 1946-1966.

Commencement : 30th August, 1946 ; *Gazette* 30th August, 1946, p. 387.
Commencement of Part IVa : 6th February, 1948 : *Gazette* 5th February, 1948, p. 311.
Administration : Committed to the Minister of Works : *Gazette* 10th October, 1946, p. 771.
s. 27 : Proclamation of 1st September, 1946, as the " appointed day ": *Gazette* 30th August, 1946, p. 387.
Regulations as to sale of liquor at Leigh Creek : *Gazette* 11th January, 1951, p. 32.

Emergency Powers Act, 1941.

Administration : Committed to the Treasurer *Gazette* 11th December, 1941, p. 1361.
s. 2. Proclamation declaring 1st February, 1954, as the day on which the 1939-1945 war ceased : *Gazette* 28th January, 1954, p. 155.
Regulations : *Gazette* 18th December, 1941, p. 1499 ; 18th December, 1941, p. 1503 ; 25th December, 1941, p. 1512 ; 8th January, 1942, p. 53 ; 5th February, 1942, p. 238 ; 19th February, 1942, p. 326 ; 2nd April, 1942, p. 497 ; 9th April, 1942, p. 525 ; 16th April, 1942, p. 575 ; 16th April, 1942, p. 577 ; 16th April, 1942, p. 578 ; 7th May, 1942, p. 673 ; 14th May, 1942, p. 713 ; 23rd July, 1942, p. 78 ; 24th December, 1942, p. 1217 ; 4th February, 1943, p. 133 ; 18th February, 1943, p. 190 ; 25th February, 1943, p. 222 ; 4th March, 1943, p. 244 ; 25th March, 1943, p. 377 ; 1st April, 1943, p. 411 ; 15th April, 1943, p. 493 ; 22nd April, 1943, p. 499 ; 6th May, 1943, p. 600 ; 19th August, 1943, p. 227 ; 26th August, 1943, p. 231 ; 20th January, 1944, p. 53 ; 3rd February, 1944, p. 146 ; 30th March, 1944, p. 384 ; 4th May, 1944, p. 546 ; 11th May, 1944, p. 582 ; 31st August, 1944, p. 268 ; 21st December, 1944, p. 876 ; 18th January, 1945, p. 77 ; 29th March, 1945, p. 495 ; 19th April, 1945, p. 594 ; 28th March, 1946, p. 530 ; 5th January, 1950, p. 5.

Emergency Powers Act, 1941—*continued.*

The above regulations relate to the following matters :—

Administration : *Gazette* 18th December, 1941, p. 1499 ; 8th January, 1942, p. 53 ; 16th April, 1942, p. 575.
Air raid shelters : *Gazette* 8th January, 1942, p. 53.
Aliens, disqualification from holding office in councils or voting at council elections or polls : *Gazette* 14th May, 1942, p. 713.
Animals, destruction of : *Gazette* 16th April, 1942, p. 575.
Bank holiday cancellation : *Gazette* 18th December, 1941, p. 1503.
Chaff supplies : *Gazette* 31st August, 1944, p. 268.
Civil Defence Force : *Gazette* 18th December, 1941, p. 1499 ; 19th February, 1942, p. 326 ; 16th April, 1942, p. 575 ; 7th May, 1942, p. 673.
District council elections and polls : *Gazette*, 9th April, 1942, p. 525 ; 14th May, 1942, p. 713 ; 25th March, 1943, p. 377 ; 6th May, 1943, p. 600 ; 30th March, 1944, p. 384 ; 4th May, 1944, p. 546 ; 29th March, 1945, p. 495 ; 19th April, 1945, p. 594 ; 28th March, 1946, p. 530.
District councils' powers : *Gazette* 18th December, 1941, p. 1499 ; 25th December, 1941, p. 1512 ; 8th January, 1942, p. 53 ; 4th February, 1943, p. 133 ; 25th February, 1943, p. 222 ; 1st April, 1943, p. 411 ; 31st August, 1944, p. 268.
Fire fighting materials in houses : *Gazette* 5th February, 1942, p. 238.
Fruit cases, preservation of : *Gazette* 15th April, 1943, p. 493.
General : *Gazette* 25th December, 1941, p. 1512 ; 8th January, 1942, p. 53 ; 5th February, 1942, p. 238 ; 19th February, 1942, p. 326.
Harbours and ports : *Gazette* 16th April, 1942, p. 578.
Hay Supplies : *Gazette* 31st August, 1944, p. 268.
Hospital employees' duties in case of attack : *Gazette* 19th February, 1942, p. 326.
Inoculation, compulsory : *Gazette* 19th February, 1942, p. 326.
Iron-tired trailers, use on improved main roads : *Gazette* 24th December, 1942, p. 1217.
Lights in buildings and streets : *Gazette* 25th December, 1941, p. 1512 ; 8th January, 1942, p. 53 ; 5th February, 1942, p. 238 ; 19th February, 1942, p. 326.
Lights on vehicles : *Gazette* 25th December, 1941, p. 1512 ; 8th January, 1942, p. 53 ; 5th February, 1942, p. 238 ; 23rd July, 1942, p. 78.
Medical officers under Mental Defectives Act, postponement of leave of : *Gazette*, 11th May, 1944, p. 582 ; 5th January, 1950, p. 5.
Milk shelters on roads : *Gazette* 1st April, 1943, p. 411.
Motor vehicle registration fees : *Gazette*, 4th March, 1943, p. 244.
Municipal council elections and polls : *Gazette* 9th April, 1942, p. 525 ; 14th May, 1942, p. 713 ; 25th March, 1943, p. 377 ; 6th May, 1943, p. 600 ; 30th March, 1944, p. 384 ; 4th May, 1944, p. 546 ; 29th March, 1945, p. 495 ; 19th April, 1945, p. 524 ; 28th March, 1946, p. 530.
Municipal councils' powers : *Gazette* 18th December, 1941, p. 1499 ; 25th December, 1941, p. 1512 ; 8th January, 1942, p. 53 ; 4th February, 1943, p. 133 ; 25th February, 194 p. 222 ; 1st April 1943, p. 411 ; 31st August, 1944, p. 268.
Protection of persons and property : *Gazette* 25th December, 1941, p. 1512 ; 8th January, 1942, p. 53 ; 5th February, 1942, p. 238 ; 19th February, 1942, p. 326 ; 16th April, 1942, p. 575 ; 18th February, 1943, p. 190 ; 19th August, 1943, p. 227.
Roof spotting : *Gazette* 19th February, 1942, p. 326 : 16th April, 1942, p. 575.
Scrub and stubble burning : *Gazette* 16th April, 1942, p. 577.
Shareholders' returns by companies : *Gazette* 22nd April, 1942, p. 499.
Shipping : *Gazette* 16th April, 1942, p. 578.
Sirens, restrictions on use of : *Gazette* 25th December, 1941, p. 1499.
Special constables, duties of employers to : *Gazette* 2nd April, 1942, p. 497.
Traders' plates, fees payable for under the Road Traffic Act, 1934-1944 : *Gazette* 18th January, 1945, p. 77.
Uranium, mining and disposal of : *Gazette* 21st October, 1944, p. 876.
Vaccination, compulsory : *Gazette* 19th February, 1942, p. 326.
Water restrictions in metropolitan area : *Gazette* 20th January, 1944, p. 53 ; 3rd February, 1944, p. 146.
Weirs, locks and dams : *Gazette* 16th April, 1942, p. 575.

Notices and orders given pursuant to regulations—

Ambulances, order by the Premier exempting from certain provisions of the Road Traffic Act, 1934-1942 : *Gazette* 6th May, 1943, p. 560.
Blackout on 7th July, 1942, order by Premier declaring : *Gazette* 2nd July, 1942, p. 23.
Carriage of goods by primary producers, order by Premier as to : *Gazette* 18th March, 1943, p. 331.
Carriage of hay by primary producers to certain depots, order by Premier as to : *Gazette* 30th November, 1944, p. 748.
Carriage of wheat by primary producers to Wallaroo, order by Premier as to : *Gazette* 27th April, 1944, p. 530.

Emergency Powers Act, 1941—*continued.*

Delegation by Premier of powers to take possession of land, etc., *Gazette* 19th February, 1942, p. 329.

Headlamps on motor vehicles, notice by Premier fixing date after which must be screened: *Gazette* 29th January, 1942, p. 176.

Sirens, notice by Commissioner of Civil Defence as to use of: *Gazette* 12th February, 1942, p. 245.

Trailers, notice by Premier exempting certain, from registration fee: *Gazette* 25th June, 1942, p. 867.

Code for the construction of air raid shelters, published for guidance: *Gazette* 26th February, 1942, p. 358.

Employees Registry Offices Act, 1915-1966.

Administration: Committed to the Minister of Industry and Employment *Gazette* 24th June, 1937, p. 1361.

Enfield General Cemetery Act, 1944-1966.

Administration: Committed to the Minister of Local Government *Gazette* 11th January, 1945, p. 27.

s. 38. Notices: *Gazette* 10th March, 1949, p. 634; 25th October, 1956, p. 920; 18th May, 1961, p. 1172; 26th April, 1963, p. 1066.

Regulations: *Gazette* 20th February, 1947, p. 733.

Excessive Rents Act, 1962-1966.

Rules of Local Court: *Gazette* 20th December, 1962, p. 1771; 5th March, 1964, p. 522.

Explosives Act, 1936-1963

Commencement: 1st July, 1937; *Gazette* 25th March, 1937, p. 644.

Administration: Committed to the Minister of Agriculture *Gazette* 25th March, 1937, p. 644.

s. 20. Proclamation: *Gazette* 17th December, 1903, p. 1182.

s. 24. Notices: *Gazette* 1st September, 1938, p. 589; 7th February, 1957, p. 205; 5th August, 1965, p. 342.

s. 30. Notices: *Gazette* 1st September, 1938, p. 474; 11th May, 1939, p. 1086.

s. 48. Proclamations: *Gazette* 30th March. 1950, p. 678; 12th April, 1962, p. 816.

Regulations: *Gazette* 1st September, 1938, p. 556; 30th March, 1950, p. 693; 15th February, 1951, p. 335; 17th January, 1952, p. 103; 10th December, 1953, p. 1407; 1st December, 1955, p. 1244; 19th April, 1956, p. 851; 28th May, 1956, p. 1059; 14th February, 1957, p. 228; 28th March, 1957, p. 647; 4th July, 1957, p. 5; 12th June, 1958, p. 1869; 14th August, 1958, p. 390; 16th April, 1959, p. 810; 17th September, 1959, p. 705; 21st January, 1960, p. 196; 3rd March, 1960, p. 681; 21st April, 1960, p. 1172; 26th May, 1960, p. 1440; 28th July, 1960, p. 229; 8th December, 1960, p. 1612; 16th March, 1961, p. 572; 4th May, 1961, p. 1045; 10th August, 1961, p. 647; 26th April, 1962, p. 984; 12th July, 1962, p. 48; 23rd August, 1962, p. 400; 13th December, 1962, p. 1697; 26th March, 1964, p. 696; 17th September, 1964, p. 943; 8th October, 1964, p. 1144; 15th October, 1964, p. 1219; 26th November, 1964, p. 1646; 28th January, 1965, p. 150; 28th January, 1965, p. 152; 4th March, 1965, p. 483; 18th March, 1965, p. 267; 9th September, 1965, p. 957; 10th March, 1966, p. 1325; 17th March, 1966, p. 1454; 16th June, 1966, p. 2196; 30th March, 1967, p. 1140; 27th July, 1967, p. 860; 18th January, 1968, p. 107; 22nd February, 1968, p. 661.

Regulations under the Fees Regulation Act, 1927, relating to fees: *Gazette* 16th April, 1959, p. 814; 3rd March, 1960, p. 680.

Fair Prices Act, 1924-1935.

Administration: Committed to the Minister of Industry *Gazette* 29th January, 1925, p. 149.

Farmers Assistance Act, 1933-1943.

Commencement: 1st January, 1934; *Gazette* 21st December, 1933, p. 1239.

Administration: Committed to the Minister of Lands *Gazette* 25th February, 1954, p. 400.

s. 12. Proclamations: *Gazette* 23rd March, 1944, p. 355; 25th January, 1945, p. 86; 25th October, 1945, p. 600; 21st November, 1946, p. 1279; 30th October, 1947, p. 1303; 28th October, 1948, p. 1345; 3rd November, 1949, p. 1085.

Regulations: *Gazette* 4th October, 1934, p. 682.

Fauna and Flora Reserve Act, 1919-1940.

Administration: Committed to the Minister of Agriculture *Gazette* 3rd July, 1924, p. 1.

s. 17. Proclamations: *Gazette* 20th September, 1923, p. 678; 24th February, 1927, p. 397; 19th October, 1950, p. 945; 20th November, 1952, p. 1329; 30th November, 1961, p. 1804; 31st March, 1966, p. 1567.

s. 18. Proclamation: *Gazette* 5th July, 1923, p. 2.

By-laws: *Gazette* 11th January, 1923, p. 39.

Fauna Conservation Act, 1964-1965.

Commencement of sections 4 to 11, 13 to 39, 42 to 46, 49 to 57, 59, and 66 to 80 ; 4th March, 1965; of sections 40, 41, and 60 to 65, 1st July, 1965; of sections 12, 47, 48 and 58, 1st December, 1965 ; *Gazette* 4th March, 1965, p. 478.

s. 22. Proclamation : *Gazette* 7th October, 1965, p. 1292.

s. 23. Proclamations : *Gazette* 19th August, 1965, p. 461 ; 6th January, 1966, p. 1 ; 1st December, 1966, p. 2055 ; 8th December, 1966, p. 2151.

s. 24. Proclamations : *Gazette* 27th May, 1965, p. 1300 ; 12th August, 1965, pp. 358, 359 ; 29th August, 1965, p. 722 ; 9th September, 1965, p. 953 ; 23rd September, 1965, p. 1134 ; 14th October, 1965, p. 1355 ; 25th November, 1965, p. 1883 ; 16th December, 1965, p. 2098 ; 27th January, 1966, p. 146 ; 3rd February, 1966, p. 264 ; 17th February, 1966, p. 899 ; 24th March, 1966, p. 1509 ; 21st April, 1966, pp. 1732, 1733 ; 19th May, 1966, p. 1945 ; 10th November, 1966, p. 1881 ; 1st December, 1966, p. 2055.

s. 38. Proclamations : *Gazette* 28th October, 1965, p. 1489 ; ; 27th January, 1966, p. 147 ; 17th February, 1966, p. 898 ; 27th October, 1966, p. 1751 ; 18th January, 1968, p. 104.

Regulations : *Gazette* 30th June, 1966, p. 2313 ; 22nd September, 1966, p. 1360 ; 27th, October, 1966, p. 1756 ; 22nd June, 1967, p. 1854 ; 7th September, 1967, p. 1304 ; 28th September, 1967, p. 1500.

Fees Regulation Act, 1927.

Regulations : *Gazette* 24th November, 1927, p. 1225 ; 24th November, 1927, p. 1227 ; 24th November, 1927, p. 1229 ; 17th May, 1928, p. 1036 ; 12th July, 1928, p. 46 ; 19th December, 1929, p. 1311 ; 11th September, 1930, p. 531 ; 4th December, 1930, p. 1131 ; 22nd October, 1931, p. 776 ; 3rd December, 1931, p. 1033 ; 8th June, 1933, p. 974 ; 30th August, 1934, p. 428 ; 22nd August, 1935, p. 374 ; 11th November, 1937, p. 1307 ; 18th January, 1940, p. 73 ; 18th July, 1940, p. 86 ; 19th October, 1950, p. 948 ; 10th March, 1955, p. 553 ; 17th November, 1955, p. 1116 ; 13th September, 1956, p. 581 ; 20th September, 1956, p. 629 (regulations 1, 2 and 3 repealed by section 32 of the Licensing Act Amendment Act, 1963) ; 14th February, 1957, p. 228 ; 8th August, 1957, p. 313 ; 15th August, 1957, p. 368 ; 30th January, 1958, p. 162 ; 16th April, 1959, p. 814 ; 1st October, 1959, p. 818 ; 1st October, 1959, p. 821 ; 1st October, 1959, p. 824 ; 1st October, 1959, pp. 825-826 ; 1st October, 1959, p. 828 ; 22nd October, 1959, p. 972 ; 24th December, 1959, p. 1545 ; 3rd March, 1960, p. 680 ; 14th April, 1960, p. 1042 ; 20th October, 1960, p. 1070 ; 6th July, 1961, p. 18 ; 20th September, 1962, p. 722 ; 15th November, 1962, p. 1397 ; 21st March, 1963, p. 696 ; 19th September, 1963, p. 907 ; 2nd September, 1965, p. 866 ; 9th December, 1965, p. 2053 ; 3rd March, 1966, p. 1232 ; 1st September, 1966, p. 1160 ; 1st September, 1966, p. 1162 ; 22nd September, 1966, p. 1360 ; 27th October, 1966, p. 1757 ; 20th April, 1967, p. 1350 ; 31st August, 1967, p. 1200.

Fibre and Sponges Act, 1909-1937.

Regulations : *Gazette* 29th August, 1918, p. 501.

Financial Emergency Act, 1931-1939.

Commencement : 23rd July, 1931 ; *Gazette* 23rd July, 1931, p. 93.

Rules of Court : *Gazette* 17th September, 1931, p. 492.

Financial Emergency Act Extension Act, 1934.

s. 4. Notice : *Gazette* 29th November, 1934, p. 1113.

Firearms Act, 1958.

Commencement : 13th August, 1959 ; *Gazette* 13th August, 1959, p. 393.

s. 23. Proclamation : *Gazette* 27th August, 1959, p. 513 ;

Rules of Local Court as to appeals : *Gazette* 17th September, 1959, p. 708 ; 5th March, 1964, p. 522.

Regulations ; *Gazette* 2nd July, 1959, p. 5.

Fire Brigades Act, 1936-1958.

Commencement : 1st May, 1937 ; *Gazette* 25th March, 1937, p. 642.

Administration : Committed to the Chief Secretary *Gazette* 25th March, 1937, p. 642.

s. 6. Proclamations : *Gazette* 24th June, 1937, p. 1361 ; 13th January, 1938, p. 53 ; 7th July, 1938, p. 1 ; 26th January, 1939, p. 245 ; 4th May, 1939, p. 1028 ; 8th June, 1939, p. 1382 ; 6th February, 1941, p. 147 ; 12th June, 1941, p. 861 ; 17th July, 1941, p. 84 ; 5th March, 1942, p. 369 ; 11th June, 1942, p. 827 ; 16th July, 1942, p. 45 ; 24th June, 1943, p. 741 ; 30th September, 1943, p. 412 ; 22nd February, 1945, p. 310 ; 26th July, 1945, p. 99 ; 17th January, 1946, p. 72 ; 24th January, 1946, p. 119 ; 15th August, 1946, p. 251 ; 26th September, 1946, p. 673 ; 4th

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September, 1947, p. 642; 1st April, 1948, p. 691; 13th April, 1950, p. 781; 21st September, 1950, p. 694; 8th March, 1951, p. 528; 22nd October, 1953, p. 1052; 5th August, 1954, p. 271; 19th August, 1954, p. 359; 23rd December, 1954, p. 1544; 26th May, 1955, p. 1209; 3rd November, 1955, p. 997; 15th December, 1955, p. 1339; 12th January, 1956, p. 41; 12th July, 1956, p. 57; 29th August, 1957, p. 473; 6th March, 1958, p. 757; 3rd April, 1958, p. 996; 6th November, 1958, p. 1251; 4th February, 1960, p. 349; 20th April, pp. 913, 914; 27th April, 1961, p. 993; 22nd June, 1961, p. 1378; 7th September, 1961, p. 879; 9th November, 1961, p. 1579; 10th May, 1962, p. 1256; 13th December, 1962, p. 1691; 7th March, 1963, p. 584; 28th March, 1963, p. 758; 23rd May, 1963, p. 1334; 5th September, 1963, p. 712 26th September, 1963, p. 951; 17th October, 1963, p. 1139; 5th March, 1964, p. 521; 15th October, 1964, p. 1203; 15th October, 1964, p. 1204; 25th February, 1965, p. 347; 18th March, 1965, p. 621; 20th January, 1966, p. 98; 7th April, 1966, p. 1638; 26th May, 1966, p. 1996; 29th June, 1967, p. 1962.

s. 7. Notices: *Gazette* 20th April, 1916, p. 823; 6th July, 1916, p. 34; 14th February, 1918, p. 323; 3rd July, 1919, p. 1; 2nd September, 1920, p. 525; 1st December, 1927, p. 1458; 8th December, 1927, p. 1546; 17th January, 1918, p. 89; 13th June, 1929, p. 1400; 20th June, 1929, p. 1487; 17th June, 1948, p. 1248; 24th June, 1948, p. 1307; 6th June, 1963, p. 1473; 15th April, 1965, p. 883; 24th June, 1965, p. 1638.

s. 31 (1) x. Proclamation: *Gazette* 10th December, 1925, p. 1528.

By-laws relating to conditions of service for firemen: *Gazette* 19th July, 1900, p. 121.

By-laws relating to allowances and pensions: *Gazette* 11th February, 1926, p. 297; 3rd June, 1926, p. 1445; 15th July, 1926, p.87; 19th August, 1926, p. 474.

Regulations: *Gazette* 29th July, 1937, p. 258 (nomination of members of the board); 31st May, 1906, p. 949 (volunteer fire brigades); 26th March, 1914, p. 748 (functions, duties, and powers of the chairman).

Fisheries Act, 1917-1962.

Commencement of the Fisheries Act Amendment Act, 1967: 1st November, 1967; *Gazette* 2nd November, 1967, p. 1963.

Administration: Committed to the Minister of Agriculture *Gazette* 3rd July, 1924, p. 1.

s. 6. Proclamations: *Gazette* 11th March, 1937, p. 529; 17th June, 1937, p. 1305; 30th September, 1937, p. 850; 4th November, 1937, p. 1189; 2nd December, 1937, p. 1513; 17th February, 1938, p. 357; 28th April, 1938, p. 898; 8th September, 1938, p. 624; 13th October, 1938, p. 976; 23rd February, 1939, p. 465; 20th April, 1939, p. 915; 27th April, 1939, p. 980; 24th August, 1939, p. 494; 1st February, 1940, p. 169; 6th June, 1940, p. 1211; 5th June, 1941, p. 812; 9th July, 1942, p. 25; 5th November, 1942, p. 941; 26th November, 1942, p. 1047; 28th January, 1943, p. 91; 8th July, 1943, p. 27; 17th February, 1944, p. 87; 5th October, 1944, p. 4 415; 5th October, 1944, p. 416; 9th August, 1945, p. 177; 22nd November, 1945, p. 733; 28th February, 1946, p. 341; 13th June, 1946, p. 1062; 29th August, 1946, p. 347; 13th February, 1947, p. 635; 11th September, 1947, p. 689; 11th March, 1948, p. 519; 15th December, 1949, p. 1507; 1st June, 1950, p. 1151; 21st September, 1950, p. 695; 6th March, 1952, p. 510; 25th September, 1952, p. 895; 10th September, 1953, p. 735; 17th September, 1953, p. 768; 17th December, 1953, p. 1457; 7th January, 1954, p. 1; 5th August, 1954, p. 271; 18th November, 1954, p. 1205; 8th September, 1955, p. 554; 24th November, 1955, p. 1185; 12th January, 1956, p. 42; 10th May, 1956, p. 928; 14th March, 1957, p. 518; 8th August, 1957, p. 311; 5th December, 1957, p. 1361; 24th September, 1959, p. 759; 29th September, 1960, p. 845; 15th December, 1960, p. 1647; 20th December, 1962, p. 1755; 21st May, 1964, p. 1063; 28th May, 1964, p. 1133; 3rd September, 1964, p. 779; 14th January, 1965, p. 46; 27th January, 1966, p. 146; 17th February, 1966, p. 898; 6th October, 1966, p. 1537, 2nd February, 1967, p. 291; 20th July, 1967, p. 441; 15th February, 1968, p. 453.

Regulations: *Gazette* 6th December, 1962, p. 1637; 1st February 1968, p. 285; 22nd February, 1968, p. 524; 11th April, 1968, p. 1198.

The Flinders University of South Australia Act, 1966.

Commencement: 1st July, 1966; *Gazette* 12th May, 1966, p. 1887.

By-laws: *Gazette* 17th November, 1966, p. 1957.

Food and Drugs Act, 1908-1962.

s. 5. Proclamation defining "metropolitan area": *Gazette* 17th February, 1916, p. 299.

s. 5. Proclamation declaring poison schedule: *Gazette* 23rd August, 1962, p. 381; 10th November, 1966, p. 1882.

s. 5b. Proclamations declaring controlled therapeutic substances: *Gazette* 23rd August, 1962, p. 384; 25th June, 1964, p. 1600.

s. 30a. Proclamation: *Gazette* 25th July, 1935, p. 138.

Food and Drugs Act, 1908-1962—*continued.*

s. 39. Proclamation : *Gazette* 29th July, 1909, p. 190.
General regulations : *Gazette* 27th August, 1964, p. 563 ; 3rd February, 1966, p. 268 ; 10th November, 1966, p. 1895.
Notices by the Central Board of Health under regulation 112 of the Poison Regulations : *Gazette* 14th May, 1953, p. 1105 ; 2nd December, 1954, p. 1313 ; 6th January, 1955, p. 20 ; 2nd August, 1956, p. 260 ; 28th February, 1957, p. 417.
Regulation under the Fees Regulation Act, 1927, relating to the fee for a licence as a dealer in poisons : *Gazette* 24th November, 1927, p. 1226.

Foot and Mouth Disease Eradication Fund Act, 1958-1965.

Commencement : 14th March, 1968 ; *Gazette* 14th March, 1968, p. 849.

Footwear Regulation Act, 1920.

Regulations : *Gazette* 12th May, 1921, p. 1020 ; 10th March, 1960, p. 711.

Friendly Societies Act, 1919-1961.

s. 5. Proclamations : *Gazette* 5th May, 1921, p. 981 ; 7th June, 1928, p. 1209 ; 15th January, 1931, p. 65 ; 14th May, 1936, p. 1002 ; 10th December, 1953, p. 1403 ; 28th June, 1956, p. 1614 ; 14th December, 1961, p. 1963 ; 6th September, 1962, p. 590.
Regulations : *Gazette* 2nd August, 1894, p. 243; 25th May, 1933, p. 882.
Regulation under the Fees Regulation Act, 1927, relating to the fee payable to the Crown Solicitor for perusing and settling rules : *Gazette* 19th December, 1929, p. 1311.

Fruit and Vegetables (Grading) Act, 1934.

Administration : Committed to the Minister of Agriculture *Gazette* 28th January, 1937, p. 187.
s. 4. Proclamation : *Gazette* 14th February, 1935. p. 463.
Regulations : *Gazette* 7th December, 1961, p. 1899 ; 20th August, 1964, p. 426

Fruit and Vegetables (Prevention of Injury) Act, 1927.

Administration : Committed to the Minister of Agriculture *Gazette* 26th January, 1928, p. 149.
Regulations : *Gazette* 19th April, 1928, p. 821 ; 25th July, 1940, p. 181.

Fruit Cases Act, 1949.

Regulations : *Gazette* 3rd August, 1950, p. 225.

Fruit Fly Act, 1947-1956.

Regulations : *Gazette* 19th January, 1950, p. 106.

Garden Produce (Regulation of Delivery) Act, 1967

Commencement : 23rd November, 1967 ; *Gazette* 23rd November, 1967, p. 2268.
Regulations : *Gazette* 2nd November 1967, p. 1973.

Garden Suburb Act, 1919-1960.

Commencement : 19th February, 1920 ; *Gazette* 19th February, 1920, p. 493.
Commencement of the Garden Suburb Act Amendment Act, 1960 ; 30th November, 1961 ; *Gazette* 30th November, 1961, p. 1805.
Administration : Committed to the Minister of Local Government *Gazette* 28th April, 1927, p. 933.

Gas Act, 1924-1965.

Administration : Committed to the Minister of Industry and Employment, *Gazette* 23rd June, 1949, p. 1815.
s. 5a. Proclamation : *Gazette* 3rd March, 1955, p. 467.
s. 32. Proclamations : *Gazette* 3rd September, 1925, p. 571 ; 2nd February, 1928, p. 205 ; 8th August, 1929, p. 329.
s. 45b. Notice specifying 2nd December, 1955, as the day for conversion : *Gazette* 1st December, 1955, p. 1252
Regulations : *Gazette* 19th November, 1925, p. 1346 ; 24th February, 1955, p. 389 ; 18th January, 1962, p. 90 ; 13th May, 1965, p. 1084.

Gold Buyers Act, 1916-1935.

Commencement : 1st August, 1935 ; *Gazette* 11th July, 1935, p. 38.

s. 3. Notice declaring precious stones : *Gazette* 3rd February, 1966, p. 264.

Regulations : *Gazette* 19th December, 1935, p. 1477 ; 5th March, 1936, p. 537 ; 23rd December, 1937, p. 1809 ; 29th June, 1939, p. 1541 ; 21st September, 1939, p. 855.

Goods (Trade Descriptions) Act, 1935.

Commencement : 1st March, 1937 ; *Gazette* 28th January, 1937, p. 187.

Administration : Committed to Minister of Industry and Employment *Gazette* 28th January, 1937, p. 187.

s. 5. Proclamation : 16th February, 1956, p. 300

Regulations : *Gazette*, 16th February, 1956, p. 303.

Guardianship of Infants Act, 1940.

Rules of Court : *Gazette* 1st May, 1890, p. 1215 ; 5th March, 1964, p. 522.

Hairdressers Registration Act, 1939-1951.

Commencement : 1st March, 1940 ; *Gazette* 11th January, 1940, p. 33.

Administration : Committed to the Minister of Industry and Employment *Gazette* 11th January, 1940, p. 33.

Regulations : *Gazette* 21st March, 1940, p. 605 : 28th November, 1940, p. 1215; 11th December, 1941, p. 1402 ; 9th December, 1943, p. 755 ; 3rd January, 1946, p. 25 ; 29th July, 1948, p. 545 ; 14th October, 1948, p. 1269 ; 6th September, 1951, p. 500 ; 5th June, 1952, p. 1285 ; 11th November, 1954, p. 1159 ; 6th September, 1956, p. 566 ; 18th December, 1958, p. 1640 ; 14th April, 1960, p. 1041 ; 19th July, 1962, p. 112 ; 11th June, 1964, p. 1229 ; 1st September, 1966, p. 1163 ; 26th October, 1967, p. 1895.

Regulation under the Fees Regulation Act, 1927, relating to the fees payable under section 21 : *Gazette* 17th November, 1955, p. 1116.

Harbors Act, 1936-1966.

Commencement : 1st April, 1937 ; *Gazette* 25th March, 1937, p. 641.

Administration of Parts II and III : Committed to the Minister of Marine *Gazette* 25th March, 1937, p. 642.

s. 87. Proclamations (made under the Marine Board and Navigation Act, 1881) : *Gazette* 15th June, 1899, p. 1280 ; 8th September, 1904, p. 449 ; 22nd April, 1915, p. 1001 ; 10th June, 1926, p. 1462 ; 13th June, 1929, p. 1399.

Commencement of Harbors Act Amendment Act, 1966 ; 20th March, 1967 ; *Gazette*, 2nd March, 1967, p. 681.

Harbors Board Department discontinued and Department of Marine and Harbors declared in lieu thereof, as from 20th March, 1967 ; Proclamation : *Gazette*, 2nd March, 1967, p. 681.

s. 121. Proclamation (made under the Marine Board and Navigation Act, 1881) : *Gazette* 10th June, 1926, p. 1462.

s. 153. Proclamation : *Gazette* 13th February, 1936, p. 397.

s. 191. Proclamations : *Gazette* 10th September, 1914, p. 623 ; 24th September, 1914, p. 707 ; 26th November, 1914, p. 1145 ; 17th December, 1914, p. 1266 ; 25th March, 1915 ; p. 775 ; 3rd June, 1915, p. 1284 ; 15th July, 1915, p. 331 ; 16th June, 1921, p. 1267 , 18th March, 1926, p. 793 ; 3rd June, 1926, p. 1421 ; 16th December, 1926, p. 1512 ; 14th April, 1927, p. 842 ; 28th April, 1927, p. 934 ; 3rd April, 1930, p. 649 ; 13th November, 1930, p. 985 ; 12th February, 1931, p. 262 ; 25th August, 1932, p. 342 ; 19th January, 1933, p. 70 ; 26th January, 1933, p. 109 ; 26th October, 1933, p. 899 ; 25th January, 1934, p. 130 ; 26th April, 1934, p. 1095 ; 12th July, 1934, p. 39 ; 25th October, 1934, p. 846 ; 14th March, 1935, p. 777 ; 30th January, 1936, p. 270 ; 10th September, 1936, p. 490 ; 21st October, 1937, p. 1053 ; 29th September, 1938, p. 871 ; 18th December, 1941, p. 1461 ; 17th October, 1946, p. 999 ; 14th September, 1950, p. 655 ; 7th December, 1950, p. 1366 ; 5th March, 1953, p. 397 ; 8th October, 1953, p. 935 ; 11th July, 1957, p. 50 ; 3rd September, 1959, p. 563 ; 31st March, 1960, p. 880 ; 7th July, 1960, p. 1 ; 17th December, 1964, p. 1897

Regulations made under the Marine Board and Navigation Acts, 1881-1933, relating to matters provided for in the Harbors Act, 1936—

General harbor regulations : *Gazette* 26th April, 1883, p. 1429 ; 1st July, 1886, p. 2 ; 12th March, 1891, p. 768 ; 30th November, 1893, p. 1326 ; 4th November, 1897, p. 1384 ; 26th June, 1902, p. 1283 ; 2nd April, 1903, p. 618 ; 2nd August, 1906, p. 212 ; 18th October, 1906, p. 817 ; 18th July, 1907, p. 115 ; 3rd October, 1907, p. 813 ; 10th October, 1907, p. 854 ; 21st January, 1909, p. 115 ; 28th January, 1909, p. 166 ; 8th July, 1909, p. 43 ; 25th August, 1910, p. 393 ; 22nd September, 1910, p. 617 ; 30th March, 1911, p. 561 ; 15th June, 1911, p. 1177 ; 27th July, 1911, p. 159 ; 2nd November, 1911, p. 911 ; 10th April, 1913, p. 680 ; 30th October, 1913, p. 1140.

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Mooring regulations : *Gazette* 26th April, 1883, p. 1429 ; 4th June, 1891, p. 1462 ; 5th May, 1892, p. 986 ; 30th November, 1893, p. 1326.

River Murray navigation regulations : *Gazette* 30th October, 1884, p. 1641 ; 26th January, 1893, p. 157 ; 4th October, 1906, p. 714.

Pilotage regulations : *Gazette* 26th September, 1889, p. 1354 ; 4th June, 1891, p. 1462 ; 16th February, 1899, p. 301 ; 2nd October, 1924, p. 825.

Regulations to leasing lands and construction of jetties and slips : *Gazette* 26th April, 1883, p. 1429 ; 2nd April, 1903, p. 618.

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Miscellaneous regulations : *Gazette* 11th November, 1897, p. 1446 ; 15th February, 1900, p. 302 ; 30th November, 1911, p. 1184 ; 22nd August, 1912, p. 466; 10th April, 1913, p. 680.

Regulations made under the Harbors Acts, 1913-1933, and the Harbors Act, 1936—

General harbor regulations : *Gazette* 26th August, 1915, p. 745 ; 4th January, 1917, p. 8 ; 21st August, 1919, p. 383 ; 21st April, 1921, p. 759 ; 23rd February, 1922, p. 641 ; 25th October, 1923, p. 954 ; 25th June, 1925, p. 1213 ; 14th October, 1926, p. 923 ; 25th June, 1936, p. 1257 ; 13th August, 1936 ; p. 250 ; 15th July, 1937, p. 115 ; 12th March, 1942, p. 395 ; 22nd October, 1942, p. 682 ; 1st March, 1945, p. 340 ; 22nd January, 1948, p. 169 ; 20th July, 1950, p. 159 ; 19th August, 1954, p. 375 ; 9th December, 1954, p. 1366 ; 20th September, 1956, p. 677 ; 17th November, 1960, p. 1375 ; 16th March, 1961, p. 572 ; 25th May, 1961, p. 1202 ; 15th June, 1961, p. 1326 ; 29th June, 1961, p. 1468 ; 11th January, 1962, p. 52 ; 31st May, 1962, p. 1433 ; 28th May, 1964, p. 1183 ; 4th June, 1964, p. 1216 ; 11th November, 1965, p. 1688 ; 25th April, 1968, p. 1299.

Moorings regulations : *Gazette* 12th December, 1918, p. 1309 ; 13th May, 1926, p. 1234 ; 19th August, 1954, p. 375.

River Murray navigation regulations : *Gazette* 20th January, 1916, p. 94 ; 11th June, 1925, p. 1135 ; 15th January, 1942, p. 64 ; 20th June, 1946, p. 1099.

Pilotage regulations : *Gazette* 22nd April, 1915, p. 1001 ; 10th June, 1926, p. 1462 ; 5th May, 1927, p. 995 ; 4th July, 1929, p. 3 ; 19th August, 1954, p. 375 ; 20th September, 1956, p. 677 ; 11th November, 1965, p. 1688.

Regulations for adjustments of compasses : *Gazette* 30th May, 1935, p. 1433.

Regulations for survey, &c., of vessels : *Gazette* 23rd June, 1921, p. 1318 ; 30th May, 1935, p. 1433 ; 8th August, 1935, p. 237 ; 19th August, 1954, p 375 ; 2nd March, 1961, p. 470.

Regulations for helm orders : *Gazette* 22nd December, 1932, p. 1188.

Wharfage regulations : *Gazette* 1st September, 1938, p. 472 ; 8th July, 1943, p. 28 ; 20th October, 1949, p 950 ; 19th August, 1954, p. 375 ; 28th April, 1955, p. 985 ; 14th July, 1955, p. 61 ; 25th February, 1960, p. 579 ; 19th August, 1965, p. 474 ; 11th November, 1965, p. 1688.

Storage regulations : *Gazette* 7th March, 1918, p. 442; 23rd September, 1915, p. 925 ; 14th February, 1952, p. 389.

Haulage regulations : *Gazette* 6th July, 1916, p. 2 ; 13th September, 1951, p. 562 ; 19th August, 1954, p. 375 ; 20th January, 1955, p. 136.

Port dues regulations : *Gazette* 19th August, 1954, p. 375 ; 18th June, 1964, p. 1279.

Tonnage rates regulations : *Gazette* 30th October, 1930, p. 892 ; 19th August, 1954, p. 375.

Flag and sound signals at Port Adelaide : *Gazette* 29th October, 1959, p. 1085; 1st November, 1962, p. 1200 ; 9th January, 1964, p. 42.

Fishing and other boats at Port Pirie : *Gazette* 12th September, 1940, p. 567.

Speed of vessels : *Gazette* 8th September, 1960, p. 688 ; 28th June, 1962, p. 1657; 12th November, 1964, p. 1507.

Control of small vessels: *Gazette* 28th June, 1962, p. 1657 ; 28th March, 1963, p. 761.

Manning of fishing vessels ; *Gazette* 4th July, 1963, p. 5

Parking of vehicles at Kingscote : *Gazette* 24th October, 1963, p. 1240.

Parking of vehicles at Port Lincoln : *Gazette* 12th March, 1964, p. 587.

Parking of vehicles at Port Pirie : *Gazette* 18th November, 1965, p. 1817.

Robe boat haven : *Gazette* 25th November, 1965, p. 1887.

Licences for use of mechanical handling equipment on wharves : *Gazette* 26th November, 1964, p. 1646 ; 1st December, 1966, p. 2065.

Static testing of engines in harbors : *Gazette*, 27th April, 1967, p. 1459.

Licensing of Marine Surveyors : *Gazette*, 6th July, 1967, p. 5.

Miscellaneous regulations : *Gazette* 26th August, 1915, p. 744 ; 23rd September, 1915, p. 925 ; 20th January, 1916, p. 94 ; 23rd March, 1916, p. 570 ; 20th April, 1916, p. 827 ; 4th January, 1917, p. 7 ; 4th January, 1917, p. 8 ; 25th January, 1917, p. 203 ; 30th January, 1919, p. 232 ; 8th May, 1919, p. 832 ; 3rd July, 1919, p. 2 ; 23rd June, 1921, p. 1318 ; 9th February, 1922,

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p. 524; 28th June, 1923, p. 1377; 27th November, 1924, p. 1405; 22nd April, 1926, p. 1088; 10th February, 1927, p. 298; 24th February, 1927, p. 400; 2nd June, 1927, p. 1216; 27th October, 1927, p. 1008; 5th September, 1929, p. 570; 11th August, 1932, p. 235; 22nd December, 1932, p. 1188; 11th January, 1934, p. 42; 30th August, 1934, p. 428; 3rd November, 1938, p. 1214; 26th April, 1945, p. 603; 27th September, 1945, p. 516; 18th October, 1945, p. 568; 4th April, 1946, p. 536; 11th December, 1947, p. 1997; 27th February, 1957, p. 289; 24th October, 1963, p. 1240; 18th November, 1965, p. 1817 (disallowed *Gazette* 10th March, 1966, p. 1318); 10th March, 1966, p. 1326; 21st July, 1966, p. 221; 8th September, 1966, p. 1208.

Rules of Court: *Gazette* 19th April, 1917, p. 639.

Hawkers Act, 1934-1960.

Regulations: *Gazette* 14th February, 1935, p. 523.

Health Act, 1935-1966.

Administration: Committed to the Minister of Health *Gazette* 28th February, 1952, p. 465.

s. 5a. Proclamations: *Gazette* 9th February, 1956, p. 223; 4th November, 1965, p. 1557.

s. 29. Proclamations: *Gazette* 13th July, 1899, p. 57; 2nd November, 1899, p. 1039; 19th December, 1940, p. 1552.

s. 38. Proclamations: *Gazette* 2nd November, 1899, p. 1039; 19th December, 1940, p. 1552.

s. 89. Proclamations: *Gazette* 17th August, 1899, p. 344; 24th August, 1899, p. 407; 4th July, 1901, p. 1; 5th September, 1901, p. 503; 21st November, 1901, p. 1009; 20th March, 1902, p. 675; 9th January, 1908, p. 33; 23rd January, 1908, p. 107; 27th February, 1908, p. 358; 16th September, 1909, p. 561; 13th January, 1910, p. 31; 1st June, 1916, p. 161; 10th August, 1916, p. 237; 7th September, 1916, p. 460; 7th June, 1917, p. 944; 23rd June, 1938, p. 1485.

Model regulations for the guidance of local boards: *Gazette* 29th June, 1899, p. 1442.

General regulations: *Gazette* 29th June, 1961, p. 1469; 20th February, 1964, p. 437; 1st July, 1965, p. 5; 30th September, 1965, p. 1228; 22nd January, 1966, p. 158; 8th September, 1966, p. 1210; 28th September, 1967, p. 1546.

Regulations under Part IXA: *Gazette* 16th September, 1954, p. 734.

Regulations under Part IXB: *Gazette* 29th March, 1962, p. 661.

Regulation under the Fees Regulation Act, 1927, relating to fees for examination of plans and inspection of bacteriolytic tanks: *Gazette* 24th November, 1927, p. 1226; 20th October, 1960, p. 1070.

Hide, Skin, and Wool Dealers Act, 1915-1965.

Commencement of sections 4 and 6 of the Hide, Skin and Wool Dealers Act Amendment Act, 1959: 29th September, 1960; *Gazette* 29th September, 1960, p. 846.

Regulations: *Gazette* 26th November, 1936, p. 1150; 29th September, 1960, p. 849; 17th June, 1965, p. 1539; 12th May, 1966, p. 1934.

Highways Act, 1926-1963.

Commencement: 3rd February, 1927; *Gazette* 3rd February, 1927, p. 258.

Administration: Committed to the Minister of Local Government *Gazette* 10th February, 1927, p. 297.

s. 30. Proclamations: *Gazette* 9th June, 1938, p. 1285; 8th December, 1938, p. 1452; 2nd February, 1939, p. 334; 9th March, 1939, p. 569; 30th March, 1939, p. 739; 14th September, 1939, p. 746; 21st September, 1939, p. 814; 26th October, 1939, p. 1157; 23rd November, 1939, pp. 1379 and 1380; 4th January, 1940, p. 2 (republished 18th January, 1940, p. 70), 15th February, 1940, p. 369; 22nd February, 1940, pp. 409 and 410; 28th March, 1940, pp. 645 and 646; 8th August, 1940, pp. 222 and 223; 29th August, 1940, p. 405; 12th September, 1940, p. 516; 24th October, 1940, p. 841; 20th February, 1941, p. 229; 6th March, 1941, p. 335; 24th April, 1941, p. 587; 15th May, 1941, p. 717; 5th June, 1941, p. 812; 26th June, 1941, p. 923; 14th August, 1941, p. 265; 25th September, 1941, p. 623; 3rd December, 1942, p. 1089; 20th May, 1943, p. 628; 28th October, 1943, p. 544; 6th August, 1953, p. 448; 20th August, 1953, p. 539; 8th October, 1953, p. 936; 1st March, 1956, p. 419; 10th November, 1960, p. 1302; 20th April, 1961, p. 916; 23rd May, 1963, p. 1333; 9th March, 1967, p. 786.

s. 30a. Proclamations: *Gazette* 22nd December, 1960, p. 1702; 24th October, 1963, p. 1236; 27th August, 1964, p. 548; 17th December, 1964, p. 1901.

s. 30d. Notices: *Gazette* 22nd December, 1960, p. 1704; 24th October, 1963, p. 1239; 27th August, 1964, p. 549; 17th December, 1964, p. 1903.

Regulations as to the preservation of trees: *Gazette* 19th September, 1929, p. 701.

Regulations as to the opening of Birkenhead Bridge: *Gazette* 5th December, 1940, p. 1289; 8th July, 1954, p. 61; 4th October, 1962, p. 917.

Regulations as to the control of traffic, etc., at Birkenhead and Jervois Bridges: *Gazette* 8th November, 1945, p. 696.

Hire-Purchase Agreements Act, 1960-1966.

Commencement: 18th April, 1961; *Gazette* 8th December, 1960, p. 1605.
Regulations: *Gazette* 9th March, 1961, p. 534.
Rules of Local Court: *Gazette* 30th March, 1961, p. 783; 5th March, 1964, p. 522.

Holidays Act Amendment Act, 1958.

Commencement: 8th January, 1960; *Gazette* 17th December, 1959, p. 1504.

Homes Act, 1941-1962.

s. 10. Proclamation: 5th July, 1945, p. 1.
Regulations: *Gazette* 15th January, 1942, p. 67; 13th June, 1946, p. 1095; 16th June, 1955, p. 1395.

Homestead Act, 1895-1935.

Regulations: *Gazette* 6th February, 1896, p. 289.

Honey Marketing Act, 1949-1964.

Commencement: 12th January, 1950; *Gazette* 12th January, 1950, p. 41.
s. 21. Proclamation of 10th December, 1964, as the day on which subsection (2) shall cease to operate; *Gazette* 10th December, 1964, p. 1805.
s. 36a. Notice of affirmative result of poll: *Gazette* 14th June, 1956, p. 1426.
s. 36a. Proclamation proclaiming 12th May, 1966, as the day upon which the Act shall be repealed: *Gazette* 12th May, 1966, p. 1887.
Regulations: *Gazette* 24th August, 1950, p. 467.

Hospitals Act, 1934-1966.

Commencement: 1st May, 1937; *Gazette* 25th March, 1937, p. 642.
Commencement of the Hospitals Act Amendment Act, 1958; 16th March, 1959, *Gazette* 5th March, 1959, p. 486.
Administration: Committed to the Chief Secretary *Gazette* 25th March, 1937, p. 642.
s. 5. Proclamations: *Gazette* 16th January, 1868, p. 51; 23rd March, 1882, p. 960; 12th October, 1905, p. 728; 1st March, 1934, p. 405; 9th August, 1934, p. 251; 24th September, 1936, p. 626; 3rd December, 1936, p. 1195; 1st July, 1937, p. 1; 26th January, 1939, p. 246; 16th March, 1939, p. 616; 11th February, 1954, p. 226; 16th August, 1962, p. 317; 18th October, 1962, p. 1053; 10th December, 1964, p. 1804.
s. 15. Proclamation: *Gazette* 5th March, 1964, p. 525.
s. 37. Notices: *Gazette* 25th March, 1920, p. 935; 23rd September, 1920, p. 849; 21st July, 1921, p. 95; 29th September, 1921, p. 714; 18th January, 1923, p. 93; 25th December, 1924, p. 1625; 13th May, 1926, p. 1233; 24th November, 1927, p. 1223; 28th June, 1928, p. 1623; 10th October, 1929, p. 854; 19th December, 1929, p. 1307, 11th September, 1930, p. 583; 6th February, 1936, p. 301; 3rd September, 1936; p. 417; 30th November 1939, p. 1437; 30th November, 1939, p. 1438; 4th April, 1946, p. 536; 28th November, 1946, p. 1328; 28th August, 1947, p. 587; 18th January, 1951, p. 74; 26th July, 1951, p. 173 8th May, 1952, p. 1007; 8th July, 1954, p. 57; 30th June, 1955, p. 1499; 27th March, 1958, p. 914; 1st July, 1965, p. 4.
s. 43. Proclamations: *Gazette* 20th January, 1927, p. 122; 27th January, 1927, p. 178; 17th February, 1927, p. 338; 3rd March, 1927, p. 513; 24th March, 1927, p. 674; 19th May, 1927, p. 1099; 14th July, 1927, p. 45; 12th April, 1928, p. 774; 22nd November, 1928, p. 1094; 23rd May, 1929, p. 1051; 23rd May, 1929, p. 1052; 19th September, 1929, p. 698; 20th February, 1930, p. 371; 15th May, 1930, p. 892; 29th October, 1936, p. 949; 7th March, 1940, p. 494; 1st August, 1940, p. 183; 15th August, 1940, p. 273; 5th June, 1947, p. 1606.
s. 48. Proclamations: *Gazette* 8th January, 1931, p. 26; 30th November, 1939, p. 1436; 20th June, 1946, p. 1097; 31st July, 1952, p. 253; 2nd August, 1956, p. 257; 20th April, 1961, p. 914.
Proclamation of Her Majesty as to The Queen Elizabeth Hospital: *Gazette* 24th March, 1954, p. 615; 13th January, 1966, p. 61.
Regulations relating to the following hospitals:—
Royal Adelaide Hospital: *Gazette* 23rd February, 1922, p. 641; 7th December, 1922, p. 1460; 28th August, 1924, p. 555; 24th December, 1925, p. 1665; 19th August, 1926, p. 440; 27th January, 1927, p. 179; 19th January, 1933, p. 76; 10th January, 1935, p 267; 16th July, 1936, p. 67; 15th September, 1938, p. 697; 24th August, 1939, p. 496; 25th January, 1940, p. 167; 9th May, 1940, p. 987; 7th October, 1948, p. 1217; 29th July, 1954, p. 221; 16th April, 1964, p. 816; 9th May, 1968, p. 1439.
Bedford Park Sanatorium: *Gazette* 15th March, 1934, p. 788.
Lady Weigall Hospital, Barmera: *Gazette* 8th October, 1936, p. 735.
The Morris Hospital, Northfield: *Gazette* 30th August, 1934, p. 431.

Hospitals Act, 1934-1966—*continued.*

Mount Gambier Hospital: *Gazette* 27th January, 1938, p. 217.
Port Adelaide Casualty Hospital: *Gazette* 8th December, 1960, p. 1613
Port Augusta Hospital: *Gazette* 8th September, 1938, p. 662.
Port Lincoln Hospital: *Gazette* 4th November, 1937, p. 1269.
Port Pirie Hospital: *Gazette* 11th October, 1928, p. 806.
Wallaroo Hospital: *Gazette* 21st January, 1937, p. 162.

General regulations relating to the powers of the Inspector-General of Hospitals: *Gazette*, 27th September, 1923, p. 727.

Regulations relating to rating for hospital purposes: *Gazette* 19th August, 1920, p. 383.

Regulations as to fees payable by patients: *Gazette* 14th January, 1960, p. 120; 25th May, 1961, p. 1204; 26th October, 1961, p. 1345; 27th June, 1963, p. 1634; 5th December, 1963, p. 1714; 6th August, 1964, p. 273; 17th September, 1964, p. 948; 12th November, 1964, p. 1055; 1st April, 1965, p. 748; 6th May, 1965, p. 1037; 10th March, 1966, p. 1324; 24th March, 1966, p. 1511; 20th October, 1966, p. 1732; 16th March, 1967, p. 967.

Hospital Benefits Act, 1945.

Commencement: 17th January, 1946: *Gazette* 17th January, 1946, p. 71.

Hospital Benefits (Amending Agreement) Act, 1948.

Commencement: 17th February, 1949; *Gazette* 17th February, 1949, p. 403.

Housing Improvement Act, 1940-1965.

Commencement: 19th December, 1940; *Gazette* 19th December, 1940, p. 1551.

Administration: Committed to the Treasurer; *Gazette* 19th December, 1940, p. 1551.

s. 5. Proclamation committing execution of Act to the South Australian Housing Trust, 19th December, 1940, p. 1551.

s. 6. Proclamation: *Gazette* 19th May, 1949, p. 1212.

s. 49. Proclamation: *Gazette* 9th October, 1941, p. 713; 6th July, 1967, p. 2; 4th April, 1968, p. 1193.

Regulations under section 6; *Gazette* 19th December, 1940, p. 1587.

Regulations as to standards of habitation: *Gazette* 29th May, 1941, p. 806; 8th January, 1942, p. 57; 25th September, 1952, p. 897; 11th April, 1968, p. 1199.

Rules of Local Court: *Gazette* 10th July, 1941, p. 45; 13th August, 1959, p. 397; 27th October, 1960, p. 1140; 5th March, 1964, p. 522.

Housing Loans Redemption Fund Act, 1962.

Commencement: 1st November, 1962; *Gazette* 1st November, p. 1198.

Immigration Act, 1923-1937.

Administration: Committed to the Minister of Immigration *Gazette* 24th April, 1924, p. 973.

Regulations: *Gazette* 1st March, 1928, p. 454; 3rd May, 1928, p. 917.

Impounding Act, 1920-1966.

Administration: Committed to the Minister of Local Government *Gazette* 22nd April, 1937, p. 849.

Imprint Act, 1951.

Administration: Committed to the Chief Secretary *Gazette* 31st January, 1952, p. 171

Income Tax Assessment Act, 1936-1946.

s. 132. Proclamation: *Gazette* 18th February, 1937, p. 334.

Regulations under the Taxation Act, 1884, and its amendments: *Gazette* 22nd January, 1885, p. 203; 29th December, 1904, p. 1205; 24th December, 1908, p. 1257.

Regulations under the Taxation Act, 1915, and its amendments: *Gazette* 20th December, 1917, p. 1320; 3rd January, 1918, p. 6; 20th December, 1923, p. 1436; 21st August, 1924, p. 403; 9th April, 1925, p. 627; 23rd July, 1925, p. 199.

Regulations under the Taxation Act, 1927, and its amendments: *Gazette* 29th December, 1927, p. 1681; 28th June, 1928, p. 1624; 4th July, 1929, p. 17; 19th December, 1929, p. 1307; 10th July, 1930, p. 49; 4th August, 1932, p. 182; 13th June, 1935, p. 1576.

Regulations under the Income Tax Assessment Act, 1936: *Gazette* 24th December, 1936, p. 1367; 18th February, 1937, p. 375; 27th May, 1937, p. 1206.

Industrial and Provident Societies Act, 1923-1966.

Regulations : *Gazette* 20th August, 1964, p. 437.
Rules of Court under section 9 (3): *Gazette* 2nd October, 1924, p. 830.

Industrial Code, 1967

Commencement of Parts I to XI and XIII : 1st March, 1968 ; *Gazette* 8th February, 1968, p. 344.
Rules of Industrial Court and Industrial Commission, 1968 : *Gazette* 29th February, 1968, p. 689.
Regulations : *Gazette* 29th February, 1968, p. 731.

Inebriates Act, 1908-1934.

Regulations : *Gazette* 26th October, 1911, p. 859 ; 8th August, 1912, p. 300 ; 7th January 1915, p. 2.
Rules of Court : *Gazette* 26th October, 1911, p. 864 ; 14th February, 1957, p. 229.

Infectious Diseases Hospital Transfer Act, 1947.

s. 3. Notice fixing 1st April, 1948, as the "appointed day" : *Gazette*, 25th March, 1948, p. 644.
s. 8. Commencement: 16th September, 1948 ; *Gazette* 16th September, 1948, p. 1068.

Inflammable Liquids Act, 1961.

Commencement : 1st October, 1963 ; *Gazette* 19th September, 1963, p. 870.
Administration : Committed to the Minister of Labour and Industry, *Gazette* 19th September, 1963, p. 870.
Regulations : *Gazette* 19th September, p. 883 ; 6th October, 1966, p. 1546 ; 27th October, 1966, p. 1761.

Institute of Medical and Veterinary Science Act, 1937-1962.

Commencement : 9th June, 1938 ; *Gazette* 9th June, 1938, p. 1270.
Regulations : *Gazette* 30th June, 1938, p. 1568 ; 22nd December, 1949, p. 1581 ; 4th October, 1956, p. 790 ; 30th June, 1960, p. 1696 ; 10th August, 1961, p. 648 ; 3rd September, 1964, p. 811.

Institute of Technology Act, 1892-1959. (*See also* School of Mines and Industries Act, 1892-1959.)

Commencement of Institute of Technology Act Amendment Act, 1967 : 1st January, 1968 ; *Gazette* 23rd November, 1967, p. 2268.
s. 8. Proclamations : *Gazette* 1st December, 1966, p. 2055.

Interest on Crown Advances and Leases Act, 1944-1951.

s. 2. Notices : *Gazette* 25th January, 1945, p. 91 ; 25th September, 1952, p. 899 ; 12th July, 1956, p. 120 ; 23rd August, 1956, p. 466 ; 1st June, 1961, p. 1271 ; 16th May, 1963, p. 1304 ; 25th July, 1963, p. 163 ; 20th August, 1964, p. 515 ; 29th April, 1965, p. 975.
s. 3. Notices : *Gazette* 25th January, 1945, p. 91 ; 25th September, 1952, p. 899 ; 12th July, 1956, p. 120 ; 23rd August, 1956, p. 466 ; 1st June, 1961, p. 1270 ; 22nd June, 1961, p. 1382 ; 16th May, 1963, p. 1304 ; 25th July, 1963, p. 164 ; 20th August, 1964, p. 515 ; 29th April, 1965, p. 975.

Irrigation Act, 1930-1946.

Commencement : 5th February, 1931 ; *Gazette* 5th February, 1931, p. 189.
ss. 16, 17, and 18. Proclamations relating to irrigation areas : *Gazette* 11th July, 1907, p. 43 ; 12th November, 1908, p. 933 ; 25th March, 1909, p. 572 ; 29th April, 1909, p. 785 ; 27th January, 1910, p. 104 ; 13th October, 1910, p. 744 ; 3rd November, 1910, p. 919 ; 24th November, 1910, p. 1063 ; 19th September, 1912, p. 677 ; 12th June, 1913, p. 1268 ; 21st May, 1914, p. 1106 ; 4th February, 1915, p. 276 ; 25th February, 1915, p. 484 ; 25th February, 1915, p. 485 ; 2nd September, 1915, p. 800 ; 17th February, 1916, p. 299 ; 17th August, 1916, p. 289 ; 28th September, 1916, p. 568 ; 9th November, 1916, p. 910 ; 13th June, 1918, p. 1117 ; 30th October, 1919, p. 1083 ; 11th August, 1921, p. 269 ; 15th December, 1921, p. 1386 ; 26th January, 1922, p. 158 ; 27th April, 1922, p. 1119 ; 24th August, 1922, p. 413 ; 7th September, 1922, p. 545 ; 12th April, 1923, p. 819 ; 17th May, 1923, p. 1074 ; 12th July, 1923, p. 49 ; 16th August, 1923, p. 350 ; 5th June, 1924, p. 1271 ; 4th June, 1925, p. 1085 ; 9th July, 1925, p. 51 ; 24th September, 1925, p. 739 ; 9th September, 1926, p. 614 22nd December, 1927, p. 1609 ; 17th May, 1928, p. 1035 ; 25th September, 1930, p. 621 ; 13th November, 1930, p. 986 ; 8th January, 1931, p. 26 ; 17th January, 1935, p. 292 ; 14th October, 1943, p. 475 ; 22nd January, 1948, p. 167 ; 12th August, 1948, p. 647 ; 30th September, 1948, p. 1168 ; 8th September, 1949, p. 647 ; 23rd November, 1950, p. 1255 ; 12th June, 1952, p. 1291 ; 11th December, 1952, p. 1504 ; 13th May, 1954, p. 958 ; 24th June, 1954, p. 1237.
Regulations : *Gazette* 16th September, 1954, p. 707 ; 29th November, 1956, p. 1238.

Irrigation on Private Property Act, 1939-1958.

Commencement: 5th January, 1940: *Gazette* 4th January, 1940, p. 1.

s. 9. Proclamations: *Gazette* 12th December, 1940, p. 1425; 6th February, 1941, p. 148; 27th September, 1945, p. 490; 15th May, 1952, p. 1058; 6th October, 1955, p. 785; 20th October, 1960, p. 1062; 22nd June, 1961, p. 1375; 15th March, 1962, p. 531; 1st November, 1962, p. 1195; 27th June, 1963, p. 1630; 30th September, 1965, p. 1197.

s. 10. Proclamation: *Gazette* 1st November, 1962, p. 1198.

Juries Act, 1927-1965.

Commencement: 6th January, 1928; *Gazette* 5th January, 1928, p. 1.

Commencement of the Juries Act Amendment Act, 1965: 2nd December, 1965, *Gazette* 2nd December, 1965, p. 1953.

ss. 9 and 10. Proclamations: *Gazette* 28th September, 1950, p. 738; 31st August, 1961, p. 824; 14th July, 1966, p. 156.

s. 77. Proclamation: *Gazette* 29th November, 1956, p. 1231.

Justices Act, 1921-1965.

Commencement: 26th July, 1922; *Gazette* 29th June, 1922, p. 1575.

Commencement of the Justices Act Amendment Act, 1957: 1st February, 1958: *Gazette* 19th December, 1957, p. 1529.

Rules of the Supreme Court as to appeals under Part VI: *Gazette* 13th December, 1956, p. 1329.

Rules made by the Governor under section 203: *Gazette* 27th February, 1930, p. 443; 3rd April, 1930, p. 650; 6th April, 1933, p. 552; 1st September, 1938, p. 499; 15th June, 1944, p. 718; 6th December, 1956, p. 1283; 19th December, 1957, p. 1540; 21st September, 1961, p. 1032; 21st December, 1961, p. 2043; 24th November, 1966, p. 2026.

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Rules under the Maintenance Orders (Facilities for Enforcement) Act, 1922, and the Justices Act, 1921: *Gazette* 25th October, 1923, p. 953; 26th February, 1931, p. 374; 14th June, 1956, p. 1384.

Rules under the Licensing Act, 1932, and the Justices Act, 1921: *Gazette* 29th April, 1937, p. 945; 11th April, 1946, p. 653.

Juvenile Courts Act, 1965-1966.

Commencement: 7th July, 1966; *Gazette* 7th July, 1966, p. 57.

Regulations: *Gazette* 7th July, 1966, p. 73.

Land Agents Act, 1955-1964.

Commencement: 1st May 1956: *Gazette* 19th April, 1956, p. 739.

Commencement of the Land Agents Act Amendment Act, 1959; 18th January, 1960; *Gazette* 14th January, 1960, p. 117.

Regulations: *Gazette* 27th October, 1960, p. 1154; 23rd January, 1964, p. 136; 14th January, 1965, p. 50.

Landlord and Tenant Act, 1936.

Commencement: 1st May, 1937; *Gazette* 25th March, 1937, p. 645.

Landlord and Tenant (Control of Rents) Act, 1942-1961.

Commencement: 1st January, 1943; *Gazette* 3rd December, 1942, p. 1089.

Commencement of Part V: 16th August, 1948; *Gazette* 13th August, 1948, p. 703.

Administration: Committed to the Attorney-General; *Gazette* 10th December, 1942, p. 1123.

s. 5. Proclamations: *Gazette* 11th December, 1952, p. 1505; 14th May, 1953, p. 1095; 1st April, 1954, p. 665; 2nd April, 1959, p. 694.

s. 29. Notice: *Gazette* 15th November, 1956, p. 1102.

s. 32. Notice: *Gazette* 1st December, 1960, p. 1588.

s. 34. Notice: *Gazette* 29th January, 1959, p. 221.

Regulations: *Gazette* 26th January, 1950, p. 178.

Regulations prescribing forms of notice to quit: *Gazette* 25th January, 1951, p. 119; 22nd February, 1951, p. 474; 14th February, 1952, p. 387.

Regulation prescribing form of notice under section 55d (3): *Gazette* 5th December, 1957; p. 1374.

Rules of Local Court: *Gazette* 1st May, 1947, p. 1121; 15th December, 1949, p. 1516; 22nd March, 1951, p. 655.

Proclamations under section 294 of the Local Courts Act, 1926, as to fees payable in proceedings in local court: *Gazette* 8th May, 1947, p. 1425; 15th December, 1949, p. 1507.

Land Settlement Act, 1944-1965.

Regulations: *Gazette* 20th December, 1951, p. 1568; 11th March, 1954, p. 517; **4th July**, 1957, p. 5; 14th May, 1959, p. 1028; 15th November, 1962, p. 1400.

Land Tax Act, 1936-1966.

Commencement: 7th January, 1937; *Gazette* 7th January, 1937, p. 1.
s. 12c. Proclamation: *Gazette* 2nd November, 1961, p. 1409.
ss. 45 and 48. Proclamations: *Gazette* 8th December, 1955, p. 1285; 17th January, **1957**, p. 55; 18th April, 1957, p. 750; 11th July, 1957, p. 51; 26th September, **1957**, p. 688; 11th December, 1958, p. 1572; 20th October, 1960, p. 1063; 7th **December**, 1961, p. 1884; 10th December, 1964, pp. 1804, 1805.
Regulations: *Gazette* 2nd April, 1953, p. 699.

Law of Property Act, 1936-1966.

Commencement: 1st November, 1937; *Gazette* 25th March, 1937, p. 646.
Regulations: *Gazette* 13th February, 1947, p. 681.

Legal Practitioners Act, 1936-1964.

Commencement: 1st May, 1937; *Gazette* 25th March, 1937, p. 645.
Commencement of the Legal Practitioners Act Amendment Act, 1964: 12th November, 1964: *Gazette* 12th November, 1964, p. 1500.
Rules of Court as to the statutory committee: *Gazette* 9th November, 1916, p. 943.
Rules of Court as to trust accounts and other matters: *Gazette* 31st August, 1939, p. **573**; 21st February, 1957, p. 291.

Levi Park Act, 1964.

s. 7. Notice: *Gazette* 27th January, 1949, p. 191.
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Libraries and Institutes Act, 1939-1964.

Commencement: 1st February, 1940; *Gazette* 18th January, 1940, p. 69.
s. 36. Proclamations: 7th March, 1940, p. 494; 8th August, 1940, p. 221; 12th **December**, 1940, p. 1427; 4th December, 1941, p. 1193; 23rd April, 1942, p. 613; 20th **August**, 1942, p. 264; 12th November, 1942, p. 985; 25th March, 1943, p. 333; **25th** November, 1943, p. 691; 22nd June, 1944, p. 735; 20th July, 1944, p. **67**; **20th** July, 1944, p. 68; 19th October, 1944, p. 472; 22nd February, 1945, p. 309; **26th** July, 1945, p. 99; 20th August, 1945, p. 247; 6th June, 1946, p. 1021; **12th** February, 1948, p. 360; 2nd June, 1949, p. 1500; 27th October, 1949, p. **1010**; 22nd December, 1949, p. 1579; 16th March, 1950, p. 585; 25th October, **1951**, p. 1001; 8th May, 1951, p. 1005; 7th August, 1952, p. 413; 4th September, **1952**, p. 723; 4th December, 1952, p. 1431; 12th March, 1953, p. 462; 23rd April, **1953**, p. 968; 28th May, 1953, p. 1319; 27th August, 1953, p. 644; 1st October, **1953**, p. 891; 1st October, 1953, p. 892; 22nd October, 1953, p. 1052; 7th **January**, 1954, p. 2; 1st April, 1954, p. 665; 12th May, 1955, p. 1103; 25th August, **1955**, p. 411; 19th April, 1956, p. 740; 7th February, 1957, p. 179; 9th May, **1957**, p. 880; 4th July, 1957, p. 2; 12th September, 1957, p. 583; 9th October, **1958**, p. 1017; 10th September, 1959, p. 640; 19th November, 1959, p. 1231; **10th** December, 1959, p. 1449; 21st January, 1960, p. 193; 23rd June, 1960, p. **1644**; 18th May, 1961, p. 1140; 24th August, 1961, p. 739; 22nd February, 1962, pp. **377**, 378; 23rd August, 1962, pp. 385, 386; 28th February, 1963, p. 504; 20th June, **1963**, p. 1549; 25th July, 1963, p. 160; 13th August, 1964, p. 314; 20th August, **1964**, p. 421; 19th November, 1964, p. 1564; 29th July, 1964, p. 230; 23rd June, **1966**, p. 2244; 27th October, 1966, p. 1752; 22nd December, 1966, p. 2267.
Regulations relating to the Public Library and other premises: *Gazette* 5th December, 1940, p. 1288; 14th February, 1946, p. 241; 21st January, 1954, p. 127.
Regulations relating to the lending of books from the Public Library: *Gazette* 14th February, 1946, p. 239; 20th July, 1950, p. 164; 10th October, 1957, p. 793; 19th August, 1965, p. 476; 26th January, 1967, p. 215.
Regulations relating to the Institutes Association: *Gazette* 6th October, 1910, p. **714**; 23rd April, 1936, p. 890; 14th July, 1938, p. 78; 1st August, 1940, p. 191; **3rd** January, 1946, p. 24; 20th November, 1958, p. 1383; 22nd March, 1962, p. **602**; 3rd December, 1964, p. 1796.

Licensing Act, 1967

Commencement: 28th September, 1967; *Gazette* 28th September, 1967, p. 1485.
Licensing Court Rules of Court: *Gazette* 29th September, 1967, p. 1573; 22nd February, 1968, p 530.

Life Assurance Companies Act, 1936-1952.

Regulations: *Gazette* 27th June, 1889, p. 1800; 2nd October, 1941, p. 676.

Lifts Act, 1960.

Commencement: 1st March, 1966; *Gazette* 24th February, 1966, p. 1129.
Regulations: *Gazette* 17th February, 1966, p. 913.

Liquid Fuel Act, 1941.

Commencement: At 30th May, 1966, this Act had not been brought into operation.

Liquid Fuel Act, 1949.

Regulations: *Gazette* 10th November, 1949, p. 1197.
Liquid Fuel (Rationing Orders); No. 1, *Gazette* 15th November, 1949, p. 1221; No. 2, *Gazette* 15th November, 1949, p. 1222.

Liquefied Petroleum Gas Act, 1960.

Commencement: 1st April, 1965; *Gazette* 13th May, 1965, p. 1081.
Regulations: *Gazette* 27th May, 1965, p. 1315; 22nd December, 1966, p. 2311.

Loans for Fencing and Water Piping Act, 1938-1952.

Commencement: 1st February, 1939; *Gazette* 19th January, 1939, p. 121.
s. 13 (7). Notice: *Gazette* 4th December, 1958, p. 1556.

Loans to Producers Act, 1927-1962.

Regulations: *Gazette* 21st July, 1927, p. 126; 6th March, 1930, p. 484; 8th April, 1948, p. 768.

Local Courts Act, 1926-1965.

Commencement: 7th March, 1927; *Gazette* 10th February, 1927, p. 297.
Commencement of the Local Courts Act Amendment Act, 1956: 18th March, 1957; *Gazette* 14th March, 1957, p. 519.
Commencement of the Local Courts Act Amendment Act, 1962: 1st March, 1963; *Gazette* 14th February, 1963, p. 277.
Commencement of the Statutes Amendment (Local Courts and Workmen's Liens) Act, 1964: 3rd December, 1964: *Gazette* 3rd December, 1964, p. 1715.
s. 7. Proclamation establishing Local Court of Elizabeth and Salisbury: *Gazette*, 15th June, 1967, p. 1811.
s. 8. Proclamations: *Gazette* 12th February, 1948, p. 359; 14th September, 1950, p. 654; 6th November, 1952, p. 1199; 22nd January, 1953, p. 71; 16th April, 1953, p. 923; 26th November, 1953, p. 1307; 21st October, 1954, p. 1027; 18th November, 1954, p. 1205; 9th December, 1954, p. 1365; 20th January 1955, p. 135; 22nd December, 1955, p. 1503; 28th June, 1956, p. 1615; 23rd August, 1956, p. 398; 30th August, 1956, p. 470; 6th December, 1956, p. 1277; 24th January, 1957, p. 94; 21st February, 1957, p. 287; 4th April, 1957, p. 650; 5th December, 1957, p. 1360; 5th December, 1957, p. 1361; 9th January, 1958, p. 34; 4th September, 1958, p. 748; 18th December, 1958, p. 1635; 19th November, 1959, p. 1232; 25th January, 1960, p. 575; 4th August, 1960, p. 285; 25th August, 1960, p. 570; 3rd November, 1960, p. 1206; 11th May, 1961, p. 1091; 1st June, 1961, p. 1244; 15th June, 1961, p. 1325; 28th September, 1961, p. 1124; 16th November, 1961, p. 1651; 25th January, 1962, p. 133; 6th September, 1962, p. 589; 27th September, 1962, p. 784; 20th December, 1962, p. 1756; 31st January, 1963, p. 193; 18th April, 1963, p. 946; 17th October, 1963, p. 1140; 12th December, 1963, p. 1797; 28th May, 1964, p. 1133; 16th September, 1965, p. 1049; 8th December, 1966, p. 2154.
s. 294. Proclamations: *Gazette* 5th November, 1936, p. 1005; 8th May, 1947, p. 1425; 20th January, 1949, p. 113; 15th December, 1949, p. 1507; 20th December, 1951, p. 1553; 6th December, 1956, p. 1277; 18th January, 1962, p. 87; 5th March, 1964, p. 522; 30th September, 1965, p. 1208; 24th November, 1966, p. 2024.
General rules of Court: *Gazette* 17th December, 1953, p. 1460; 27th October, 1960, p. 1137; 6th November, 1961, p. 1479.
Rules of Court as to bailiffs' fees: *Gazette* 20th October, 1932, p. 802.
Rules of Court as to practitioner's costs: *Gazette* 17th December, 1953, p. 1460.
Rules of Court as to appeals under the Bailiffs and Inquiry Agents Licensing Act, 1945: *Gazette* 9th May, 1946, p. 887; 5th March, 1964, p. 522.
Rules of Court as to appeals under section 77 of the Bush Fires Act, 1960: *Gazette* 4th November, 1965, p. 1642.
Rules of Court under the Excessive Rents Act, 1962: *Gazette* 20th December, 1962, p. 1771; 5th March, 1964, p. 522.
Rules of Court under section 13 of the Firearms Act, 1958: *Gazette* 17th September, 1959, p. 708; 5th March, 1964, p. 522.

Local Courts Act, 1926-1965—*continued.*

Rules of Court as to applications under the Hire-Purchase Agreements Act, 1931: *Gazette* 30th March, 1961, p. 783; 5th March, 1964, p. 522.

Rules of Court as to appeals under the Housing Improvement Act, 1940: *Gazette* 10th July, 1941, p. 45; 13th August, 1959, p. 397; 27th October, 1960, p. 1140; 5th March, 1964, p. 522.

Rules of Court as to appeals and other matters under the Landlord and Tenant (Control of Rents) Act, 1942: *Gazette* 1st May, 1947, p. 1121; 15th December, 1949, p. 1516; 22nd March, 1951, p. 655.

Rules of Court as to procedure under the Landlord and Tenant (Rent Reduction) Act, 1932-1936: *Gazette* 22nd December, 1932, p. 1209.

Rules of Court in respect of section 309 of the Local Government Act, 1934; *Gazette* 4th November, 1948, p. 1425; 4th November, 1965, p. 1616.

Rules of Court in respect of section 666b of the Local Government Act, 1954: *Gazette* 3rd July, 1958, p. 7; 5th March, 1964, p. 522.

Regulations as to applications under section 10 of the Marine Stores Act, 1898-1936: *Gazette* 22nd June, 1899, p. 1357.

Rules of Court as to applications under the Mortgagors Relief Act, 1931-1936: *Gazette* 28th January, 1932, p. 158.

Rules of Court as to appeals against refusal of drivers' licences under the Motor Vehicles Act, 1959-1964: *Gazette* 5th March, 1964, p. 522; 24th December, 1964, p. 2026.

Rules of Court as to proceedings under the National Security (Landlord and Tenant) Regulations: *Gazette* 20th September, 1945, p. 487.

Rules of Court in aid of the National Security (War Service Moratorium) Regulations: *Gazette* 26th June, 1941, p. 926; 4th October, 1945, p. 528; 15th August, 1946, p. 302.

Regulations as to applications to Local Courts under the Second-hand Dealers Act, 1919-1934: *Gazette* 26th March, 1936, p. 705.

Rules of Court as to appeals under section 53 or section 96 of the South-Eastern Drainage Act 1931-1947: *Gazette* 5th May, 1932, p. 779.

Rules of Court under the Warehousemen's Liens Act, 1941: *Gazette* 26th March, 1942, p. 477; 5th March, 1964, p. 522.

Rules of Court under the Workmen's Compensation Act, 1932-1938: *Gazette* 4th May, 1933, p. 723; 2nd July, 1942, p. 22; 28th October, 1954, p. 1098; 11th January, 1962, p. 51; 20th September, 1962, p. 725; 25th August, 1966, p. 1085.

Regulations under the Workmen's Liens Act, 1893-1936: *Gazette* 21st February, 1895, p. 453.

Rules of the Supreme Court as to Local Court appeals: *Gazette* 31st March, 1927, p. 745; rules dated 6th February, 1928 (not published in the *Gazette*); 22nd March, 1934, p. 853; 4th November, 1937, p. 1230.

Local Government Act, 1934-1966.

Commencement: 2nd November, 1934; *Gazette* 25th October, 1934, p. 845.

Commencement of the Local Government Act Amendment Act, 1963: 1st July, 1964: *Gazette* 5th March, 1964, p. 521.

Administration: Committed to the Minister of Local Government *Gazette* 25th October, 1934, p. 845.

s. 48. Proclamations: *Gazette* 23rd December, 1943, p. 810; 11th April, 1946, p 573; 21st November, 1946, p. 1279; 20th April, 1950, p. 813; 11th September, 1952, p. 795; 26th February, 1953, p. 345; 9th April, 1953, p. 895; 22nd October, 1953, p. 1052; 9th December, 1954, p. 1364; 6th November, 1958, p. 1252; 25th January, 1960, p. 575; 24th October, 1963, p. 1236; 10th September, 1964, p. 876.

s. 74. Proclamations: *Gazette* 18th May, 1939, p. 1206; 20th February, 1947, p. 685; 9th April, 1953, p. 895; 24th November, 1955, p. 1185; 15th December, 1960, p. 1646; 13th August, 1964, p. 315; 27th May, 1965, p. 1301; 10th February, 1966, p. 593.

s. 163b. Notice: *Gazette* 28th September, 1939, p. 868.

s. 179. Proclamations: *Gazette* 8th August, 1908, p. 249; 25th February, 1909, p. 387; 22nd December, 1910, p. 1300; 12th January, 1911, p. 45; 19th January, 1911, p. 95; 28th December, 1911, p. 1360; 28th March, 1912, p. 585; 17th April, 1913, p. 725; 26th June, 1913, p. 1343; 13th July, 1922, p. 54; 25th March, 1926, p. 866; 11th August, 1927, p. 347; 18th August, 1927, p. 411; 8th September, 1927, p. 599; 22nd September, 1927, p. 713; 18th October, 1928, p. 874; 15th November, 1928, p. 1053; 24th December, 1930, p. 1293; 22nd August, 1946, p. 308; 24th August, 1950, p. 462; 24th May, 1951, p. 1121; 28th June, 1951, p. 1373; 28th June, 1951, p. 1373; 2nd October, 1952, p. 939; 24th June, 1954, p. 1238; 30th August, 1956, p. 469; 8th November, 1956, p. 1041; 20th February, 1958, p. 627; 26th June, 1958, p. 1980; 21st August, 1958, p. 443; 4th September, 1958, p. 748; 9th July, 1959, p. 49; 3rd September, 1959, p. 564; 3rd March, 1960, p. 644; 18th August, 1960, p. 441; 1st September, 1960, p. 634; 20th October, 1960, p. 1062; 24th November, 1960, p. 1429; 13th April, 1961, p. 861; 10th August, 1961, p. 644; 7th September, 1961, p. 882; 17th December, 1964, p. 1897; 13th May, 1965, p. 1080; 2nd May, 1968, p. 1372.

s. 196. Proclamation: *Gazette* 2nd May, 1963, p. 1085.

s. 244a (3). Proclamation: *Gazette* 31st May, 1962, p. 1431 (Renmark).

Local Government Act, 1934-1966—*continued.*

s. 495. Proclamations: *Gazette* 21st September, 1922, p. 675; 31st July, 1924, p. 226; 28th February, 1935, p. 592; 28th November, 1935, p. 1285; 14th January, 1937, p. 33; 12th June, 1941, p. 862; 1st October, 1942, p. 494; 12th September, 1946, p. 449.

s. 555a. Proclamation: *Gazette* 24th August, 1961, p. 740.

s. 601. Proclamation: 18th February, 1960, p. 470.

s. 625. Proclamations: *Gazette* 7th December, 1944, p. 779; 10th June, 1948, p. 1195; 30th September, 1948, p. 1168; 8th December, 1949, p. 1411; 22nd December, 1949, p. 1579; 28th April, 1955, p. 984; 28th April, 1955, pp. 984-985; 14th July, 1955, p. 59; 11th August, 1955, p. 290; 10th November, 1955, pp. 1057-1058; 22nd December, 1955, p. 1503; 22nd December, 1955, p. 1504; 9th May, 1957, p. 877; 27th June, 1957, p. 1563; 23rd January, 1958, p. 121; 30th January, 1958. p. 159; 6th February, 1958, p. 489; 20th February, 1958, p. 627; 7th April, 1960, p. 987.

s. 647. Proclamation: *Gazette* 3rd May, 1894, p. 1009.

s. 871t. Proclamation: *Gazette* 19th February, 1959, p. 349.

Regulations relating to Local Government Auditors' Certificates: *Gazette* 4th November, 1965, p. 1608.

Regulations as to qualifications of officers: *Gazette* 7th June, 1962, p. 1479; 13th September, 1962, p. 657; 30th July, 1964, p. 234; 10th November, 1966, p. 1908.

Regulations relating to reflectors on barriers: *Gazette* 8thNovember, 1956, p.1045.

Regulations relating to the charges of the Crown Solicitor under section 674: *Gazette* 31st January, 1935, p. 371.

Regulations relating to cemeteries generally: *Gazette* 5th October, 1944, p. 444; 15th February, 1951, p. 335.

Regulations relating to the West Terrace Cemetery: *Gazette* 2nd October, 1930, p. 662; 31st October, 1940, p. 960; 5th February, 1942, p. 237.

Regulations as to prohibited area signs: *Gazette* 15th December, 1960, p. 1660.

Regulations as to Local Government Accounting: *Gazette*, 28th September, 1967, p. 1501.

Rules as to appeals by clerks: *Gazette* 27th March, 1947, p. 925.

Rules of the Local Court in respect of section 309: *Gazette* 4th November, 1948, p. 1425; 4th November, 1965, p. 1616.

Rules of the Local Court in respect of notices for removal of unsightly chattels and structures: *Gazette* 3rd July, 1958, p. 7; 5th March, 1964, p. 522.

Model by-laws: *Gazette* 17th September, 1936, p. 562. Amendments of model by-laws: 5th October, 1950, p. 797 (re-enactment of model by-law No. I.); 18th August, 1938, p. 335 (amendment of model by-law No. VII.); 19th October, 1939, p. 1095 (amendment of model by-law No. XVIII.); 5th October, 1944, p. 415 (amendment of model by-law No. XXI.); 12th September, 1940, p. 515 (amendment of model by-law No. XXIV.); 28th September, 1950, p. 739 (amendment of model by-law No. XXIV.); 23rd November, 1950, p. 1254 (amendment of model by-law No. XXIV.); 4th September, 1941, p. 458 (amendment of model by-law No. XXV.); 12th September, 1940, p. 515 (amendment of model by-law No. XXVII.); 28th September, 1950, p. 739 (amendment of model by-law No. XXVII.); 23rd November, 1950, p. 1254 (amendment of model by-law No. XXVII.); 4th September, 1941, (amendment of model by-law No. XXIX.); 12th September, 1940, p. 515 (amendment of model by-law No. XXXII.); 5th October, 1944, p. 415 (amendment of model by-law No. XXXIV.); 12th October, 1950, p. 862 (model by-law as to height of fences, etc., at intersections); 4th October, 1951, p. 830 (model by-law as to wrapping of bread); 9th October, 1952, p. 987 (model by-law as to motor vehicles plying for hire); 9th October, 1958, p. 1019 (model by-law as to inflammable undergrowth); 26th October, 1961, p. 1339 (amendment of model by-laws Nos. XIII and XXX); 9th November, 1961, pp. 1580 and 1583; 25th October, 1962, pp. 1116, 1119 (model by-laws as to child minding centres); 13th September, 1962, p. 655 (amendment of model by-laws Nos. XIII and XXX); 26th March, 1964, p. 693 (amendment of model by-law as to height of hedges); 24th September, 1964, p. 1035 (Amendment of model by-law No. V); 22nd October, 1964, p. 1251 (Amendment of model by-law as to height of fences etc., at intersections).

Local Government (City of Enfield Loan) Act, 1953-1961.

Administration: Committed to the Minister of Local Government *Gazette* 14th January, 1954, p. 57.

Local Government (Forestry Reserves) Act, 1944.

Administration: Committed to the Minister of Forests *Gazette* 25th January, 1945, p. 86.

Long Service Leave Act, 1967.

Regulations: *Gazette* 29th February, 1968, p. 727.

Lottery and Gaming Act, 1936-1966.

Commencement of the Lottery and Gaming Act Amendment Act (No. 2), 1938; 19th December, 1938: *Gazette* 15th December, 1938, p. 1497.

Commencement of the Lottery and Gaming Act Amendment Act (No. 1), 1950: 1st December, 1950: *Gazette* 30th November, 1950, p. 1301.

Commencement of the Lottery and Gaming Act Amendment Act, 1964; 2nd November, 1964: *Gazette* 5th November, 1964, p. 1401.

Commencement of the Lottery and Gaming Act Amendment Act, 1966; 8th December, 1966: *Gazette* 8th December, 1966, p. 2152.

Commencement of the Lottery and Gaming Act Amendment Act (No. 2), 1967; 24th August, 1967: *Gazette* 17th August, 1967, p. 1063.

Administration: Committed to the Chief Secretary; *Gazette* 22nd June, 1967, p. 1851.

s. 28. Proclamation declaring 29th March, 1967, to be appointed day; *Gazette* 23rd March, 1967, p. 1037

ss. 32 and 32a. Proclamations: *Gazette* 13th February, 1936, p. 398; 12th March, 1936, p. 593; 23rd July, 1936, p. 109; 24th December, 1936, p. 1321; 18th February, 1937, p. 334; 21st October, 1937, p., 1053; 13th April, 1939, p. 887; 9th September, 1948, p. 955; 28th October, 1948, p. 1345; 9th December, 1948, p. 1744; 7th July, 1949, p. 1; 5th January, 1950 p. 2; 5th March, 1953, p. 398; 9th December, 1954, p. 1364; 10th March, 1955, p. 551; 31st May, 1956, p. 1064; 23rd August, 1956, p. 398; 27th August, 1964, p. 548.

s. 42. Directions as to procedure: *Gazette* 31st January, 1946, p. 194.

s. 44A. Proclamation: *Gazette* 11th January, 1968, p. 44.

Rules and regulations as to the totalizator: *Gazette* 27th May, 1937, p. 1207; 7th December, 1939, p. 1556. (These rules and regulations are reprinted in Volume 5, pp. 455-458 of the South Australian Statutes, 1837-1936, and in the 1938 volume, pp. 427-430 and with the amendments made in 1939, in the 1950 volume, pp. 273-277); 26th July, 1951, p. 212; 18th February, 1960, p. 557.

Regulations as to betting tickets: *Gazette* 27th January, 1966, p. 156.

Rules as to bookmakers: *Gazette* 13th February, 1947, p. 651; 23rd September, 1948, p. 1147; 2nd December, 1948, p. 1686; 21st July, 1949, p. 208; 28th July, 1949, p. 280; 1st December, 1949, p. 1361; 30th November, 1950, p. 1311; 18th December, 1952, p. 1593; 24th December, 1952, p. 1648; 12th March, 1953, p. 515; 30th July, 1953, p. 409; 8th April, 1954, p. 710; 1st July, 1954, p. 16; 8th July, 1954, p. 63; 29th July, 1954, p. 228; 24th February, 1955, p. 426; 7th April, 1955, p. 816; 28th July, 1955, p. 246; 10th January, 1957, p. 45; 21st February, 1957, p. 289; 12th December, 1957, p. 1469; 17th April, 1958, p. 1087; 2nd March, 1961, p. 473; 3rd August, 1961, p. 584; 1st February, 1962, p. 209; 22nd February, 1962, p. 419; 19th April, 1962, p. 916; 22nd August, 1963, p. 593; 13th May, 1965, p. 1118; 27th January, 1966, p. 250.

Rules under section 22a: *Gazette* 28th April, 1955, p. 990.

Rules relating to investments with or through the South Australian Totalizator Agency Board: *Gazette* 23rd March, 1967, p. 1102.

Lower River Broughton Irrigation Trust Act, 1938-1940.

Commencement: 2nd February, 1939: *Gazette* 2nd February, 1939, p. 334.

Administration: Committed to the Commissioner of Public Works *Gazette* 16th February 1939, p. 422.

ss. 7 and 8. Proclamation: *Gazette* 20th July, 1939, p. 114.

Maintenance Orders (Facilities for Enforcement) Act, 1922-1955.

Commencement of sections 4(*a*), 5(*a*) and 6 of the Maintenance Order (Facilities for Enforcement) Act Amendment Act, 1955: At 30th May, 1966, these sections had not been brought into operation.

Administration: Committed to the Minister of Social Welfare *Gazette* 25th March, 1965, p. 671.

s. 12. Proclamations: *Gazette* 7th December, 1922, p. 1458; 24th May, 1923, p. 1140; 20th March, 1924, p. 711; 12th November, 1925, p. 1298; 12th November, 1925, p. 1299; 17th December, 1925, p. 1606; 17th December, 1925, p. 1607; 24th December, 1925, p. 1661; 7th July, 1927, p. 1; 29th November, 1928, p. 1138; 15th November, 1929, p. 401; 10th April, 1941, p. 521; 10th December, 1942, p. 1124; 17th December, 1942, p. 1150; 9th December, 1948, p. 1743; 5th October, 1950, p. 797; 20th November, 1952, p. 1330; 4th February, 1954, p. 191; 17th June, 1954, pp. 1195-1196; 25th November, 1954, p. 1259; 21st April, 1955, p. 900; 19th April, 1956, p. 740; 27th September, 1956, p. 689; 20th December, 1956, p. 1375; 28th August, 1958, p. 518; 21st January, 1960, p. 193; 28th January, 1960, p. 265; 30th January, 1964, p. 150; 28th May, 1964, p. 1132.

Maintenance Orders (Facilities for Enforcement) Act, 1922-1955—*continued.*

Rules made under the above Act, and the Justices Act, 1921 : *Gazette* 25th October, 1923, p. 953 ; 26th February, 1931, p. 374 ; 14th June, 1956, p. 1384.

Rules of Court made under the above Act, and the Supreme Court Acts, 1878 and 1926 : *Gazette* 16th February, 1928, p. 316.

Manufacturing Industries Protection Act, 1937.

Administration : Committed to the Minister of Industry and Employment *Gazette* 17th February, 1938, p. 357.

s. 3. Proclamations : *Gazette* 5th May, 1938, p. 938 ; 11th August, 1938, p. 273 ; 20th April, 1939, p. 915 ; 28th July, 1960, p. 225.

Margarine Act, 1939-1957.

Regulations : *Gazette* 29th February, 1940, p. 490 ; 8th January, 1942, p. 55.

Regulations under section 3a : *Gazette* 7th June, 1962, p. 1491.

Marine Act, 1936-1962.

Commencement : 1st July, 1937 ; *Gazette* 25th March, 1937, p. 641.

Administration : Committed to the Minister of Marine *Gazette* 25th March, 1937, p. 641.

Regulations and rules made under the Marine Board and Navigation Acts, 1881-1933, and the Marine Act, 1936 :—

Collision regulations varying second schedule of Act : *Gazette* 24th February, 1966, p. 1145.

River Murray navigation : *Gazette* 30th October, 1884, p. 1641 ; 26th January, 1893, p. 157 ; 4th October, 1906, p. 714 ; 15th January, 1942, p. 64 ; 20th June, 1946, p. 1099.

Adjustment of compasses : *Gazette* 5th April, 1962, p. 754.

Engagement and discharge of seamen : *Gazette* 16th April, 1883, p. 1429 ; 4th August, 1887, p. 246 ; 26th September, 1889, p. 1354.

Receiver of Wreck : *Gazette* 26th April, 1883, p. 1429.

Survey, etc., of vessels : *Gazette* 15th April, 1880, p. 1259 ; 26th April, 1883, p. 1429 ; 1st July, 1886, p. 2 ; 30th November, 1899, p. 1197 ; 9th October, 1913, p. 815 ; 23rd June, 1921, p. 1318 ; 30th May, 1935, p. 1433 ; 19th August, 1954, p. 375 ; 2nd March, 1961. p. 470.

Examination of masters and mates : *Gazette* 14th May, 1959, p. 1030 ; 14th September, 1961. p. 1006.

Examination of engineers : *Gazette* 16th October, 1902, p. 763 ; 16th July, 1908, p. 95 ; 17th March, 1949, p. 654.

Court of Survey (Rules) : *Gazette* 19th November, 1885, p. 1328.

Court of Marine Inquiry (Rules) : *Gazette* 27th February, 1936, p. 506 ; 14th May, 1964, p. 1007.

Dangerous goods : *Gazette* 20th July, 1950, p. 159 ; 24th July, 1952, p. 178.

Radio equipment on intra-state ships : *Gazette* 12th October, 1961, p. 1237.

Manning of fishing vessels : *Gazette* 4th July, 1963, p. 5 ; 27th October, 1966, p. 1756 ; 11th April, 1968, p. 1200.

Survey and equipment of fishing vessels : *Gazette* 4th July, 1963, p. 10 ; 27th October, 1966, p. 1760.

Miscellaneous : *Gazette* 11th November, 1897, p. 1446 ; 15th February, 1900, p. 302 ; 2nd November, 1911, p. 911 ; 30th November, 1911, p. 1184 ; 22nd August, 1912, p. 466 ; 10th April, 1913, p. 680 ; 8th May, 1913, p. 100.

The Marine Stores Act, 1898-1963.

Commencement : 2nd March, 1899 ; *Gazette* 2nd March, 1899, p. 401.

Regulations : *Gazette* 22nd June, 1899, p. 1357 ; 24th September, 1908, p. 632 ; 22nd December, 1921, p. 1458 ; 5th September, 1957, p. 525.

Regulations under the Fees Regulation Act, 1927, as to fee for dealer's licence : *Gazette* 24th November, 1927, p. 1227.

Marketable Securities Transfer Act, 1967

Commencement : 1st July, 1967 ; *Gazette* 25th May, 1967, p. 1657.

s. 4. Proclamation : *Gazette* 27th July, 1967, p. 849.

Marketing of Eggs Act, 1941-1966.

s. 6. Notice : *Gazette* 1st July, 1965, p. 1.

Regulations : *Gazette* 4th June, 1942, p. 818 ; 18th December, 1947, p. 229 ; 22nd June 1961, p. 1383 ; 17th June, 1965, p. 1538 ; 9th November, 1967, p. 2173.

Regulations as to election of producer members of the board : *Gazette* 27th February, 1964, p. 515 ; 23rd February, 1967, p. 513.

The Markets Clauses Act, 1870-1956.

s. 49. Proclamation : *Gazette* 24th October, 1889, p. 1584.

Matrimonial Causes Act, 1929-1941.

Commencement : 20th March, 1930 ; *Gazette* 20th March, 1930, p. 561.
Rules of Court : *Gazette* 5th December, 1935, p. 1349.
(These rules are incorporated in the second schedule of the above Act, see Volume 5, pp. 710-728 of the South Australian Statutes, 1837-1936.)
Rules of Court as to increase of costs : *Gazette* 17th June, 1937, p. 1312.

Medical Practitioners Act, 1919-1966.

s. 29a. Proclamation ; *Gazette* 30th November, 1967, p. 2349.
s. 30a. Proclamation : *Gazette* 12th July, 1956, p. 58.
Regulations : *Gazette* 29th April, 1920, p. 1137 ; 26th May, 1921, p. 1111 ; 19th January, 1967, p. 137.

Mental Health Act, 1935-1966.

Commencement : 2nd January, 1936 ; *Gazette* 2nd January, 1936, p. 1.
Commencement of Part VIIA : 1st January, 1942 ; *Gazette* 17th July, 1941, p. 83.
Administration : Committed to the Chief Secretary *Gazette* 5th March, 1936, p. 537.
s. 12. Proclamations : *Gazette* 23rd March, 1922, p. 876 ; 2nd May, 1929, p. 903 ; 17th August, 1939, p. 421 ; 17th August, 1939, p. 422 ; 25th November, 1954, p. 1259 ; 18th January, 1962, p. 87 ; 15th April, 1965, p. 880.
s. 16. Proclamation : *Gazette* 24th October, 1940, p. 841.
s. 122. Proclamations : *Gazette* 21st January, 1915, p. 127 ; 26th October, 1922, p. 941 ; 6th November, 1952, p. 1200 ; 16th June, 1955, p. 1391.
Regulations relating to the Parkside Mental Hospital : *Gazette* 2nd December, 1915, p. 1559 ; 20th January, 1916, p. 94 ; 21st December, 1922, p. 1560 ; 28th June, 1923, p. 1375 ; 27th January, 1927, p. 179 ; 10th January, 1935, p. 265 ; 29th March, 1956, p. 611.
Regulations relating to the Enfield Receiving House : *Gazette* 18th January, 1923, p. 98 ; 18th April, 1940, p. 862 ; 2nd November, 1944, p. 614.
Regulations relating to the Northfield Mental Hospital : *Gazette* 13th August, 1931, p. 255 ; 18th April, 1940, p. 862 ; 2nd November, 1944, p. 613.
Regulations relating to voluntary boarders : *Gazette* 23rd May, 1929, p. 1052.
Regulations relating to criminal mental defectives : *Gazette* 24th October, 1940, p. 886.
Regulations relating to powers to write off charges, etc. : *Gazette* 10th August, 1916, p. 237.
Regulation for the alteration of forms in certain schedules to the Act : *Gazette* 27th May, 1937, p. 1206.
Regulations relating to private mental hospitals : *Gazette* 7th August, 1941, p. 254 ; 15th August, 1963, p. 428.
Rules of Court : *Gazette* 3rd September, 1914, p. 585.

Metropolitan and Export Abattoirs Act, 1936-1964.

Commencement : 1st April, 1937 ; *Gazette* 25th March, 1937, p. 646.
Commencement of the Metropolitan and Export Abattoirs Act Amendment Act, 1956; 6th February, 1957 : *Gazette* 24th January, 1957, p. 94.
s. 3(1). Proclamation : 22nd August, 1963, p. 536.
Regulations : *Gazette* 28th August, 1952, p. 627 ; 9th April, 1953, p. 922 ; 25th March, 1954, p. 621 ; 24th June, 1954, p. 1240 ; 30th June, 1955, p. 1550 ; 26th July, 1956, p. 255 ; 18th April, 1957, p. 752 ; 10th July, 1958, p. 64 ; 25th September, 1958, p. 926 ; 18th December, 1958, p. 1638 ; 2nd July, 1959, p. 4 ; 12th January, 1961, p. 57 ; 9th March, 1961, p. 534 ; 5th July, 1962, p. 6 ; 18th July, 1963, p. 98 ; 10th October, 1963, p. 1135 ; 3rd June, 1965, p. 1391 ; 11th August, 1966, p. 703 ; 30th November, 1967, p. 2353 ; 11th April, 1968, p. 1200.

Metropolitan Drainage Act, 1935.

ss. 7, 8, and 15. Notices : *Gazette* 26th June, 1941, p. 946 ; 27th April, 1944, p. 544 ; 24th August, 1950, p. 463.
ss. 10, 11, and 15. Notices : *Gazette* 16th June, 1938, p. 1458 ; 28th March, 1940, p. 649.
Regulations : *Gazette* 7th July, 1938, p. 2.

Metropolitan Milk Supply Act, 1946-1957.

Commencement of Part III : 2nd October, 1947 ; *Gazette* 2nd October, 1947, p. 970.
Commencement of the Metropolitan Milk Supply Act Amendment Act, 1957 : 6th March, 1958 ; *Gazette* 6th March, 1958, p. 757.
s. 18. Notices : *Gazette* 20th December, 1951, p. 1622 ; 10th December, 1953, p. 1443.
s. 28. Notice : *Gazette* 2nd October, 1947, p. 1002.
s. 31. Notice : *Gazette* 2nd October, 1947, p. 1002.

Metropolitan Milk Supply Act, 1946-1957—*continued.*

Regulations fixing the price of milk : *Gazette* 3rd February, 1966, p. 277 ; 30th November, 1967, p. 2352.
Regulations fixing the price of cream : *Gazette* 3rd February, 1966, p. 278 ; 28th March, 1968, p. 1112.
Regulations as to herd testing, etc.: *Gazette* 3rd September, 1953, p. 694.
Regulations as to zoning : *Gazette* 28th February, 1957, p. 469 ; 12th December, 1957, p. 1472 ; 12th March, 1959, p. 545 ; 11th July, 1963, p. 49 ; 2nd September, 1965, p. 866.
Regulations as to bulk collections : *Gazette* 28th June, 1962, p. 1658 ; 15th September, 1966, p. 1333.
Regulations as to wholesale distribution : *Gazette* 10th October, 1963, p. 108.
Regulations defining the metropolitan area : *Gazette* 6th March, 1958, p. 762 ; 10th September, 1959, p. 686 ; 13th January, 1966, p. 65 ; 31st August, 1967, p. 1202.
General regulations : *Gazette* 13th November, 1947, p. 1649 ; 17th February, 1949, p. 437 ; 9th August, 1951, p. 293 ; 4th April, 1957, p. 675 ; 12th March, 1959, p. 545 ; 22nd June, 1961, p. 1423 ; 28th June, 1962, p. 1661 ; 21st March, 1963, p. 697 ; 8th July, 1965, p. 81 ; 1st September, 1966, p. 1153 ; 15th June, 1967, p. 1817.
Regulations as to treatment premises and depots : *Gazette* 22nd June, 1961, p. 1423.

Metropolitan Taxi-Cab Act, 1956-1963.

Administration : Committed to the Minister of Transport, *Gazette* 18th March, 1965, p. 619.
s. 3. Proclamations : 19th March, 1959, p. 587 ; 17th October, 1963, p. 1140 ; 11th June, 1964, p. 1227.
s. 25. Proclamation of 1st April, 1958, as the proclaimed day : *Gazette* 28th November, 1957, p. 1277.
Regulations under section 4 : *Gazette* 7th February, 1957, p. 182.
General regulations : *Gazette* 10th June, 1965, p. 1455 ; 2nd September, 1965, p. 867 ; 3rd February, 1966, p. 273 ; 27th April, 1967, p. 1456 ; 14th December, 1967, p. 2542.

The Metropolitan Transport Advisory Council Act, 1954-1960.

Administration : Committed to the Minister of Railways *Gazette* 20th January, 1955, p. 134.

Mines and Works Inspection Act, 1920-1966.

Commencement : 20th January, 1921 ; *Gazette* 20th January, 1921, p. 106.
Administration : Committed to the Minister of Mines *Gazette* 17th March 1921, p. 537.
Regulations : 19th August, 1965, p. 477 ; 2nd November, 1967, p. 1975.

Mining Act, 1930-1962.

s. 4. Proclamation of certain minerals as precious stones : *Gazette* 8th October, 1964, p. 1139.
Regulations : 16th October, 1947, p. 1139 ; 9th September, 1948, p 970 ; 3rd June, 1954, p. 1100 ; 12th January, 1956, p. 44 ; 12th July, 1962, p. 49 ; 22nd November, 1962, p. 1463.

Mining (Petroleum) Act, 1940-1963.

Commencement : 31st July, 1941 ; *Gazette* 31st July, 1941, p. 165.
Commencement of Mining (Petroleum) Act Amendment Act, 1967 : 30th November, 1967 ; *Gazette* 30th November, 1967, p. 2347.
Regulations : *Gazette* 31st July, 1941, p. 211.

Moneylenders Act, 1940-1966.

Commencement : 1st April, 1941 ; *Gazette* 9th January, 1941, p. 11.
Administration : Committed to the Chief Secretary : *Gazette* 9th January, 1941, p. 12.
s. 5 (2). Proclamation : *Gazette* 24th August, 1961, p. 739 ; 3rd November, 1966, p. 1815.
Regulations : *Gazette* 27th March, 1941, p. 445 ; 8th December, 1966, p. 2206.

Mortgagors Relief Act, 1931-1943.

Commencement : 5th December, 1931 ; *Gazette* 5th December, 1931, p. 1065.
Rules of the Local Court : *Gazette* 28th January, 1932, p. 158.

Motor Vehicles Act, 1959-1966.

Commencement : 14th April, 1960 ; *Gazette* 14th April, 1960, p. 1039.
Administration : Committed to the Minister of Transport : *Gazette* 3rd August, 1967, p. 913.
Commencement of section 4 of the Motor Vehicles Act Amendment Act, 1960 : 1st December, 1960 ; *Gazette* 10th November, 1960, p. 1301.

Motor Vehicles Act, 1959-1966—*continued.*

Commencement of the Motor Vehicles Amendment Act (No. 2), 1960: 1st July, 1961; *Gazette* 18th May, 1961, p. 1139.

Commencement of sections 6(*a*), 8 and 9 of the Motor Vehicles Act Amendment Act, 1961: 1st March, 1962: *Gazette* 1st March, 1962, p. 430.

Commencement of sections 4, 10 and 11 of the Motor Vehicles Act Amendment Act, 1961: 1st May, 1962; *Gazette* 1st March, 1962, p. 430.

Commencement of the Statutes Amendment (Stamp Duties and Motor Vehicles) Act, 1964; 19th October, 1964; *Gazette* 15th October, 1964, p. 1203.

Commencement of the Motor Vehicles Act Amendment Act (No. 2), 1966: 1st January, 1968; *Gazette* 16th November, 1967, p. 2199.

s. 102. Proclamation: *Gazette* 15th December, 1966, p. 2219.

Regulations: *Gazette* 14th April, 1960, p. 1055; 15th June, 1961, p. 1329; 7th September, 1961, p. 884; 1st March, 1962, p. 433; 20th September, 1962, p. 723; 11th October, 1962, p. 973; 16th January, 1964, p. 74; 11th February, 1965, p. 252; 19th August, 1965, p. 474; 8th September, 1966, p. 1209; 23rd February, 1967, p. 515; 16th November, 1967, p. 2205; 8th February, 1968, p. 346; 14th March, 1968, p. 865.

Regulations as to determining load capacity; *Gazette* 12th March, 1964, p. 588; 1st October, 1964, p. 1088.

Regulations as to determining load capacity; *Gazette* 12th March, 1964, p. 588.

Regulations under the Fees Regulation Act, 1927, as to fees for searches, issue of duplicate registration cards, etc.: *Gazette* 8th August, 1957, p. 313; 19th September, 1963, p. 907.

Rules of court as to appeal against refusal of drivers licences: *Gazette* 5th March, 1964, p. 522; 24th December, 1964, p. 2026.

Municipal Tramways Trust Act, 1935-1965.

Administration: Committed to the Minister of Transport *Gazette* 1st April, 1965, p. 735,

s. 8. Proclamation of 2nd February, 1953, as "proclaimed day": *Gazette* 29th January, 1953, p. 107.

s. 29. Proclamations: *Gazette* 8th July, 1965, p. 33; 30th September, 1965, p. 1198.

By-laws: *Gazette* 24th December, 1959, p. 1546; 25th June, 1964, p. 1606; 19th August, 1965, p. 464; 27th October, 1966, p. 1753.

Regulations as to the election of members of the trust: *Gazette* 29th November, 1945, p. 812.

Museum Act, 1939.

Commencement: 1st February, 1940; *Gazette* 18th January, 1940, p. 69.

Regulations: *Gazette* 28th March, 1940, p. 672; 24th July, 1952, p. 179.

The National Parks Act, 1966.

Administration: Committed to the Minister of Lands; *Gazette*, 26th January, 1967, p. 210.

Commencement: 26th January, 1967; *Gazette*, 26th January, 1967, p. 210.

The National Park and Wild Life Reserves Act, 1891-1960.

By-laws: *Gazette* 29th June, 1961, p. 1467; 11th January, 1962, p. 69.

Regulation under section 7a: *Gazette* 29th June, 1961, p. 1511.

The National Pleasure Resorts Act, 1914-1960.

Administration: Committed to the Minister of Immigration *Gazette* 22nd May, 1924, p. 1141.

By-laws: *Gazette* 29th October, 1925, p. 1165.

Native Plants Protection Act, 1939.

Administration: Committed to the Minister of Afforestation; *Gazette* 10th October, 1940, p. 745.

s. 3. Proclamation: *Gazette* 10th October, 1940, p. 745.

Regulations: *Gazette* 1st August, 1946, p. 183.

Natural Gas Pipelines Authority Act, 1967

Commencement: 20th April, 1967; *Gazette* 20th April, 1967, p. 1343.

Administration: Committed to the Treasurer; *Gazette*, 23rd March, 1967, p. 1037.

Northern Areas and Whyalla Water Supply Act, 1940.

Commencement: 3rd October, 1940; *Gazette* 3rd October, 1940, p. 675.

The Northern Territory Surrender Act, 1907.

Commencement : 1st January, 1911 ; *Gazette* 22nd December, 1910, p. 1299.

Northern Territory Surrender Act Amendment Act, 1919.

Commencement : 1st January, 1920 ; *Gazette* 25th December, 1919, p. 1573.

Noxious Insects Act, 1934-1955.

Administration : Committed to the Minister of Agriculture *Gazette* 10th January, 1935, p. 263.
s. 3. Proclamations : *Gazette* 10th January, 1935, p. 263 ; 21st February, 1935, p. 547 ; 20th October, 1966, p. 1657.
Regulations : *Gazette* 10th January, 1935, p. 264 ; 3rd November, 1955, p. 999.

Noxious Trades Act, 1943-1965.

Commencement : 1st January, 1949 : *Gazette* 9th December, 1948, p. 1744.
Administration : Committed to the Minister of Health : *Gazette* 17th February, 1944, p. 188.
Regulations : *Gazette* 9th December, 1948, p. 1787 ; 9th December, 1948, p. 1789 ; 3rd August, 1950, p. 226 ; 3rd August, 1950, p. 227 ; 10th February, 1955, p. 240 ; 12th April, 1956, p. 707 ; 15th December, 1960, p. 1661 ; 8th October, 1964, p. 1145 ; 25th January, 1968, p. 205.

Nurses Registration Act, 1920-1966.

Commencement : 2nd May, 1921 ; *Gazette* 28th April, 1921, p. 939.
Commencement of the Nurses Registration Act Amendment Act, 1959 : 1st March, 1962 ; *Gazette* 1st March, 1962, p. 429.
Commencement of the Nurses Registration Act Amendment Act, 1960 : 1st March, 1962 ; *Gazette* 1st March, 1962, p. 429.
Commencement of section 4, 6 (c) (d), 9-11, 13-18 of the Nurses Registration Act Amendment Act, 1963 : 2nd April, 1964 : *Gazette* 2nd April, 1964, p. 730.
Regulations as to the nomination of members of the board and duties of registrar : *Gazette* 7th February, 1924, p. 326.
Regulations relating to applications for registration : *Gazette* 2nd February, 1922, p. 472 ; 9th February, 1922, p. 524 ; 21st December, 1922, p. 1560 ; 20th September, 1951, p. 740 ; 8th November, 1956, p. 1047 ; 3rd May, 1962, p. 1179 ; 3rd October, 1963, p. 1024 ; 15th July, 1965, p. 133.
Regulations as to training and examination of nurses : *Gazette* 5th October, 1922, p. 783 ; 7th February, 1924, p. 324 ; 10th July, 1924, p. 56 ; 12th March, 1925, p. 434 ; 20th August, 1931, p. 306 ; 17th December, 1931, p. 1116 ; 7th July, 1932, p. 1 (disallowed *Gazette* 13th October, 1932, p. 744) ; 11th August, 1932, p. 238 ; 20th September, 1951, p. 740 ; 22nd July, 1954, p. 164 ; 12th May, 1955, p. 1105 ; 22nd December, 1955, p. 1544 ; 26th January, 1956, p. 129 ; 7th June, 1956, p. 1127 ; 9th August, 1956, p. 312 ; 8th November, 1956, p. 1047 ; 4th April, 1957, p. 652 ; 27th June, 1957, p. 1578 ; 21st November, 1957, p. 1201 ; 21st August, 1958, p. 446 ; 18th December, 1958, p. 1639 ; 30th April, 1959, p. 922 ; 3rd May, 1962, p. 1179 ; 12th May, 1966, p. 1932 ; 13th October, 1966, p. 1598 ; 19th October, 1967, p. 1778 ; 2nd November, 1967, p. 1974.
Regulations as to training and examination of midwives : *Gazette* 5th April, 1923, p. 773 ; 30th October, 1924, p. 1079 ; 24th September, 1931, p. 575 ; 6th September, 1934, p. 479 ; 4th June, 1936, p. 1134 ; 20th September, 1951 p. 740 ; 1st September, 1955, p. 492 ; 8th November, 1956, p. 1047 ; 8th January, 1959, p. 6 ; 3rd May, 1962, p. 1179 . 19th October, 1967, p. 1776.
Regulations as to infectious diseases training : *Gazette* 19th August, 1943, p. 226.
Regulations as to special nursing certificates, etc. : *Gazette* 21st September, 1939, p. 856 3rd May, 1962, p. 1179.
Regulations as to the practice of midwives : *Gazette* 7th February, 1924, p. 324 ; 3rd May, 1962, p. 1179.
Regulations relating to the wearing of badges : *Gazette* 15th July, 1926, p. 84 ; 6th December, 1956, p. 1280.
Regulations as to the form of consent to legal proceedings : *Gazette* 11th September, 1930, p. 531.
Regulations as to psychiatric and mental deficiency nurses : *Gazette* 16th June, 1966, p. 2177 ; 7th March, 1968, p. 779.
Regulations as to training of dental nurses : *Gazette* 29th September, 1966, p. 1456 ; 19th October, 1967, p. 1780.

Offenders Probation Act, 1913-1963.

Administration : Committed to the Chief Secretary *Gazette* 5th February, 1914, p. 319.
Regulations : *Gazette* 26th February, 1914, p. 516 ; 7th February, 1946, p. 235 ; 24th January, 1952, p. 140.

Opticians Act, 1920-1963.

Commencement: 23rd June, 1921; *Gazette* 23rd June, 1921, p. 1315.
General regulations: *Gazette* 28th February, 1929, p. 470; 27th June, 1929, p. 1494; 5th September, 1929, p. 570; 8th March, 1934, p. 462; 4th April, 1940, p. 679; 28th March 1946 p. 529; 13th March 1947 p. 850; 4th December 1952 p. 1439; 19th May, 1955, p. 1142; 28th November, 1957, p. 1282; 7th April, 1960, p. 992; 25th June, 1964, p. 1604; 22nd July, 1965, p. 171; 5th August, 1965, p. 287; 27th October, 1966, p. 1758.
Regulations under the Fees Regulation Act, 1927, as to the fees for perusing rules of the Board of Optical Registration, and for publishing the list of registered persons: *Gazette* 19th December, 1929, p. 1311; 11th November, 1937, p. 1307.

Oriental Fruit Moth Control Act, 1962-1964.

Commencement: 31st January, 1963; *Gazette* 31st January, 1963, p. 194.
Administration: Committed to the Minister of Agriculture, *Gazette* 31st January, 1963, p. 194.
s. 4. Proclamations: *Gazette* 1st August, 1963, p. 271; 24th June, 1965, p. 1588.
Regulations: *Gazette* 30th January, 1964, p. 191; 2nd September, 1965, p. 865.

Parliamentary Salaries and Allowances Act, 1965-1966.

Commencement of sections 3 to 11, and 16: 10th March, 1966; *Gazette* 10th March, 1966, p. 1315.

Pastoral Act, 1936-1966.

Commencement: 1st June, 1937; *Gazette* 25th March, 1937, p. 645.
s. 49. Proclamations: *Gazette* 6th August, 1936, p. 207; 11th February, 1937, p. 286; 22nd April, 1937, p. 850; 10th June, 1937, p. 1281; 24th June, 1937, p. 1363; 5th August, 1937, p. 309; 16th September, 1937, p. 698; 18th November, 1937, p. 1345; 2nd December, 1937, p. 1514; 10th February, 1938, p. 296; 24th March, 1938, p. 660; 27th October, 1938, p. 1100; 11th January, 1940, p. 33; 15th August, 1940, p. 274; 23rd December, 1943, p. 809; 14th March, 1946, p. 431; 19th September, 1946, p. 489; 24th December, 1946, p. 1499; 15th November, 1951, p. 1186.
Regulations: *Gazette* 18th January, 1923, p. 103; 20th March, 1930, p. 565; 17th March, 1938, p. 609; 6th December, 1956, p. 1281; 29th June, 1961, p. 1510; 15th November, 1962, p. 1398; 3rd March, 1966, p. 1228.

Petroleum Products Subsidy Act, 1965.

Commencement: 16th September, 1965, *Gazette* 16th September, p. 1050.
Regulations: *Gazette* 16th September, 1965, p. 1053.

Petroleum (Submerged Lands) Act, 1967.

Commencement: 1st April, 1968; *Gazette* 28th March, 1968, p. 1070.

Pharmacy Act, 1935-1965.

Regulations: *Gazette* 10th January, 1952, p. 50; 27th August, 1953, p. 645; 25th March, 1954, p. 619; 29th September, 1955, p. 715; 14th May, 1959, p. 1034; 14th May, 1959, p. 1035; 6th April, 1961, p. 826.
Regulations under the Fees Regulation Act, 1927, relating to the charges of the Crown Solicitor for perusing and settling regulations, and to the fee for publishing a list of registered chemists: *Gazette* 19th December, 1929, p. 1311; 11th November, 1937, p. 1307.

Phylloxera Act, 1936-1966.

Commencement: 1st June, 1937; *Gazette* 25th March, 1937, p. 645.

Physiotherapists Act, 1945-1966.

Commencement: 6th June, 1946; *Gazette* 6th June, 1946, p. 1021.
Administration: Committed to the Chief Secretary, *Gazette* 17th January, 1946, p. 71; 3rd October, 1946, p. 747.
Regulations: *Gazette* 13th February, 1947, p. 677; 31st July, 1947, p. 260; 25th September, 1947, p. 933; 22nd January, 1948, p. 210; 15th July, 1948, p. 292; 2nd June, 1949,

Physiotherapists Act, 1945-1966—*continued.*

p. 1719; 7th June, 1951, p. 1267; 5th July, 1951, p. 44; 4th September, 1952, p. 725; 2nd October, 1952, p. 941; 8th January, 1953, p. 10; 4th March, 1954, p. 467; 4th July, 1957, p. 6; 10th July, 1958, p. 65; 4th August, 1960, p. 294; 13th December, 1962, p. 1697; 23rd May, 1963, p. 1336; 4th March, 1965, p. 481; 16th June, 1966, p. 2196; 18th May, 1967, p. 1597; 17th August, 1967, p. 1105.

Pistol Licence Act, 1929-1965.

Commencement: 1st January, 1930; *Gazette* 19th December, 1929, p. 1305.
Regulations: *Gazette* 5th December, 1929, p. 1216; 15th January, 1959, p. 72.

The Places of Public Entertainment Act, 1913-1965.

Administration: Committed to the Chief Secretary *Gazette* 11th December, 1913, p. 1679.
s. 4. Proclamations: *Gazette* 18th December, 1913, p. 1734; 15th July, 1915, p. 331; 7th October, 1915, p. 1020; 8th February, 1917, p. 263; 9th May, 1918, p. 945; 24th October, 1918, p. 916; 21st August, 1919, p. 379; 24th August, 1922, p. 415; 24th May, 1923, p. 1137; 5th March, 1925, p. 390; 26th November, 1925, p. 1405; 18th March, 1926, p. 794; 30th September, 1926, p. 802; 27th September, 1928; p. 686; 19th September, 1929, p. 698; 6th August, 1931, p. 203; 19th April, 1934, p. 1057; 7th June, 1934, p. 1393; 1st November, 1934, p. 885; 13th December; 1934, p. 1186; 14th February, 1935, p. 463; 4th July, 1935, p. 1; 5th September, 1935, p. 517; 14th November, 1935, p. 1133; 13th February, 1936, p. 397; 18th March, 1937, p. 586; 9th September, 1937, p. 639; 9th November, 1939, p. 1259; 15th July, 1943, p. 53; 20th December, 1945, p. 909; 7th November, 1946, p. 1173; 23rd January, 1947, p. 475; 1st May, 1947, p. 1117; 16th September, 1948, p. 1068; 6th January, 1949, p. 1; 20th January, 1949, p. 114; 20th January, 1949, p. 114; 11th August, 1949, p. 357; 22nd March, 1956, p. 567; 10th January, 1957, p. 22; 31st January, 1957, p. 145; 31st October, 1957, p. 1007; 12th December, 1957, p. 1467; 6th March, 1958, p. 758; 15th May, 1958, p. 1274; 14th August, 1958, p. 385; 9th October, 1958, p. 1017; 6th November, 1958, p. 1251; 12th February, 1959, p. 277; 9th April, 1959, p. 748; 8th October, 1959, p. 871; 15th September, 1960, p. 737; 22nd September, 1960, p. 794; 13th October, 1960, p. 1013; 14th June, 1962, p. 1523; 4th October, 1962, p. 911; 2nd May, 1963, p. 1085; 16th May, 1963, p. 1269; 28th May, 1964, p. 1133; 25th June, 1964, p. 1600; 22nd October, 1964, p. 1251; 22nd October, 1964, p. 1252; 15th July, 1965, p. 102.
Regulations: *Gazette* 25th July, 1957, p. 209; 16th July, 1964, p. 121, 15th June, 1967, p. 1816; 19th October, 1967, p. 1782; 21st December, 1967, p. 2621.

Planning and Development Act, 1966-1967.

Commencement: 1st July, 1967; *Gazette* 29th June, 1967, p. 1962.
Administration: Committed to Minister of Local Government; *Gazette*, 29th June, 1967, p. 1962.
s. 28. Proclamations: *Gazette* 21st March, 1968, p. 961.
Regulations: *Gazette* 30th September, 1965, p. 1211; 24th August, 1967, p. 1132; 9th November, 1967, p. 2153; 4th January, 1968, p. 22.

Police Offences Act, 1953-1961.

Commencement: 1st March, 1954: *Gazette* 28th January, 1954, p. 155.
s. 15. Proclamation as to Prescribed Drugs: *Gazette* 25th January, 1968, p. 200.
Regulations made by the Governor under section 64 and under section 149a of the Police Act, 1936 relating to penalties for local government offences: *Gazette* 23rd March, 1939, p. 732; 14th December, 1939, p. 1612; 6th March, 1941, p. 337; 7th January, 1954, p. 6; 10th April, 1958, p. 1046.

Police Pensions Act, 1954-1966.

Commencement: 16th December, 1954; *Gazette* 16th December, 1954, p. 1468.
Commencement of the Police Pensions Act Amendment Act, 1956: 1st January, 1957, *Gazette* 20th December, 1956, p. 1375.
Commencement of the Police Pensions Act Amendment Act, 1957: 1st December, 1957; *Gazette* 28th November, 1957, p. 1278.
Commencement of the Police Pensions Act Amendment Act, 1960: 1st January, 1961; *Gazette* 24th November, 1960, p. 1430.
Commencement of the Police Pensions Act Amendment Act, 1964; 21st November 1964; *Gazette* 19th November, 1964, p. 1563.
Commencement of the Police Pensions Act Amendment Act, 1966: 17th December, 1966; *Gazette* 15th December, 1966, p. 2219.

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General regulations: *Gazette* 19th December, 1929, p. 1307; 28th January, 1965, p. 153; 2nd February, 1967, p. 314.

Regulations as to contributions of members on leave without pay: *Gazette* 10th October, 1935, p. 754; 18th January, 1940, p. 73.

Police Regulation Act, 1952-1966.

Commencement: 13th April, 1953; *Gazette* 2nd April, 1953, p. 634.

Commencement of the Police Regulation Act Amendment Act, 1955: 26th January, 1956, *Gazette* 26th January, 1956, p. 127.

Regulations: *Gazette* 2nd April, 1953, p. 649; 26th November, 1953, p. 1312; 31st July, 1958, p, 271: 20th November, 1958, p. 1384; 22nd October, 1959, p. 971; 28th July, 1960, p. 229; 4th August, 1960, p. 295; 12th January, 1961, p. 57; 8th June, 1961, p. 1290; 18th January, 1962, p. 90; 25th October, 1962, p. 1128; 24th January, 1963, p. 149; 23rd January, 1964, p. 135; 5th November, 1964, p. 1403; 1st April, 1965, p. 750; 24th June, 1965, p. 1590; 31st March, 1966, p. 1573; 11th January, 1968, p. 78.

Port Lincoln Abattoirs Act, 1937.

Commencement: 23rd March, 1939; *Gazette* 23rd March, 1939, p. 671.

Regulations: *Gazette* 23rd March, 1939, p. 734; 18th September, 1941, p. 621; 20th November, 1947, p. 1705; 21st October, 1948, p. 1296; 22nd September, 1949, p. 768; 21st September, 1950, p. 697; 20th September, 1951, p. 742; 11th September, 1952, p. 798; 15th September, 1955, p. 604; 24th December, 1959, p. 1545; 30th March, 1961, p. 800; 16th November, 1961, p. 1657; 21st October, 1965, p. 1429; 27th October, 1966, p. 1759.

Potato Marketing Act, 1948-1966.

Commencement: 24th February, 1949; *Gazette* 24th February, 1948, p. 484.

s. 2. Notice of affirmative result of poll: *Gazette* 17th February, 1949, p. 467.

s. 6 (5). Notice: *Gazette* 4th June, 1953, p. 1388.

s. 12. Notices: *Gazette* 3rd November, 1949, p. 1156; 19th January, 1950, p. 105; 6th April, 1950, p. 758; 17th September, 1964, p. 985.

s. 20. Orders: Potato Marketing Orders: No. 5, *Gazette* 9th April, 1964, p. 768; No. 6, *Gazette* 20th August, 1964, p. 543; No. 7, *Gazette* 20th May, 1965, p. 1139; No., 8, *Gazette* 20th May, 1965, p. 1139; Potato Prices Orders: No. 332, *Gazette* 6th January, 1966, p. 53; No. 336, *Gazette* 7th April, 1966, p. 1652; No. 337, *Gazette* 7th April, 1966, p. 1652; Potato Washing Charges Order; No. 1, *Gazette* 17th December, 1964 p., 1914.

Regulations: *Gazette* 17th March, 1949, p. 649; 22nd September, 1949, p. 765; 26th January, 1960, p. 176; 12th August, 1954, p. 318; 15th November, 1962, p. 1399; 13th August, 1964, p. 318; 1st December, 1966 p. 2069; 1st February, 1968, p. 282.

Prevention of Cruelty to Animals Act, 1936-1964.

Commencement: 1st June, 1937; *Gazette* 25th March, 1937, p. 644.

Regulations as to bird cages: *Gazette* 11th January, 1962, p. 52.

Prevention of Pollution of Waters by Oil Act, 1961-1964.

Commencement: 1st June, 1962; *Gazette* 31st May, 1962, p. 1431.

Prices Act, 1948-1966.

Commencement: 20th September, 1948; *Gazette* 16th September, 1948, p. 1067.

Administration: Committed to the Treasurer *Gazette* 16th September, 1948, p. 1067.

s. 5 (4). Notices: *Gazette* 20th September, 1948, p. 1119; 20th September, 1948, p. 1119; 7th October, 1948, p. 1218; 7th October, 1948, p. 1218; 16th November, 1948, p. 1503; 14th April, 1949, p. 941; 5th May, 1949, p. 1093; 12th May, 1949, p. 1149; 7th July, 1949, p. 5; 22nd September, 1949, p. 764; 17th August, 1950, p. 329; 12th October, 1950, p. 863; 18th January, 1951, p. 76; 31st May, 1951, p. 1187; 25th October, 1951, p. 1004; 17th July, 1952, p. 125; 20th November, 1952, p. 1332; 11th March, 1954, p. 518; 17th January, 1957, p. 56; 9th January, 1958. p. 36; 15th January, 1959, p. 93; 10th March, 1960, p. 712; 12th January, 1961, p. 54; 1st February, 1962, p. 224; 19th December, 1963, p. 2012; 17th December, 1964, p. 1909; 18th March, 1965, p. 625; 5th August, 1965, p. 280; 7th March, 1966, p. 1313; 17th March, 1966, p. 1453; 8th June, 1967, p. 1748.

s. 12 (2). Notices: *Gazette* 20th January, 1949, p. 117; 20th January, 1949, p. 120; 4th August, 1949, p. 302; 4th August, 1949, p. 305; 22nd March, 1951, p. 650; 5th April, 1951, p. 745; 9th August, 1951, p. 289; 6th September, 1951, p. 515; 6th September, 1951, p. 519; 6th September, 1951, p. 524; 6th December, 1951, p. 1401; 4th December, 1952, p. 1438; 26th March, 1953, p. 596; 2nd April, 1953, p. 648;

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17th September, 1953, p. 772; 28th July, 1955, p. 211; 14th June, 1956, p. 1425; 27th June, 1957, p. 1572; 25th September, 1958, p. 933; 16th July, 1959, p. 195; 2nd June, 1960, p. 1524; 25th August, 1960, p. 574; 11th February, 1961, p. 339; 20th April, 1961, p. 928; 30th November, 1961, p. 1858; 12th April, 1962 p. 822; 5th September, 1963, p. 732; 5th September, 1963, p. 734; 2nd July, 1964, p. 6; 15th July, 1965, pp. 114, 116; 17th February, 1966, p. 1049; 17th February, 1966, p. 1062; 24th February, 1966, p. 1172.

s. 19. Proclamations of declared goods and services: *Gazette* 20th September, 1948, p. 1115; 4th November, 1948, p. 1422; 2nd December, 1948, p. 1681; 23rd December, 1948, p. 1865; 13th January, 1949, p. 51; 24th February, 1949, p. 483; 31st March, 1949, p. 839; 14th April, 1949, p. 940; 14th April, 1949, p. 940; 14th April, 1949, p. 940; 16th June, 1949, p. 1787; 23rd June, 1949, p. 1815; 30th June, 1949, p. 1867; 30th June, 1949, p. 1867; 28th July, 1949, p. 229; 4th August, 1949, p. 294; 13th October, 1949, p. 913; 3rd November, 1949, p. 1085; 24th November, 1949, p. 1287; 12th January, 1950, p. 42; 19th January, 1950, p. 102; 9th February, 1950, p. 283; 16th February, 1950, p. 358; 30th March, 1950, p. 679; 27th April, 1950, p. 901; 25th May, 1950, p. 1099; 6th July, 1950, p. 4; 14th September, 1950, p. 654; 5th October, 1950, p. 799; 2nd November, 1950, p. 1065; 30th November, 1950, p. 1301; 18th January, 1951, p. 74; 19th January, 1951, p. 113; 22nd February, 1951, p. 403; 22nd March, 1951, p. 646; 26th April, 1951, p. 925; 21st June, 1951, p. 1333; 6th September, 1951, p. 498; 4th October, 1951, p. 829; 15th November, 1951, p. 1187; 22nd November, 1951, p. 1229; 7th February, 1952, p. 277; 21st February, 1952, p. 401; 6th March, 1952, p. 509; 19th June, 1952, p. 1321; 31st July, 1952, p. 255; 31st July, 1952, p. 255; 7th August, 1952, p. 413; 14th August, 1952, p. 471; 21st August, 1952, p. 530; 16th October, 1952, p. 1055; 30th October, 1952, p. 1147; 6th November, 1952, p. 1200; 13th November, 1952, p. 1255; 4th December, 1952, p. 1431; 15th January, 1953, p. 34; 22nd January, 1953, p. 73; 7th May, 1953, p. 1063; 13th August, 1953, p. 503; 3rd September, 1953, p. 692; 24th September, p. 829; 29th October, 1953, p. 1099; 7th January, 1954, p. 2; 4th February, 1954, p. 192; 25th February, 1954, p. 401; 15th April, 1954, p. 757; 22nd April, 1954, p. 806; 3rd June, 1954, p. 1098; 10th June, 1954, p. 1135; 15th July, 1954, p. 102; 22nd July, 1954, p. 160; 19th August, 1954, p. 361; 9th September, 1954, p. 544; 23rd September, 1954, p. 795; 4th November, 1954, p. 1107; 13th January, 1955, p. 33; 20th January, 1955, p. 135; 24th February, 1955, p. 385; 3rd March, 1955, p. 467; 10th March, 1955, p. 551; 21st April, 1955, p. 899; 19th May, 1955, p. 1139; 2nd June, 1955, p. 1255; 28th July, 1955, p. 201; 23rd February, 1956, p. 355; 30th August, 1956, p. 469; 6th December, 1956, p. 1277; 10th January, 1957, p. 22; 9th May, 1957, p. 878; 25th July, 1957, p. 175; 22nd August, 1957, p. 421; 14th November, 1957, p. 1118; 28th August, 1958, p. 517; 23rd October, 1958, p. 1115; 15th January, 1959, p. 66; 9th April, 1959, p. 748; 18th June, 1959, p. 1254; 21st January, 1960, p. 189; 24th March, 1960, p. 839; 12th May, 1960, p. 1332; 14th July, 1960, p. 70; 21st September, 1961, p. 1029; 30th August, 1962, p. 494; 4th October, 1962, p. 913; 18th October, 1962, p. 1053; 17th September, 1964, p. 940; 1st October, 1964, p. 1085.

ss. 21 and 24. Orders fixing maximum prices of declared goods and declared services:—

Admission to cinemas: *Gazette* Prices Order No. 479, 22nd April, 1954, p. 812.

Aerated waters: *Gazette* Prices Order No. 148, 22nd March, 1951, p. 654. *See also* Non-intoxicating drinks.

Attache cases. *See* Kit bags.

Automotive greases: *Gazette* Prices Order No. 439, 3rd September, 1953, p. 717.

Bacon and ham: *Gazette* Prices Order No. 641, 30th January, 1958, p. 164.

Bags. *See* Kit bags: Secondhand bags and sacks.

Baling wire, galvanized fencing wire, and galvanized wire netting (manufactured in the Commonwealth of Australia): *Gazette* Prices Orders No. 337, 24th July, 1952, p. 183: No. 372, 9th October, 1952, p. 998.

Barbed wire (imported): *See* Fencing wire, barbed wire, and wire netting (imported).

Barley: *Gazette* Prices Order No. 24, 7th April, 1949, p. 891.

Basic iron and steel products (imported): *Gazette* Prices Order No. 252, 22nd November, 1951, p. 1285.

Blankets and travelling rugs. *See* Woven woollen blankets and travelling rugs.

Boot and shoe repairs: *Gazette* Prices Order No. 848, 4th March, 1966, p. 1233.

Bran and Pollard: *Gazette* Prices Order No. 833, 17th February, 1966, p. 1052.

Bread: *Gazette* Prices Order No. 834, 21st February, 1966, p. 1119.

Bread: rye bread—Adelaide metropolitan area: *Gazette* Prices Order No. 530 21st July, 1955, p. 139.

Breakfast foods (oats and oatmeal): *Gazette* Prices Order No. 559, 9th February, 1956, p. 228.

Bricks—

Adelaide metropolitan area: *Gazette* Prices Order No. 852, 19th May, 1966, p. 1948.

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building, cartage and delivery of: *Gazette* Prices Order No. 758, 1st November, 1962, p. 1256.
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country areas: *Gazette* Prices Order No. 853, 19th May, 1966, p. 1948.

Brooms, whisks, mops, brushes (domestic) and broom handles: *Gazette* Prices Order No. 539, 11th August, 1955, p. 292
Brown onions: *Gazette* Prices Order No. 78, 23rd February, 1950, p. 430.
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Builder's hardware: *Gazette* Prices Order No. 60, 17th October, 1949, p. 1011.
Butter: *Gazette* Prices Order No. 659, 3rd July, 1958, p. 13.
Canned fruits: *Gazette* Prices Order No. 149, 29th March, 1951, p. 694.
Canned meats: *Gazette* Prices Orders No. 137, 22nd February, 1951, p. 405; No. 449, 22nd October, 1953, p. 1067.
Cement: *See* Imported cement: Portland cement.
Cement concrete building bricks and blocks: *Gazette* Prices Order No. 414, 26th March, 1953, p. 588.
Cheese. *See* Loaf cheese.
Chemists. *See* Compounding and dispensing drugs and chemicals: Ethical proprietary pharmaceutical preparations.
Chocolates and confectionery: *Gazette* Prices Order No. 297, 3rd April, 1952, p. 721.
Cigarettes. *See* Tobacco and cigarettes.
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Clothing and certain furnishings and household drapery sales by wholesale: *Gazette* Prices Order No. 209, 6th September, 1951, p. 516.
Clothing—sales by retail: *Gazette* Prices Orders No. 756, 18th October, 1962, p. 1063; No. 836, 21st February, 1966, p. 1125.
Clothing—sales by wholesale: *Gazette* Prices Order No. 755, 18th October, 1962, p. 1061.
Clothing, garments, etc., purchased or obtained from Richard Allen & Sons (1919), Pty., Ltd., and others: *Gazette* Prices Order No. 376, 16th October, 1952, p. 1058.
Compounding and dispensing drugs and chemicals: *Gazette* Prices Order No. 711, 24th March, 1960, p. 844.
Cooking and kitchen utensils: *Gazette* Prices Order No. 741, 9th November, 1961, p. 1590.
Copper bars, blocks ingots, and pigs: *Gazette* Prices Order No. 448, 22nd October, 1953, p. 1081.
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Cornsacks. *See* New cornsacks.
Crockery, chinaware, earthenware, or glassware (imported): *Gazette* Prices Order No. 617, 19th September, 1957, p. 637.
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Eggs in shell—sales by retail: *Gazette* Prices Order No. 288, 14th February, 1952, p. 336.
Electrical installations: *Gazette* Prices Order No. 826, 17th February, 1966, p. 1044.
Ethical proprietary pharmaceutical preparations (including ethical prescription proprietaries): *Gazette* Prices Order No. 709, 3rd March, 1960, p. 691.
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Feed wheat—
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Feltex and teprac floor coverings and other floor coverings of a similar and like nature: *Gazette* Prices Order No. 501, 19th August, 1954, p. 443.
Fencing posts—split gum: *Gazette* Prices Order No. 516, 10th February, 1955, p. 245.
Fencing wire. *See* Baling wire, etc.
Fencing wire, barbed wire, and wire netting (imported): *Gazette* Prices Order No. 234, 25th October, 1951, p. 1005.
Fertilizers: *Gazette* Prices Order No. 451, 29th October, 1953, p. 1103.
Fibrous plaster: *Gazette* Prices Order No. 827, 24th February, 1966, p. 1171.
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Footwear—
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Galvanized barbed wire (manufactured in the Commonwealth of Australia): *Gazette* Prices Orders No. 338, 24th July, 1952, p. 184 ; No. 355, 11th September, 1952, p. 799.
Galvanized corrugated steel sheets manufactured in the Commonwealth of Australia : *Gazette* Prices Order No. 801, 29th April, 1965, p. 989.
Galvanized fencing wire, barbed wire, and wire, netting (manufactured in the Commonwealth of Australia). *See* Baling wire.
Galvanized iron, imported. See Imported galvanized iron.
Galvanized iron water tanks : *Gazette* Prices Order No. 693, 5th November, 1959, p. 1131.
Galvanized roofing nails : *Gazette* Prices Order No. 377, 16th October, 1952, p. 1060.
Galvanized steel pipe (medium) manufactured in the Commonwealth of Australia : *Gazette* Prices Order No. 837, 17th February, 1966, p. 1058.
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Nails, brads, clouts, and staples: *Gazette* Prices Order No. 361, 18th September, 1952, p. 849.
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New cornsacks: *Gazette* Prices Order No. 249, 15th November, 1951, p. 1193.
New tyres and tubes—sales by retail: *Gazette* Prices Orders No. 146, 15th March, 1951, p. 581; No. 185, 19th July, 1951, p. 112; No. 226, 18th October, 1951, p. 965; No. 325, 19th June, 1952, p. 1328; No. 436, 6th August, 1953, p. 454; No. 570, 21st June, 1956, p. 1585.
Non-intoxicating drinks—sales by retail—Adelaide metropolitan area: *Gazette* Prices Orders No. 674, 11th December, 1958, p. 1577; No. 840, 17th February, 1966, p. 1054.
Oatmeal. *See* Breakfast foods.
Oats. *See* Breakfast foods.
Onions. *See* Brown onions.
Oregon and hemlock: *Gazette* Prices Order No. 514, 16th December, 1954, p. 1475.
Paint: *Gazette* Prices Order No. 661, 10th July, 1958, p. 66.
Pasties. *See* Meat pies and pasties.
Perambulators and baby carriages—sales by retail: *Gazette* Prices Order No. 275, 10th January, 1952, p. 46.
Petroleum and shale products—blending of standard and premium grades of motor spirit: *Gazette* Prices Order No. 847, 24th February, 1966, p. 1174.
Petroleum and shale products—premium grade motor spirit: *Gazette* Prices Order No. 846, 24th February, 1966, p. 1191.
Petroleum and shale products—standard grade motor spirit: *Gazette* Prices Order No. 845, 24th February, 1966, p. 1186.
Pig lead: *Gazette* Prices Order No. 369, 9th October, 1952, p. 998.
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Pillows. *See* Mattresses and pillows.
Pipes. *See* Galvanized steel pipe: Goods—Miscellaneous: Malleable pipe fittings.
Plaster, fibrous. *See* Fibrous plaster.
Plastic garden hose: *Gazette* Prices Order No. 373, 16th October, 1952, p. 1059.
Plumbing charges: *Gazette* Prices Order No. 829, 17th February, 1966, p. 1062.
Pollard. *See* Bran and pollard.
Pork: *Gazette* Prices Order No. 665, 7th August, 1958, p. 339.
Portland cement (grey) manufactured from imported materials: *Gazette* Prices Order No. 313, 5th June, 1952, p. 1245.
Portland cement (grey) manufactured in South Australia: *Gazette* Prices Order No. 490, 15th July, 1954, p. 110.
Portland cement (grey) manufactured in the Commonwealth of Australia (other than in South Australia): *Gazette* Prices Order No. 357, 18th September, 1952, p. 850.
Posts. *See* Fencing posts.
Potatoes: *Gazette* Prices Order No. 487, 8th July, 1954, p. 66.
Processed milk products: *Gazette* Prices Order No. 244, 15th November, 1951, p. 1193.
Purses. *See* Travelware, handbags, purses and wallets.
Radiata pine sawn timber: *Gazette* Prices Order No. 483, 22nd April, 1954, p. 811.
Radio receivers, radio gramophones and radiograms: *Gazette* Prices Order No. 138, 22nd February, 1951, p. 406.
Ready-made garments: *Gazette* Prices Orders No. 207, 6th September, 1951, p. 513; No. 240, 1st November, 1951, p. 1054.
Retreading and recapping: *Gazette* Prices Order No. 480, 15th April, 1954, p. 771.
Rice (polished): *Gazette* Prices Order No. 425, 4th June, 1953, p. 1379.
Roofing nails. *See* Galvanized roofing nails.
Rubber articles: *Gazette* Prices Order No. 107, 2nd November, 1950, p. 1070.
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Safety matches: *Gazette* Prices Order No. 440, 17th September, 1953, p. 770.

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Sago and tapioca : *Gazette* Prices Order No. 640, 2nd January, 1958, p. 1. *See also* Goods—Miscellaneous.
Salt, loose, fine : *Gazette* Prices Order No. 507, 14th October, 1954, p. 977.
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Sawn Tasmanian timber : *Gazette* Prices Order No. 493, 29th July, 1954, p. 236.
School exercise books and the like—sales by retail : *Gazette* Prices Orders No. 533, 28th July, 1955, p. 213 ; No. 750, 18th January, 1962, p. 115.
Scrap copper : *Gazette* Prices Order No. 352, 4th September, 1952, p. 727.
Scrap lead : *Gazette* Prices Order No. 370, 9th October, 1952, p. 999.
Secondhand bags and sacks : *Gazette* Prices Order No. 322, 19th June, 1952, p. 1332.
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Sheets tea towels, etc.: *Gazette* Prices Orders No. 124, 21st December, 1950, p. 1859; No. 177, 12th July, 1951, p. 60 ; No. 248, 15th November, 1951, p. 1188.
Shirts, collars, flannels, underpants and pyjamas : *Gazette* Prices Orders No. 208, 6th September, 1951, p. 525 ; No. 239, 1st November, 1951, p. 1054.
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Solder : *Gazette* Prices Order No. 365, 2nd October, 1952, p. 942.
Soup. *See* Tomato soup.
Steel products (imported) : *See* Basic iron and steel products.
Steel rods. *See* Mild steel rods.
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Timber. *See* Fencing posts ; Mouldings : Oregon and hemlock : Radiata pine sawn timber ; Sawn Tasmanian timber : Western Australian hardwood.
Tobacco and cigarettes—sales by retail : *Gazette* Prices Order No. 575, 30th August, 1956, p. 475.
Tomato sauce : *Gazette* Prices Order No. 525, 16th June, 1955, p. 1397.
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Travelware, handbags, purses and wallets—
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  sales by wholesale and retail : *Gazette* Prices Order No. 268, 6th December, 1951, p. 1400.
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Wattle bark : *Gazette* Prices Order No. 57, 13th October, 1949, p. 914.
Wax matches (waterproof) : *Gazette* Prices Order No. 348, 14th August, 1952, p. 512.
Western Australian hardwood : *Gazette* Prices Order No. 494, 29th July, 1954, p. 233.
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Wire. *See* Baling wire, etc.; Galvanized barbed wire.
Wire netting. *See* Baling wire, etc.; Fencing wire, etc.
Wool furnishing materials : *Gazette* Prices Order No. 41, 30th June, 1949, p. 1871.
Wool sacks. *See* Secondhand wool sacks.
Woven woollen blankets and travelling rugs manufactured by the Onkaparinga Woollen Company Limited : *Gazette* Prices Orders No. 190, 26th July, 1951, p. 177 ; No. 272, 13th December, 1951, p. 1457.
Zinc bars, blocks, and ingots : *Gazette* Prices Order No. 371, 9th October, 1952, p. 998.

s. 27 (5). Notices of exemption : *Gazette* 16th November, 1948, p. 1505 ; 16th November, 1948, p. 1508 ; 24th March, 1949, p. 793 ; 7th April, 1949, p. 890 ; 3rd November, 1949, p. 1086 ; 10th November, 1949, p. 1168 ; 12th January, 1950, p. 46 ; 3rd August, 1950, p. 228 ; 24th August, 1950, p. 464 ; 2nd November, 1950, p. 1071 ; 23rd November, 1950, p. 1256 ; 30th November, 1950, p. 1303 ; 4th January, 1951, p. 3 ; 8th February, 1951, p. 237 ; 17th May, 1951, p. 1071 ; 14th June, 1951, p. 1305 ; 25th October, 1951, p. 1004 ; 1st November, 1951, p. 1053 ; 17th January, 1952, p. 105 ; 3rd July, 1952, p.12 ; 6th November, 1952, p. 1204 ; 12th February, 1953, p. 200 ; 19th March, 1953, p. 519 ; 20th August, 1953, p. 548 ; 29th October, 1953, p. 1104 ; 29th October, 1953, p. 1105 ; 26th November, 1953, p. 1313 ; 10th December, 1953, p. 1406 7th January, 1954, p. 40 ; 4th February, 1954, p. 203 ; 11th February, 1954, p. 228 ; 3rd June, 1954, p. 1104 ; 8th July, 1954, p. 66 ; 8th December, 1955, p. 1295 ; 13th December, 1956, p. 1361 ; 5th December,

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1957, p. 1368; 20th March, 1958, p. 871; 4th December, 1958, p. 1545; 3rd December, 1959, p. 1387; 14th July, 1960, p. 81; 8th December, 1960, p. 1622; 14th December, 1961, p. 1977; 20th December, 1962, p. 1765; 5th December, 1963, p. 1722; 9th September, 1965, p. 994; 16th December, 1965, p. 2109; 17th February, 1966, p. 1050.

s. 35 (2). Orders of exemption: *Gazette* 20th January, 1949, p. 115; 22nd September, 1949, p. 764.

Regulations: *Gazette* 3rd March, 1949, p. 537; 19th May, 1949, p. 1420; 15th June, 1950, p. 1273; 5th April, 1951, p. 735; 20th September, 1951, p. 740; 1st April, 1954, p. 667.

Notice pursuant to regulation 6: *Gazette* 22nd June, 1950, p. 1277 (lead and scrap lead).

Primary Producers Assistance Act, 1943.

Commencement: 1st January, 1944; *Gazette* 23rd December, 1943, p. 810.
Administration: Committed to the Minister of Lands *Gazette* 25th February, 1954, p. 400.

Primary Producers' Debts Act, 1935-1943.

Administration: Committed to the Minister of Lands *Gazette* 25th February, 1954, p. 400.
Regulations: *Gazette* 11th July, 1935, p. 75; 18th June, 1936, p. 1210.

Primary Producers Emergency Assistance Act, 1967.

Regulations: *Gazette* 23rd November, 1967, p. 2275.

Prisons Act, 1936-1965.

Commencement: 1st June, 1937; *Gazette* 25th March, 1937, p. 645.
s. 13. Proclamations: *Gazette* 7th September, 1939, p. 690; 8th August, 1940, p. 221; 26th June, 1952, p. 1381; 19th January, 1956, p. 75; 9th February, 1956, p. 224; 5th November, 1959, p. 1106; 8th December, 1966, p. 2152.
s. 18. Proclamations: *Gazette* 21st September, 1939, p. 813; 3rd March, 1960, p. 644; 14th September, 1961, p. 949.
General prison regulations: *Gazette* 10th November, 1960, p. 1305; 9th March, 1961, p. 535; 23rd March, 1961, p. 639; 7th March, 1963, p. 588; 20th February, 1964, p. 438; 18th November, 1965, p. 1818; 23rd December, 1965, p. 2170.
Regulations as to criminal mental defectives: *Gazette* 30th July, 1964, p. 236.
Police prison regulations: *Gazette* 30th August, 1906, p. 453; 13th August, 1908, p. 309.

Proof of Sunrise and Sunset Act, 1923.

Administration: Committed to the Minister of Local Government *Gazette* 20th December, 1923, p. 1435.

Public Charities Funds Act, 1935-1965.

Commencement: 1st June, 1937; *Gazette* 25th March, 1937, p. 643.
Administration: Committed to the Chief Secretary *Gazette* 25th March, 1937, p. 643.
s. 4. Proclamations: *Gazette* 19th December, 1940, p. 1552; 17th June, 1954, p. 1196.

Public Parks Act, 1943.

Administration: Committed to the Minister of Local Government *Gazette* 27th January, 1944, p. 92.

Public Service Act, 1967.

Commencement: 29th February, 1968; *Gazette* 29th February, 1968, p. 675.
s. 127. Proclamation as to application of Division X of Part III: *Gazette* 29th February, 1968, p. 675.
Proclamations and Regulations made under the Public Service Act, 1936-1966, and deemed to have been made under this Act:
s. 6. (1). Proclamations: *Gazette* 26th June, 1952, p. 1381; 15th December, 1955, p. 1337; 1st March, 1956, p. 421; 22nd March, 1956, p. 569; 19th April, 1956, p. 741; 14th June, 1956, p. 1378; 2nd August, 1956, p. 259; 23rd August, 1956, p. 398; 14th February, 1957, p. 226; 4th July, 1957, p. 2; 16th June, 1960, p. 1587; 19th December, 1963, p. 1942.

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s. 6 (2). Proclamations: *Gazette* 22nd June, 1944, p. 735; 17th July, 1947, p. 93; 23rd June, 1949, p. 1829; 21st July, 1949, p. 167; 23rd February, 1950, p. 427; 19th October, 1950, p. 945; 7th December, 1950, p. 1365; 17th June, 1954, p. 1196; 16th October, 1958, p. 1071; 4th May, 1961, p. 1042; 2nd March, 1967, p. 681; 30th March, 1967, p. 1133.

s. 25. Proclamations: *Gazette* 14th June, 1917, p. 992; 30th January, 1919, p. 231; 4th September, 1919, p. 517; 4th December, 1919, p. 1411; 22nd July, 1920, p. 117; 28th October, 1920, p. 1119; 13th October, 1921, p. 866; 23rd February, 1922, p. 641; 29th March, 1923, p. 689; 31st March, 1927, p. 741; 7th April, 1927, p. 791; 16th June, 1927, p. 1301; 8th December, 1927, p. 1514; 13th December, 1928, p. 1214; 31st January, 1929, p. 217; 28th March, 1929, p. 635; 3rd October, 1929, p. 802; 13th November, 1930, p. 985; 20th November, 1930, p. 1025; 2nd April, 1936, p. 734; 2nd July, 1936, p. 1; 8th October, 1936, p. 698; 14th March, 1940, p. 537; 16th March, 1944, p. 301; 21st September, 1944, p. 357; 12th February, 1948, p. 360; 19th February, 1948, p. 399; 11th November, 1948, p. 1459; 22nd June, 1950, p. 1275; 28th June, 1951, p. 1373; 21st January, 1954, p. 123; 25th February, 1954, p. 400; 10th June, 1954, p. 1136; 14th May, 1959, p. 1025; 15th October, 1959, p. 935; 24th December, 1964, p. 2015; 18th March, 1965, p. 619; 8th April, 1965, p. 831; 8th July, 1965, p. 34; 20th January, 1966, p. 99; 27th January, 1966, p. 145; 21st April, 1966, p. 1732; 12th October, 1967, p. 1712.

Regulations: *Gazette* 16th February, 1922, p. 569; 13th July, 1922, p. 54; 20th March, 1924, p. 711; 19th June, 1924, p. 1360; 18th October, 1926. p. 965 (Nos. 2-10, inclusive, not now in force); 10th May, 1928, p. 964; 1st November, 1928, p. 978; 14th August, 1930, p. 296; 3rd September, 1936, p. 418; 12th November, 1936, p. 1065; 31st March, 1938, p. 708; 13th October, 1938, p. 1032; 7th November, 1940, p. 1006; 18th December, 1941, p. 1503; 20th July, 1944, p. 110; 19th April, 1945, p. 595; 20th September, 1945, p. 485; 14th March, 1946, p. 432; 6th May, 1948, p. 928; 10th June, 1948, p. 1204; 17th March, 1949, p. 653; 14th July, 1949, p. 67; 20th October, 1949, p. 999; 10th November, 1949, p. 1196; 19th January, 1950, p. 108; 20th July, 1950, p. 158; 5th April, 1951, p. 735; 17th May, 1951, p. 1072; 21st June, 1951, p. 1371; 28th June, 1951, p. 1376; 12th July, 1951, p. 58; 19th July, 1951, p. 154; 15th May, 1952, p. 1060; 6th August, 1953, p. 450; 13th August, 1953, p. 505; 23rd September, 1954, p. 798; 7th October, 1954, p. 919; 8th September, 1955, p. 559; 3rd November, 1955, p. 1000; 12th September, 1957, p. 586; 31st October, 1957, p. 1012; 5th December, 1957, p. 1373; 9th October, 1958, p. 1022; 26th March, 1959, p. 650; 13th August, 1959, p. 396; 4th May, 1961, p. 1045.: 24th October, 1963, p. 1241.; 27th August, 1964, p, 562; 19th November, 1964, p. 1567; 21st October, 1965, p. 1428; 29th September, 1966, p. 1461; 27th April, 1967, p. 1458; 10th August, 1967, p. 1047.

Public Service Arbitration Act, 1961.

Administration: Committed to the Minister of Labour and Industry, *Gazette* 16th November, 1961, p. 1652.

s. 2 (2). Proclamations: *Gazette* 26th November, 1964, p. 1636; 17th December, 1964, p. 1901; 28th January, 1965, p. 146.

Public Service Superannuation Fund (Arrangement) Act, 1960.

s. 2. Notice: *Gazette* 15th December, 1960, p. 1674.

s. 3. Proclamation: 11th May, 1961, p. 1091.

Public Supply and Tender Act, 1914-1940.

Commencement: 17th December, 1914; *Gazette* 17th December, 1914, p. 1265.

Administration: Committed to the Commissioner of Public Works; *Gazette* 17th December, 1914, p. 1265.

Regulations: *Gazette* 28th October, 1965, p. 1498.

Public Works Standing Committee Act, 1927-1955.

Commencement of the Public Works Standing Committee Act Amendment Act, 1951: 14th February, 1952; *Gazette* 14th February, 1952, p. 329.

Regulations: *Gazette* 5th September, 1940, p. 513; 13th December, 1951, p. 1460; 14th February, 1952, p. 388; 4th February, 1954, p. 194; 18th April, 1957, p. 803; 14th May, 1959, p. 1029; 13th September, 1962, p. 657.

Pulp and Paper Mills Agreement Act, 1958.

Commencement: 15th January, 1959, *Gazette* 15th January, 1959, p. 65.

Administration: Committed to the Minister of Works; *Gazette* 22nd January, 1959, p. 105.

Radium Hill Water Supply Agreement Act, 1953.

Commencement: 28th January, 1954; *Gazette* 28th January, 1954, p. 155.

The Ramco Heights Irrigation Area Act, 1963.

s. 7. Proclamation: *Gazette* 30th September, 1965, p. 1196.

The Real Property Act, 1886-1963.

Commencement of Real Property Act Amendment Act, 1939: 1st February, 1940; *Gazette* 11th January, 1940, p. 38 (republished 18th January, 1940, p. 70).
Commencement of Real Property Act Amendment (Strata Titles) Act, 1967: 22nd February, 1968; *Gazette* 22nd February, 1968, p. 515.
Rules of Court (Strata Titles) 1968: *Gazette* 22nd February, 1968, p. 529.
Regulations under the Fees Regulation Act, 1927, relating to fees: *Gazette* 24th November, 1927, p. 1229; 30th August, 1934, p. 428; 13th September, 1956, p. 581; 20th September, 1962, p. 722.
Real Property Act (Strata Titles) Regulations, 1968: *Gazette* 22nd February, 1968, p. 531.

Real Property (Registration of Titles) Act, 1945.

Regulations: *Gazette* 12th September, 1946, p. 486.

Recreation Grounds (Regulations) Act, 1931-1935.

Regulations as to the Adelaide Oval: *Gazette* 18th August, 1932, p. 273.
Regulations as to Mortlock Park: *Gazette* 2nd November, 1933, p. 931.
Regulations as to the Norwood Oval: *Gazette* 19th January, 1933, p. 70.
Regulations as to the Thebarton Oval: *Gazette* 24th September, 1959, p. 767.
Regulations as to the Unley Oval: *Gazette* 15th June, 1933, p. 1007; 29th January, 1948, p. 229
Regulations as to the Woodville Oval: *Gazette* 23rd December, 1965, p. 2165.

Redhill to Port Augusta Railway Agreement Act, 1935.

Commencement: 20th December, 1935; *Gazette* 19th December, 1935, p. 1445.

Red Scale Control Act, 1962-1964.

Commencement: 31st January, 1963; *Gazette* 31st January, 1963, p. 193.
Administration: Committed to the Minister of Agriculture *Gazette* 31st January, 1963, p. 193,
s. 4. Proclamations: *Gazette* 7th February, 1963, p. 245; 29th August, 1963, p. 632; 19th September, 1963, p. 867; 10th December, 1964, p. 1802; 14th October, 1965, p. 1355.
Regulations: *Gazette* 30th January, 1964, p. 188; 2nd September, 1965, p. 864.

Referendum (State Lotteries) Act, 1965.

s. 4. Proclamation: *Gazette* 28th October, 1965, p. 1487.
s. 17. Notice as to affirmative result of poll: *Gazette* 23rd December, 1965, p. 2164.
Regulations: *Gazette* 28th October, 1965, p. 1501.
Notice as to ballot paper: *Gazette* 29th October, 1965, p. 1555.

Registration of Deeds Act, 1935-1962.

Rules and regulations: *Gazette* 13th February, 1919, p. 325; 29th November, 1945, p. 811; 15th November, 1962, p. 1394.

Registration of Dogs Act, 1924-1966.

Administration: Committed to the Minister of Local Government *Gazette* 18th December, 1924, p. 1561.
s. 6. Proclamations: *Gazette* 30th March, 1933, p. 520; 27th April, 1933, p. 657; 18th January, 1934, p. 77; 13th June, 1935, p. 1511; 20th February, 1936, p. 442; 26th March, 1936, p. 689; 8th April, 1937, p. 745; 30th March, 1944, p. 382; 8th June, 1944, p. 699; 19th April, 1945, p. 551; 7th June, 1945, p. 845; 27th March, 1947, p. 901; 11th July, 1957, p. 51.
Regulations: *Gazette* 22nd January, 1925, p. 100; 9th February, 1928, p. 261.

Renmark Irrigation Trust Act, 1936-1966.

Commencement: 1st June, 1937; *Gazette* 25th March, 1937, p. 643.
Commencement of sections 4, 6, 8, 10, 14, 15, 18 and 19 of the Renmark Irrigation Trust Act Amendment Act, 1959: 1st July, 1960; *Gazette* 16th June, 1960, p. 1588.
Administration: Committed to the Minister of Irrigation *Gazette* 1st February, 1945, p. 145.
s. 115(2). Proclamation: 7th July, 1960, p. 1.
By-laws: *Gazette* 21st September, 1950, p. 731.

River Murray Waters Act, 1935-1963.

Commencement : 1st June, 1937 ; *Gazette* 25th March, 1937, p. 645.
Commencement of River Murray Waters Act Amendment Act, 1948 : 7th July, 1949 ; *Gazette* 7th July, 1949, p. 1.
Commencement of River Murray Waters Act Amendment Act, 1954 : 7th April, 1955 *Gazette* 7th April, 1955, p. 807.
Commencement of River Murray Waters Act Amendment Act, 1958 ; 12th December, 1958, *Gazette* 18th December, 1958, p. 1635.
Commencement of the River Murray Waters Act Amendment Act, 1963 : 30th April, 1964, *Gazette* 23rd April, 1964. p. 854.
Commencement of the River Murray Waters Agreement Supplemental Agreement Act, 1963 ; 30th April, 1964, *Gazette* 23rd April, 1964, p. 854.
Regulations as to the use of surplus water : *Gazette* 23rd August, 1917, p. 481.
Notice as to records to be kept of water diverted from the River Murray : *Gazette* 22nd November, 1917, p. 1144.
Regulations (made by the River Murray Commission) as to tolls for use of lock at Blanchetown : *Gazette* 23rd March, 1922, p. 933.
River Murray traffic regulations : *Gazette* 24th September, 1936, p. 646.
Regulations for protection of locks and barrages : *Gazette* 18th July, 1940, p. 87.

River Torrens (Prohibition of Excavations) Act, 1927-1934.

Administration : Committed to the Commissioner of Public Works *Gazette* 17th June, 1937, p. 1306.

River Torrens Protection Act, 1949.

Commencement : 1st October, 1950 ; *Gazette* 31st August, 1950, p. 521.
Administration : Committed to the Minister of Works *Gazette* 31st August, 1950, p. 521.
s. 4. Proclamations : *Gazette* 31st August, 1950, p. 521 ; 19th July, 1962, p. 110 ; 3rd November, 1966, p. 1816.
Regulations : *Gazette* 12th October, 1950, p. 865.

Road and Railway Transport Act, 1930-1964.

Commencement of the Road and Railway Transport Act Amendment Act, 1956 : 1st February, 1957 ; *Gazette* 17th January, 1957, p. 53.
Administration : Committed to the Minister of Transport *Gazette* 18th March, 1965, p. 619.
s. 3. Orders : *Gazette* 12th September, 1963, p. 833 ; 4th February, 1965, p. 241.
s. 10. Orders : *Gazette* 16th July, 1942, p. 46 ; 13th September, 1956, p. 580 ; 7th February, 1963, p. 249.
s. 27e. Commencement : 14th March 1940 : *Gazette* 14th March, 1940, p. 538.
Regulations : *Gazette* 11th June, 1959, p. 1203.

Road Maintenance (Contribution) Act, 1963.

Commencement : 1st July, 1964 : *Gazette* 25th June, 1964, p. 1600.
Regulations : 12th March, 1964, p. 588 ; 1st October, 1964, p. 1088.

Roads (Opening and Closing) Act, 1932-1946.

Regulations : *Gazette* 9th December, 1948, p. 1746.
Regulations under the Fees Regulation Act, 1927, relating to fees payable on issue of title and other matters : *Gazette* 31st May, 1928, p. 1147 ; 15th November, 1962, p. 1397 ; 3rd March, 1966, p. 1232.

Road Traffic Act, 1961-1966.

Commencement : 30th August, 1962 ; *Gazette* 30th August, 1962, p. 493.
Administration : Committed to the Minister of Roads *Gazette* 31st January, 1963, p. 194.
Date of operation of Road Traffic Act Amendment Act (No. 2), 1967 : 23rd November, 1967 ; *Gazette* 23rd November, 1967, p. 2269.
s. 3. Proclamation : *Gazette* 30th August, 1962, p. 493
s. 9. Proclamation : *Gazette* 30th August, 1962, p. 493.
s. 32. Regulations : *Gazette* 30th August, 1962, p. 546, and 4th November, 1965, p. 1564 (Lincoln Highway near Whyalla, road near Lake Bonney, Barmera) ; 20th September, 1962, p. 724 (Brown Hill Creek Public Pleasure Resort) ; 18th October, 1962, p. 1055 (South-Eastern Main Road No. 1) ; 18th October, 1962, p. 1056 (Myponga Reservoir Road) ; 1st August, 1963, p. 278 ; 27th August, 1964, p. 775 ; 27th August, 1964, p. 275 (Diagonal Road, Pooraka) ; 15th October, 1964, p. 1218 (South-East Main Road No. 1, Murray Bridge) ; 12th November, 1964, p. 1504 (South Main Road No. 3 between Darlington and Reynella) ; 24th December, 1964, p. 2095 (Reynella By-pass and roadway at Port Broughton) ; 29th April, 1965, p. 973 (Yorke Peninsula Main Road, Adelaide-Dry Creek Main Road, Salisbury Highway) ; 12th August,

Road Traffic Act, 1930-1964—*continued.*

1965, p. 363 (Queen Elizabeth Drive, Barmera); 27th January, 1966, p. 260 (South-East Main Road near Tailem Bend); 24th February, 1966, p. 1162 (Fisherman's Bay); 7th December, 1967, p. 2519; 14th December, 1967, p. 2540.

s. 162a (3) (c). Proclamation: *Gazette* 15th September, 1966, p. 1276.

Regulations: *Gazette* 30th August, 1962, p. 509, 11th October, 1962, p. 971; 12th September, 1963, p. 788; 7th November, 1963, p. 1430; 26th March, 1964, p. 696; 14th May, 1964, p. 1007; 28th May, 1964, p. 1182; 18th June, 1964, p. 1279; 6th August, 1964, p. 272; 10th December, 1964, p. 1862; 23rd September, 1965, p. 1139; 15th September, 1966, p. 1334; 10th November, 1966, p. 1908; 30th March, 1967, p. 1139; 13th July, 1967, p. 406; 3rd August, 1967, p. 916; 12th October, 1967, p. 1716; 14th March, 1968, p. 929.

Regulation under the Fees Regulation Act, 1927, fixing fee for inspection of vehicle: *Gazette* 21st March, 1963, p. 696.

Specification for seat belts: *Gazette* 28th May, 1964, pp. 1180, 1181.

Notice approving breath analysing instruments: *Gazette* 23rd November, 1967, p. 2269; 14th December, 1967, p. 2534; 25th April, 1968, p. 1297.

Rural Advances Guarantee Act, 1963.

Commencement: 19th December, 1963, *Gazette* 19th December, 1963, p. 1941.

Sale of Fruit Act, 1915-1935.

Regulations: *Gazette* 3rd December, 1936, p. 1195; 25th December, 1947, p. 2265.

Sale of Goods Act, 1895-1952.

s. 57a. Commencement: 1st July, 1938; *Gazette* 9th June, 1938, p. 1270.

s. 57b. Commencement: 1st March, 1954: *Gazette* 25th February, 1954, p. 400.

Sandalwood Act, 1930-1949.

Administration: Committed to the Commissioner of Crown Lands *Gazette* 4th December, 1930, p. 1129.

Regulations: *Gazette* 7th July, 1932, p. 2; 6th December, 1934, p. 1142.

San José Scale Control Act, 1962-1964.

Commencement: 31st January, 1963; *Gazette* 31st January, 1963, p. 193.

Administration: Committed to the Minister of Agriculture *Gazette* 31st January, 1963, p. 193.

s. 4. Proclamations: 1st August, 1963, p. 272; 19th December, 1963, p. 1940; 24th June, 1965, p. 1589.

Regulations: *Gazette* 30th January, 1964, p. 190; 2nd September, 1965, p. 863.

The Savings Bank of South Australia Act, 1929-1965.

Rules: *Gazette* 4th March, 1943, p. 272.

School of Mines and Industries Act, 1892-1959. (*See also* Institute of Technology Act, 1892-1959).

Commencement: 1st February, 1893; *Gazette* 19th January, 1893, p. 96.

Commencement of the School of Mines and Industries Act Amendment Act, 1959: 18th January, 1960: *Gazette* 14th January, 1960, p. 117.

s. 8. Proclamations: *Gazette* 7th January, 1935, p. 407; 27th August, 1959, p. 511.

Rules and regulations: *Gazette* 16th June, 1960, p. 1592.

Second-hand Dealers Act, 1919-1964.

Commencement: 12th August, 1920; *Gazette* 12th August, 1920, p. 315.

Administration: Committed to the Chief Secretary *Gazette* 19th August, 1920, p. 379.

Regulations: *Gazette* 27th July, 1950, p. 170; 12th December, 1957, p. 1470; 6th March, 1958, p. 762; 21st May, 1964, p. 1077.

Settled Estates Act, 1880-1943.

Rules of Court: *Gazette* 5th April, 1883, p. 1174.

Sewerage Act, 1929-1966.

s. 79. Proclamation: *Gazette* 27th May, 1926, p. 1365.

Regulations: *Gazette* 18th August, 1960, p. 457; 7th February, 1963, p. 251; 23rd April, 1964, p. 857; 11th June, 1964, p. 1263; 23rd June, 1966, p. 2249; 8th December, 1966, p. 2165; 15th December, 1966, p. 2233; 19th January, 1967, p. 158; 2nd February, 1957, p. 319; 7th September, 1967, p. 1304; 26th October, 1967, p. 1887; 2nd May, 1968, p. 1374.

Regulation under the Fees Regulation Act, 1927, fixing fees for services relating to sewers: *Gazette* 14th April, 1960, p. 1042.

Sharebrokers Act, 1945.

Commencement: 1st July, 1946; *Gazette* 27th June, 1946, p 1121.
Regulations: *Gazette* 27th June, 1946, p. 1172.

Shearers Accommodation Act, 1922-1958.

Commencement of the Shearers Accommodation Act Amendment Act, 1958: 27th August, 1959; *Gazette* 27th August, 1959, p. 513.
Administration: Committed to the Minister of Industry *Gazette* 18th January, 1923, p. 93.
Proclamation under section 2 (2) of the Shearers Accommodation Act Amendment Act, 1947, declaring 1st February, 1954, as the day on which the 1939-1945 war ceased: *Gazette* 28th January, 1954, p. 155.

Social Welfare Act, 1926-1965.

Commencement: 7th April, 1927; *Gazette* 7th April, 1927, p. 791.
Commencement of the Maintenance Act Amendment Act, 1965: 27th January, 1966; *Gazette* 27th January, 1966, p. 145.
Administration: Committed to the Minister of Social Welfare *Gazette* 25th March, 1965, p. 671.
s. 61a. At 30th May, 1966, this section had not been brought into operation.
s. 99da. Proclamation fixing, 7th April, 1966, as the day of the commencement of Subdivision 2 of Division II of Part IIIa; *Gazette* 7th April, 1966, p. 1637.
s. 99kl. At 30th May, 1966, Subdivision 3 of Division II of Part IIIa had not been brought into operation.
s. 152. Proclamation: *Gazette* 27th January, 1966, p. 145.
Regulations: *Gazette* 27th January, 1965, p. 159; 7th April, 1966, p. 1649.
Rules, under Subdivision 2 of Division II of Part IIIa: *Gazette* 7th April, 1966, p. 1643.

Soil Conservation Act, 1939-1960.

Administration: Committed to the Minister of Agriculture *Gazette* 4th January, 1940, p. 3.
s. 6a. Proclamations: *Gazette* 29th May, 1947, p. 1559; 12th June, 1947, p. 1637; 26th June, 1947, p. 1709; 17th July, 1947, p. 94; 23rd October, 1947, p. 1255; 22nd April, 1948, p. 825; 9th September, 1948, p. 955; 30th September, 1948, p. 1167; 22nd November, 1951, p. 1229.
s. 6c. Proclamations: *Gazette* 26th July, 1951, p. 173; 30th April, 1953, p. 1011; 15th July, 1954, p. 102; 27th November, 1958, p. 1428; 31st October, 1963, p. 1315.
s. 9. Proclamations: *Gazette* 29th April, 1943, p. 549; 27th November, 1952, p. 1384; 1st December, 1960, p. 1525; 3rd August, 1961, p. 581; 5th December, 1963, p. 1709.
Regulations: *Gazette* 15th February, 1945, p. 273; 2nd October, 1947, p. 1027; 17th January, 1962, p. 86.

South Australian Electric Light and Motive Power Company's Act, 1897.

Administration of ss. 6 and 7: Committed to the Minister of Works; *Gazette* 20th December, 1962, p. 1756.

South Australian Housing Trust Act, 1936-1965.

Administration: Committed to the Treasurer *Gazette* 14th January, 1937, p. 33.

South Australian Railways Commissioner's Act, 1936-1965.

Commencement: 1st June, 1937; *Gazette* 25th March, 1937, p. 644.
Administration: Committed to the Minister of Transport, *Gazette* 18th March, 1965, p. 620.
s. 53n. Proclamation: *Gazette* 29th October, 1942, p. 889.
By-laws—

1. General by-laws governing passengers and public—By-law A: *Gazette* 16th August, 1906, p. 355; by-law D: *Gazette* 24th June, 1920, p. 1487; by-law N: *Gazette* 30th July, 1959, p. 320; by-law O: *Gazette* 2nd February, 1967, p. 320.
2. Removal of goods from railway premises—By-law F: *Gazette* 7th January, 1932, p. 20.
3. Tickets covering combined services—By-law G: *Gazette* 12th July, 1934, p. 42.
4. Conduct of passengers and persons on railway premises—By-law H: *Gazette* 17th February, 1938, p. 359; By-law K: *Gazette* 17th May, 1945, p. 699.
5. Rates and conditions for the carriage of merchandise, minerals, livestock, &c.—By-law 226: *Gazette* 9th March, 1934, p. 541; by-law 229 (livestock): *Gazette* 25th April, 1935, p. 1198; by-law No. 232 (crude oil, kerosene, and motor spirit): *Gazette* 18th June, 1936, p. 1212; by-law No. 236 (carriage of perishable traffic): *Gazette* 4th January, 1940, p. 31; by-law No. 237 (carriage of motor vehicles); *Gazette* 17th April, 1941, p. 558: by-law No. 244 (carriage of freight, livestock, etc.); *Gazette* 17th February, 1949, p. 419; by-law No. 246 (carriage of freight, livestock, etc.): *Gazette* 31st August, 1950, p. 537;

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by-law No. 249; *Gazette* 14th December, 1951, p. 1505; by-law No. 252; *Gazette* 26th June, 1952, p. 1410; by-law No. 255; *Gazette* 26th July, 1956, p. 209; by-law No. 257; *Gazette* 31st January, 1958, p. 203; 17th February, 1966, p. 1023; 14th September, 1967, p. 1369; 23rd November, 1967, p. 2274; by-law No. 258; *Gazette* 30th July, 1959, p. 321; by-law No. 262; *Gazette* 14th July, 1960, p. 85; by-law No. 264; *Gazette* 13th August, 1964, p. 345; *Gazette* 18th August, 1966, p. 1036; by-law No. 262.

6. Passenger rates and conditions—By-law No. 253; *Gazette* 3rd July, 1953, p. 37 and 14th April, 1966, p. 1693; by-law No. 254: *Gazette* 10th March, 1955, p. 554; by-law No. 256: *Gazette* 5th September, 1957, p. 526; by-law No. 259; *Gazette* 30th July, 1959, p. 322; by-law No. 260; *Gazette* 3rd September, 1959, p. 586; by-law No. 261; *Gazette* 14th July, 1960, p. 102; by-law No. 265; *Gazette* 13th August, 1964, p. 347; *Gazette* 22nd September, 1966, p. 1361.
7. Use of railway facilities for loading and unloading merchandise other than rail-borne merchandise—By-law 230: *Gazette* 23rd January, 1936, p. 218.

Regulations—

1. Employment, rules, duties &c., of staff—Regulation No. 56: *Gazette* 2nd November, 1922, p. 990; regulation No. 86: *Gazette* 28th March, 1929, p. 652; regulation No. 88: *Gazette* 27th June, 1929, p. 1495; regulation No. 90: *Gazette* 23rd January, 1930, p. 139; regulation No. 105: *Gazette* 7th March: 1935, p. 688; regulation No. 108: *Gazette* 30th May, 1935, p. 1439; regulation No. 123: *Gazette*, 13th March, 1941, p. 370; regulation No. 125: *Gazette* 2nd April, 1942, p. 498; regulation No. 128: *Gazette* 24th December, 1942, p. 1218.
2. Employment on other than railway duties—Regulation No. 120: *Gazette* 9th May, 1940, p. 1054.
3. Locomotive workshop rules—Regulation No. 89: *Gazette* 21st November, 1929, p. 1125.
4. Branches of railway service—Regulation No. 99: *Gazette* 14th January, 1932, p. 32.
5. Classification of officers—Regulation No. 111: *Gazette* 24th September, 1936, p. 643; regulation No. 114: *Gazette* 14th October, 1937, p. 1029; regulation No. 115: *Gazette* 14th October, 1937, p. 1030; regulation No. 119: *Gazette* 28th November, 1940, p. 1211; regulation No. 136: *Gazette* 29th April, 1948, p. 921.
6. Home stations and travelling allowances—Regulation No. 65: *Gazette* 21st August, 1924, p. 469; regulation No. 67: *Gazette* 11th September, 1924, p. 658.
7. Transfers—Regulation No. 66: *Gazette* 11th September, 1924, p. 658.
8. Leave of absence, holidays, sick leave, hours of duty—Regulation No. 68: *Gazette* 20th November, 1924, p. 1338; regulation No. 118: *Gazette* 3rd November, 1938, p. 1182; regulation, No. 131: *Gazette* 9th May, 1946, p. 899; regulation No. 134: *Gazette* 21st November, 1946, p. 1322; regulation No. 140: *Gazette* 10th May, 1956, p. 929; regulation No. 141: *Gazette* 10th October. 1963, p. 1080; regulation No. 142: *Gazette* 21st December, 1967, p. 2620; regulation No. 143: *Gazette* 21st December, 1967, p. 2619; regulation No. 144: *Gazette* 22nd February, 1968, p. 662.
9. Injuries, sickness, and medical standards—Regulation: 24th October, 1957, p. 940.
10. Clothing and equipment—Regulation No. 91: *Gazette* 28th August, 1930, p. 410;
11. The Railways Institute—Regulation No. 79: *Gazette* 28th July, 1927, p. 218; regulation No. 84: *Gazette* 8th March, 1928, p. 509; regulation No. 101. *Gazette* 25th February, 1932, p. 381.
12. The Railways Service Appeal Board—*Gazette* 11th February, 1904, p. 253; 18th December, 1941, p. 1504.
13. The Railway Officers Classification Board: *Gazette* 19th January, 1939, p. 239; 19th October, 1939, p. 1155; 3rd October, 1940, p. 733.
14. Audit regulations: *Gazette* 16th March, 1944, p. 302; 3rd January, 1946, p. 21; 3rd February, 1966, p. 267.

South-Eastern Drainage Act, 1931-1959.

Commencement: 1st January, 1932; *Gazette* 17th December, 1931, p. 1115.
Administration: Committed to the Minister of Irrigation *Gazette* 17th December, 1931, p. 1115.
s. 105. Notice: *Gazette* 29th April, 1965, p. 976.
Rules of Court as to appeals under section 53 or section 96: *Gazette* 5th May, 1932, p. 779.

Stamp Duties Act, 1923-1966.

Commencement of sections 4, 5 and 6 of the Stamp Duties Act Amendment Act, 1952; 22nd January, 1953: *Gazette* 22nd January, 1953, p. 72.
Commencement of the Stamp Duties Act Amendment Act, 1959; 1st February, 1960; *Gazette* 7th January, 1960, p. 1.

Stamp Duties Act, 1923-1966—*continued.*

Commencement of the Statutes Amendment (Stamp Duties and Motor Vehicles) Act, 1964: 19th October, 1964: *Gazette* 15th October, 1964, p. 1203.

Commencement of the Stamp Duties Act Amendment Act, 1966; 21st November, 1966; *Gazette* 10th November, 1966, p. 1882.

Proclamation under paragraph 23 of second schedule declaring 1st February, 1954, as the day on which the 1939-1945 war ceased: *Gazette* 28th January, 1954, p. 155.

Proclamation under subparagraph (d1) of paragraph 23 of second schedule: *Gazette* 7th April, 1966, p. 1638.

Proclamation declaring corresponding Acts: *Gazette* 15th June, 1967, p. 1809.

Regulations: *Gazette* 24th July, 1924, p. 169; 8th March, 1951, p. 532; 22nd January, 1953, p. 74; 29th November, 1956, p. 1235; 8th December, 1960, p. 1613; 10th February, 1966, p. 598; 14th July, 1966, p. 171; 8th June, 1967, p. 1752; 19th October, 1967, p. 1786.

Regulation as to decimal currency transition: *Gazette* 24th December, 1964, p. 2017; 10th February, 1966, p. 597.

Regulation varying second schedule: *Gazette* 23rd September, 1965, p. 1138; 20th October, 1966, p. 1730; 12th October, 1967, p. 1718.

Regulations as to receipts: *Gazette* 27th January, 1966, p. 202.

The Standard Time Act, 1898.

Commencement: 1st May, 1899; *Gazette* 9th February, 1899, p. 245.

State Bank Act, 1925-1958.

Commencement: 1st February, 1926; *Gazette* 28th January, 1926, p. 151

Administration: Committed to the Treasurer *Gazette* 28th January, 1926, p. 151.

Regulations: *Gazette* 21st November, 1929, p. 1137.

State Lotteries Act, 1966.

Commencement: 8th December, 1966; *Gazette* 8th December, 1966, p. 2152.

Administration: committed to the Treasurer: *Gazette* 8th December, 1966, p. 2152

Statutes Amendment (Local Courts and Workmen's Liens) Act, 1964.

Commencement: 3rd December, 1964; *Gazette* 3rd December, 1964, p. 1715.

Statutes Amendment (Metropolitan Milk Supply, Food and Drugs, and Health) Act, 1967.

Commencement: 1st January, 1968: *Gazette* 7th December, 1967, p. 2445.

Statutes Amendment (Stamp Duties and Motor Vehicles) Act, 1964.

Commencement: 19th October, 1964; *Gazette* 15th October, 1964, p. 1203.

Statutory Salaries and Fees Act, 1947.

Regulations relating to the Board of Management of the Adelaide Hospital, the Board of Trustees of the Savings Bank of South Australia, the Municipal Tramways Trust and the Commissioners of Charitable Funds: *Gazette* 30th September, 1948, p. 1170; 2nd December, 1948, p. 1728; 12th February, 1953, p. 198; 14th April, 1955, p. 861; 14th December, 1961, p. 1966; 13th February, 1964, p. 300; 26th October, 1967, p. 1893-4.

Regulation relating to the Fire Brigades Board: *Gazette* 26th January, 1956, p. 130; 23rd February, 1967, p. 515.

Regulations relating to the South Australian Housing Trust: *Gazette* 19th May, 1949, p. 1420; 6th November, 1958, p. 1255; 22nd March, 1962, p. 602; 17th May, 1962, p. 1296; 26th October, 1967, p. 1892.

Regulation relating to the Local Government Officers' Classification Board: *Gazette* 9th August, 1951, p. 292; 25th August, 1966, p. 1085; 26th October, 1967, p. 1891.

Steam Boilers and Enginedrivers Act, 1935-1952.

Commencement: 1st June, 1937; *Gazette* 25th March, 1937, p. 643.

Administration: Committed to the Minister of Industry and Employment *Gazette* 25th March, 1937, p. 643.

Regulations relating to the examination of boilers: *Gazette* 4th August, 1960, p. 297: 11th June, 1964, p. 1231; 22nd December, 1966, p. 2307.

Regulations relating to the Enginedrivers' Board and examinations; *Gazette* 4th August, 1960, p. 301: 11th June, 1964, p. 1283; 6th July, 1967, p. 6.

Regulation under the Fees Regulation Act, 1927, varying the fees prescribed in the fifth schedule: *Gazette* 22nd October, 1959, p. 972.

Stock Diseases Act, 1934-1962.

Commencement of the Stock and Poultry Diseases Act Amendment Act, 1946: 27th February, 1947; *Gazette* 27th February, 1947, p. 743.
Administration: Committed to the Minister of Agriculture *Gazette* 20th December, 1934, p. 1218.
s. 5 (1). Proclamations of "disease": *Gazette* 19th January, 1950, p. 101; 18th May, 1950, p. 1036; 26th April, 1951, p. 925; 21st June, 1951, p. 1333; 22nd April, 1954, p. 806; 20th June, 1957, p. 1502; 5th October, 1961, p. 1189; 26th October, 1961, p. 1340.
s. 5 (1). Notices under definition of "stock": *Gazette* 27th May, 1937, p. 1211; 5th April, 1945, p. 503; 18th December, 1952, p. 1546; 8th January, 1959, p. 3.
s. 6. Proclamations: *Gazette* 15th December, 1932, p. 1143; 10th December, 1942, p. 1124; 26th August, 1943, p. 230; 22nd April, 1948, p. 823; 18th December, 1952, p. 1544; 20th June, 1957, p. 1502; 8th January, 1959, p. 3; 27th August, 1959, p. 507.
s. 8a. (3). Proclamation of diseases: *Gazette* 19th August, 1965, p. 461.
s. 19. Notice: *Gazette* 20th June, 1957, p. 1505.
ss. 29 and 30. Notice: *Gazette* 19th December, 1957, p. 1532.
s. 43aa. Notice: *Gazette* 20th June, 1957, p. 1502.
s. 48. Proclamation: *Gazette* 5th April, 1945, p. 499.
Regulations: *Gazette* 6th December, 1962, p. 1603; 27th June, 1963, p. 1635; 5th December, 1963, p. 1715; 25th February, 1965, p. 350; 18th August, 1966, p. 1025; 23rd February, 1967, p. 512.

Stock Foods Act, 1941-1956.

Commencement: 1st April, 1942; *Gazette* 29th January, 1942, p. 143.
Administration: Committed to the Minister of Agriculture: *Gazette* 29th January, 1942 p. 143.
Regulations: *Gazette* 29th January, 1942, p. 146; 15th July, 1948, p. 294; 8th June, 1967, p. 1753.

Stock Medicines Act, 1939-1956.

Commencement: 1st July, 1940; *Gazette* 21st March, 1940, p. 589.
Administration: Committed to the Minister of Agriculture *Gazette* 21st March, 1940, p. 589.
Regulations: *Gazette* 21st March, 1940, p. 592.
Regulations under the Fees Regulation Act, 1927, altering the fees payable for registration of stock medicines: *Gazette* 2nd September, 1965, p. 866.

Subdivided Land Debts Act, 1932-1934.

s. 8. Notice: *Gazette* 26th January, 1933, p. 111.
Regulations: *Gazette* 19th January, 1933, p. 72.

Succession Duties Act, 1929-1963.

s. 6. Proclamations: *Gazette* 2nd July, 1925, p. 1; 16th June, 1932, p. 1067; 23rd January, 1936, p. 208; 12th November, 1942, p. 985; 20th February, 1947, p. 684; 5th November, 1953, p. 1163; 10th December, 1953, p. 1403.
s. 55a. Proclamation declaring 1st February, 1954, as the day on which the 1939-1945 war ceased: *Gazette* 28th January, 1954, p. 155; 19th October, 1967, p. 1772.
Regulations: *Gazette* 20th January, 1949, p. 129; 2nd April, 1953, p. 698; 19th January, 1956, p. 107; 3rd November, 1966, p. 1831.
Regulation under the Fees Regulation Act, 1927, providing for the fee payable to the Public Trustee on the preparation of a certain succession duty form: *Gazette* 3rd December, 1931, p. 1033.

Superannuation Act, 1926-1966.

Commencement: 22nd December, 1926; *Gazette* 23rd December, 1926, p. 1565.
Commencement of the Superannuation Act Amendment Act, 1966: 1st December, 1966; *Gazette* 20th October, 1966, p. 1655.
Administration: Committed to the Treasurer *Gazette* 23rd December, 1926, p. 1565.
s. 3. Notice of "appointed day": *Gazette* 24th February, 1927, p. 400.
s. 23. Notice: *Gazette* 24th February, 1927, p. 400.
s. 66a. Notice of arrangement: *Gazette* 6th July, 1950, p. 47.
s. 66b. Proclamation: *Gazette* 30th November, 1950, p. 1301.

Superannuation Act, 1926-1966—*continued.*

Regulations: *Gazette* 22nd December, 1926, p 1566; 16th June, 1927, p. 1306; 20th December, 1928, p. 1293; 10th September, 1931, p. 430; 23rd November, 1933, p. 1055; 11th July, 1940, p. 72; 20th November, 1947, p. 1705; 24th March, 1955, p. 749; 4th December, 1958, p. 1518; 22nd December, 1960, p. 1704; 11th January, 1962, p. 53; 23rd August, 1962, p. 401; 10th September, 1964, p. 924; 10th March, 1966, p. 1327; 26th October, 1967, p. 1893.

Regulations as to superannuation rights of officers transferred from other Governments: *Gazette* 29th May, 1947, p. 1601; 9th November, 1950, p. 1146; 18th November, 1954, p. 1233; 15th March, 1956, p. 517; 16th April, 1959, p. 813; 23rd August, 1962, p. 401; 14th September, 1967, p. 1380.

Rules of Court: *Gazette* 12th May, 1932, p. 869.

Supreme Court Act, 1935-1966.

Commencement: 1st November, 1937; *Gazette* 25th March, 1937, p. 646.

Commencement of Supreme Court Act Amendment Act (No. 1), 1966: 12th January, 1967; *Gazette*, 12th January, 1967, p. 51.

Commencement of Supreme Court Act Amendment Act (No. 2), 1966-1967: 22nd June, 1967; *Gazette* 22nd June, 1967, p. 1850.

s. 52. Proclamations: *Gazette* 21st March, 1878, p. 620; 14th July, 1881, p. 92; 3rd March, 1892, p. 527; 21st January, 1897, p. 92; 14th September, 1939, p. 745.

Rules of Court—

Actions and other proceedings in the Court: Supreme Court Rules: *Gazette* 7th May, 1947, p. 1153; 28th October, 1948, p. 1350; 11th January, 1951, p. 31; 17th January, 1952, p. 104; 19th June, 1952, p. 1323; 7th April, 1955, p. 810; 7th March, 1957, p. 502; 5th August, 1965, p. 288; 12th October, 1967, p. 1715.

The following Rules of Court have operation to the extent set out in the fourth schedule to the Supreme Court Rules: Rules of Court, 1913, dated 10th December, 1913 (not published in the *Gazette*); Rules of Court, 1937: *Gazette* 4th November, 1937, p. 1205.

Administration and probate: *Gazette* 24th November, 1927, p. 1255; 11th March, 1937, p. 537; 14th October, 1937, p. 1021; 2nd June, 1938, p. 1265; 22nd, June, 1950, p. 1278; 24th December, 1952, p. 1621; 8th January, 1953, p. 8; 23rd May, 1957, p. 1201; 17th December, 1959, p. 1521; 3rd November, 1960, p. 1221.

Administration of Justice Act, 1922—Procedure: Rules dated 25th October, 1922, Not published in the *Gazette*.

Adoption of Children Act, 1925—Procedure: Rules dated 23rd December, 1926. Not published in the *Gazette*.

Companies Act, 1962: *Gazette* 20th May, 1965, p. 1151.

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