ACTS OF PARLIAMENT OF SOUTH AUSTRALIA

1981

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With Tables and Indexes

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ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

****

No. 1 of 1981

An Act to amend the State Lotteries Act, 1966-1978.

[*Assented to 20th February,* 1981]

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 "State Lotteries Act Amendment Act, 1981".

(2) The State Lotteries Act, 1966-1978, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "State Lotteries Act, 1966-1981".

Amendment of s. 3—Interpretation.

2. Section 3 of the principal Act is amended by inserting after its present contents (now to be designated as subsection (1)) the following subsection:

(2) A reference in this Act to a lottery promoted or conducted by the Commission includes a lottery promoted or conducted by the Commission jointly with an authority constituted under the law of another State or Territory of the Commonwealth.

Amendment of s. 13—Powers and functions of the Commission.

3. Section 13 of the principal Act is amended by striking out paragraph (*a*) of subsection (1) and substituting the following paragraphs:

(*a*) promote and conduct lotteries;

(*ab*) promote and conduct lotteries jointly with an appropriate authority of another State or Territory of the Commonwealth;.

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

****

No. 2 of 1981

An Act to amend the Public Supply and Tender Act, 1914-1975.

[*Assented to 26th February,* 1981]

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 "Public Supply and Tender Act Amendment Act, 1981".

(2) The Public Supply and Tender Act, 1914-1975, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Public Supply and Tender Act, 1914-1981".

Commencement.

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

Repeal of s. 15c and substitution of new sections.

3. Section 15c of the principal Act is repealed and the following sections are substituted:

Power of delegation.

15c. (1) The Board may delegate any of its powers or functions under this Act—

(*a*) to any instrumentality or agency of the Crown, or of the Government of the State, or to a member or officer of any such instrumentality or agency;

or

(*b*) to any officer or member of the public service.

(2) A delegation under this section may be made upon such conditions as the Board thinks fit.

(3) A delegation under this section—

(*a*) is revocable at will;

and

(*b*) does not derogate from the power of the Board to act in any matter itself.

Saving provision.

15d. No contract made before the commencement of the Public Supply and Tender Act Amendment Act, 1981, is void or voidable by reason of non-compliance with a provision of this Act.

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

****

No. 3 of 1981

An Act to constitute a Trust to be known as the "Roman Catholic Archdiocese of Adelaide Charitable Trust"; to bring certain existing trusts and charitable undertakings under the administration of the Trust; to define the powers, authorities, functions and duties of the Trust; and for other purposes.

[*Assented to 26th February,* 1981]

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 "Roman Catholic Archdiocese of Adelaide Charitable Trust Act, 1981".

Commencement.

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

Arrangement of Act.

3. This Act is arranged as follows:

PART I—PRELIMINARY

PART II—CONSTITUTION OF THE TRUST

PART III—PROPERTY

PART IV—GENERAL

Interpretation.

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

"appointed day" means the day on which this Act comes into operation:

"the Archbishop" means the Roman Catholic Archbishop of Adelaide for the time being or his nominee or if he is unable to act in his capacity as Archbishop of Adelaide or if there be no Archbishop of Adelaide means the person for the time being administering the Archdiocese or his deputy:

"the Archdiocese" means the Roman Catholic Archdiocese of Adelaide:

"the bodies whose property is vested in the Trust" means those bodies named in section 5 (1) (*a*) together with the Roman Catholic Archdiocese of Adelaide Charitable Trust Incorporated or any successor in title:

"the Convent of Mercy" and "the Sisters of Mercy" means the Convent of Mercy (Adelaide) Incorporated:

"conveyance" includes transfer:

"disposition" includes surrender or release:

"Goodwood Orphanage" means—

(*a*) St. Vincent de Paul's Home Goodwood or any home or homes substituted for that Home;

and

(*b*) property held by the Sisters of Mercy in connection with work for children or others who are being or have been cared for in the home or homes referred to in paragraph (*a*):

"Largs Bay Orphanage" means—

(*a*) St. Joseph's Home Largs Bay or any other home or homes substituted for that Home;

and

(*b*) property held by the Sisters of St. Joseph in connection with work for children or others who are being or have been cared for in the home or homes referred to in paragraph (*a*):

"property" means real or personal property and includes any estate or interest in real or personal property:

"St. John's Boys Home" means—

(*a*) St. John's Boys Home at Brooklyn Park or any other home or homes substituted for that Home;

and

(*b*) property held by the Salesians of St. John Bosco in connection with work for children or others who are being or have been cared for in the home or homes referred to in paragraph (*a*):

"the Salesians of St. John Bosco" means The Salesian Society Incorporated:

"the Sisters of St. Joseph" means The Congregation of the Sisters of St. Joseph of the Sacred Heart South Australia Incorporated:

"The Trust" means the Roman Catholic Archdiocese of Adelaide Charitable Trust constituted by this Act.

Objects of the Trust.

5. (1) The objects of the Trust are—

(*a*) to take over, promote, maintain and continue the charitable undertakings, purposes or trusts vested in the Catholic Church Endowment Society Incorporated together with—

(i) the Sisters of St. Joseph with respect to Largs Bay Orphanage;

(ii) the Convent of Mercy with respect to Goodwood Orphanage;

(iii) the Salesians of St. John Bosco with respect to St. John's Boys Home,

and such other charitable undertakings, purposes or trusts of the Orders, Congregations, Communities and Associations of the Roman Catholic Church in the Archdiocese and whether relating to families, children, aged, infirm or indigent persons as it may be from time to time expedient or beneficial to vest in the Trust;

(*b*) to promote, develop, administer, manage and support with organizational and funding assistance from investments, capital, income, donations, bequests, or such other source of funds as may from time to time be available, such charitable undertakings within the Archdiocese and in particular for the benefit of children who are deprived of a parent or parents and those in need of counselling, accommodation, sustenance, care and control and assistance to those having the legal or moral duty of care of children and such other persons or families as are in need of Christian charity within the Archdiocese;

(*c*) to purchase, sell, have assigned or transferred to it, take on lease, let, lease or exchange or otherwise deal with such real or personal property as may be considered advisable for the purposes of the Trust and to borrow and raise money and to secure repayment thereof upon such assets of the Trust and in such manner as may be determined by the Trustees and for those purposes or any of them to charge or mortgage all or any of the property of the Trust;

(*d*) to co-operate with any department of the Government of the Commonwealth or of any State or any research, institutional or other body for such purpose and in such manner as the Trustees consider conducive to the promotion, attainment or fulfilment of any of the objects of the Trust and further to co-operate with persons and bodies for any of the foregoing objects;

(*e*) to do all things that are incidental or conducive to the attainment of all or any of the above objects.

(2) The property and income of the Trust shall be applicable only towards the promotion of the objects of the Trust.

(3) A certificate under the hand of the Chairman or Secretary of the Trust certifying that the Trust has taken over specified charitable undertakings, purposes or trusts shall be conclusive evidence of the facts so certified.

PART II

CONSTITUTION OF THE TRUST

Constitution of the Trust.

6. (1) There shall be a corporation entitled "The Roman Catholic Archdiocese of Adelaide Charitable Trust".

(2) The Trust shall have perpetual succession and a common seal, and may sue and be sued in its corporate name.

(3) Notwithstanding the provisions of any instrument, the Trust may—

(*a*) acquire, hold, deal with and dispose of property of any kind;

(*b*) mortgage, charge, or otherwise encumber its property;

or

(*c*) borrow moneys for the purposes of the Trust.

Membership of the Trust.

7. (1) The Trust shall be administered by Trustees who shall be—

(*a*) the Archbishop;

(*b*) a nominee of the Archbishop;

(*c*) the Provincial of the Sisters of Mercy Adelaide or her nominee;

(*d*) the Provincial of the Sisters of St. Joseph or her nominee;

(*e*) the Provincial of the Salesians of St. John Bosco or his nominee;

(*f*) such other member or members as are co-opted by the Trustees with the prior approval in writing of the Archbishop.

(2) No person who has attained the age of seventy-five years shall be eligible for appointment as a trustee.

(3) A trustee appointed under subsection (1) (*f*) shall hold office for a term expiring on the thirtieth day of June in each third year following appointment and shall, subject to subsection (2), be eligible for re-appointment.

(4) The Archbishop, or a trustee appointed by him to be the Chairman, shall be Chairman of the Trust.

(5) In the absence of the Chairman from a meeting of the Trust the trustees present at the meeting shall elect one of their number to act as Chairman at that meeting.

Quorum and vacation of office.

8. (1) Three members of the Trust one of whom shall be the Archbishop or his nominee shall be a quorum for the purpose of any meeting of the Trust and the decision of a majority of the members present and voting at any meeting of the Trust shall be the decision of the Trust.

(2) A member of the Trust shall be deemed to have vacated office if he—

(*a*) dies;

(*b*) resigns from office by notice in writing to the Archbishop;

(*c*) is physically or mentally incapable of properly carrying out the duties of a member of the Trust and a legally qualified medical practitioner so certifies;

(*d*) ceases to hold the office or appointment by virtue of which he was entitled to become a member of the Trust;

(*e*) is removed by the unanimous vote of all of the other members of the Trust;

(*f*) attains the age of seventy-five years.

Casual vacancies.

9. Whenever a casual vacancy occurs in the membership of the Trust the Archbishop may appoint a person to fill the vacancy until the end of the next meeting of the Trust.

Common seal.

10. (1) The members for the time being of the Trust shall have the custody of its common seal.

(2) The form of the common seal, the wording of the sealing clause and all other matters relating thereto shall be determined by the Trust.

(3) The common seal of the Trust shall only be affixed to an instrument in pursuance of a resolution of the Trust and every instrument to which the common seal is so affixed shall be signed by the Archbishop and one other member of the Trust.

(4) An instrument purporting to have been sealed with the common seal of the Trust and purporting to be signed by the Archbishop and another member of the Trust shall be deemed to have been executed in accordance with subsection (3).

Form and execution of certain contracts, etc.

11. (1) Any deed, instrument, contract or agreement relating to any property or matter which if made or executed by an individual would be by law required to be in writing under seal may be made on behalf of the Trust in writing under the common seal of the Trust.

(2) Any instrument, contract or agreement relating to any property or matter which if made by or between individuals would be required to be in writing signed by the parties to be charged may be made on behalf of the Trust in writing by any person acting under its authority.

(3) Any contract relating to any property or matter which if made between individuals would by law be valid although made by parol only (and not reduced to writing) may be made on behalf of the Trust by any person acting under its authority.

(4) Any contract which is entered into or any instrument, contract or agreement which is signed on behalf of the Trust shall be deemed to have been entered into or signed with the express authority of the Trust, if it is entered into or signed in accordance with the resolution of the Trust.

Execution under seal by agent, etc.

12. The Trust may, by writing under its common seal, expressly empower any person, in respect of any specific matter, as its agent or attorney to execute any deed, instrument, contract or agreement on its behalf, and any deed signed by such agent or attorney on behalf of the Trust and under his seal shall bind the Trust and have the same effect as if it were under the common seal of the Trust.

PART III

PROPERTY

Vesting of certain property in the Trust.

13. (1) Subject to this Act, the following property is vested without conveyance in the Trust and shall be administered by the Trust under the provisions of this Act:

(*a*) all property that was, immediately before the appointed day, vested in the Roman Catholic Archdiocese of Adelaide Charitable Trust Incorporated;

(*b*) the Goodwood Orphanage;

(*c*) the Largs Bay Orphanage;

(*d*) St. John's Boys Home;

and

(*e*) property held by any person or body in trust for the body or institutions referred to in paragraph (*a*), (*b*), (*c*) or (*d*).

(2) Property vested in the Trust pursuant to this section that was held immediately before it was so vested in the Trust for use as a place of worship, a residence for the Clergy, a Church Hall, a Children's Home, or any other purpose shall, subject to subsection (3), be freed and discharged from any trusts for any such use to which the property was subject immediately before it was vested in the Trust.

(3) Subject to subsection (1), the vesting effected by this section shall be without prejudice to—

(*a*) any special trust;

(*b*) any resulting trust;

(*c*) any trust in favour of a donor;

and

(*d*) any reservation, mortgage, charge, encumbrance, loan or lease that immediately before the appointed day affected the property vested.

No attornment necessary.

14. No attornment to the Trust by any lessee of land vested in it by this Part shall be necessary.

Construction of certain instruments.

15. (1) To the extent to which, by a deed, will or other instrument that takes effect on or after the appointed day, any property—

(*a*) is devised, bequeathed, given, granted, released, conveyed or appointed to any of the bodies in whom the charitable undertakings, purposes or trusts referred to in section 5 (1) (*a*) are vested for, or for the benefit of, or in trust for those charitable undertakings, purposes or trusts or to a person (not being the Trust) for, or for the benefit of, or in trust for, the Archdiocese for those charitable undertakings, purposes or trusts or is declared or directed to be held by any person (not being the Trust) for, or for the benefit of, or in trust for, the Archdiocese for those charitable undertakings, purposes or trusts;

or

(*b*) is—

(i) recoverable by any of the bodies in whom those charitable undertakings, purposes or trusts are vested or by any person (not being the Trust) on behalf of any of those bodies;

or

(ii) payable to, or receivable by any of those bodies or any person (not being the Trust) on behalf of any of those bodies,

for those charitable undertakings, purposes or trusts,

the deed, will or other instrument shall be construed and take effect as if the reference therein to the bodies in whom the said charitable undertakings, purposes or trusts are vested, or as the case may be, to that person, were a reference to the Trust.

Resolution of ambiguities, etc.

16. Where by virtue of a provision of this Part a reference to any of the bodies in whom the said charitable undertakings, purposes or trusts are vested is to be read and construed as a reference to any of the charitable undertakings, purposes or trusts referred to in section 5 (1) (*a*) and any ambiguity, obscurity or uncertainty results from construing the reference in accordance with that provision, the Trust (subject to the approval in writing of the Archbishop in that regard) may give such directions as it considers necessary or expedient to construe and resolve the ambiguity, obscurity or uncertainty and the reference shall thereafter be read and construed in accordance with that direction.

Handing over of property by incorporated association.

17. (1) An incorporated association with the consent of the Trust may transfer the whole or part of its undertaking or property to the Trust.

(2) Where an incorporated association transfers the whole of its undertaking to the Trust—

(*a*) all rights and liabilities of the association vest in the Trust;

and

(*b*) a trust or other disposition in favour of the association shall be construed as if it referred to the Trust instead of the association.

Power to alter rules of incorporated association.

18. (1) Notwithstanding anything contained in the rules of an incorporated association the rules may be altered with the consent of the Trust so that any reference to any of the bodies whose property is vested in the Trust is altered to refer to the Trust.

(2) The rules shall be altered in accordance with the procedure laid down therein as nearly as is practicable and where the rules do not provide for alteration they may with the consent of the Trust be altered for the purposes of this section by an instrument under the seal of the incorporated association.

(3) Anything to be done by any of the bodies whose property is vested in the Trust for the purpose of altering the rules may be done by the Trust.

Evidence.

19. A certificate under the common seal of the Trust to the effect that specified property is held by it upon trust for the bodies whose property is vested in the Trust shall, in all proceedings whether civil or criminal, be *prima facie* evidence that the property so specified is so held.

PART III

Certain rights enforceable by the Trust.

20. Subject to this Act, where any property is vested in the Trust pursuant to this Act, the Trust shall, in relation to that property, have and be subject to all the rights, powers, remedies, liabilities and obligations and may exercise and discharge, in relation to that property, all or any of the rights, powers and remedies which the person in whom the property was formerly vested or by whom it was had or held would have had and been subject to and might have exercised and discharged in relation to that property had it not been divested from him and vested in the Trust.

Registration of interests of Trust in land.

21. (1) Where the Trust—

(*a*) applies to the Registrar-General to be registered as the proprietor of an estate or interest in land;

and

(*b*) furnishes the Registrar-General with—

(i) a certificate under the common seal of the Trust to the effect that the estate or interest has vested in the Trust in pursuance of this Act;

and

(ii) such duplicate certificates of title or other instrument as may be required by the Registrar-General,

the Registrar-General shall, without further enquiry, and without fee, register the Trust as the proprietor of the relevant estate or interest.

(2) No stamp duty shall be payable in respect of an application or certificate under subsection (1).

PART IV

GENERAL

Claims for compensation upon compulsory acquisition, etc.

22. The Trust may in relation to the exchange, dedication or compulsory acquisition of any property vested in it, make claims for compensation in respect of the property and may agree to and settle any such claims, for such considerations, and on and subject to any terms and conditions, as may appear advisable to it.

Receipt for certain moneys.

23. A receipt for moneys payable to the Trust shall exonerate the mortgagee, purchaser or other person by or on whose behalf the moneys are so payable from any liability for the loss, mis-application or non-application of the moneys, if the receipt—

(*a*) is executed in accordance with this Act under the common seal of the Trust;

(*b*) is in writing signed by two members of the Trust;

or

(*c*) is in writing signed by a person or persons duly authorized for the purpose by two members of the Trust.

Exoneration from enquiry.

24. No purchaser, mortgagee, lessee or other person dealing with the Trust and neither the Registrar-General nor any other person registering or certifying titles shall, upon any sale, exchange, mortgage, lease or other dealing purporting to be entered into by the Trust, be concerned to see or enquire into the necessity for or the propriety of the exercise by the Trust of its powers or the mode of exercising them or be affected by notice that the exercise of any such power is unauthorized, irregular or improper.

Service of documents.

25. The service of any writ, statement of claim, summons or other legal process on the Trust may be effected by serving it upon the Chancellor of the Archdiocese or on any person appearing to be authorized by the Trust to accept service.

Trust may act as executor, etc.

26. (1) The Trust may—

(*a*) apply for and obtain, or join in applying for and obtaining probate of the will, or letters of administration of the estate, of a deceased person where the Trust has a beneficial interest, vested or contingent, in the estate of that person;

or

(*b*) accept appointment, and act, as trustee or co-trustee under and in pursuance of any trust where the trust property is not vested in the Trust by, or pursuant to, this Act and the trust is wholly or partly for the benefit of the Trust,

and may do all things necessary for the exercise or performance of its powers, authorities, duties or functions as executor, administrator, or trustee as the case may be.

(2) On behalf of the Trust, a member of the Trust or a person employed by the Trust may, if authorized by the Trust for the purpose, swear an affidavit, make a declaration or statement, give security and do any other act or thing that is, by any charter, Act or rule of court, required to be done by a person applying for or granted probate or letters of administration or administering a trust, as the case may be.

(3) The Trust may—

(*a*) renounce executorship;

(*b*) decline to act as administrator of an estate;

(*c*) retire, or decline to act as trustee of property (not being property vested in it by or pursuant to this Act).

(4) Any commission or other remuneration earned by the Trust as an executor, administrator or trustee appointed under the authority of this section shall belong to the Trust and shall be used and applied by it for or towards any object or purpose specified or approved by the Trust.

Trust may hold property jointly.

27. The Trust may hold or acquire any real or personal property either alone or jointly with another or others as joint tenants or tenants-in-common.

Regulations.

28. (1) The Trust may make, alter and revoke regulations for the control, management and administration of, and dealings with, the property of the Trust.

(2) A certificate signed by the Chairman or Secretary for the time being of the Trust that specifies in the certificate or an annexure thereto the form of a regulation under subsection (1) and in force on a day specified in the certificate shall be conclusive evidence that the regulation was in force in that form on that day.

(3) The Subordinate Legislation Act, 1978, does not apply to regulations made under this section.

Co-operative use of property.

29. (1) Where it has been decided in accordance with the regulations and rules of the Trust to enter into a scheme of co-operation with or involving a Church of another denomination or any congregation or activity of such a Church, being a scheme that involves the use of property vested in the Trust, the Trust may, while the scheme of co-operation continues in force, permit that property to be used, managed and administered in connection with that scheme in such manner and upon such conditions as the Trust or any committee appointed by it for the purpose, determines or prescribes, and the proceeds of sale or mortgage or any other dealing with such property and all moneys collected or held in respect of such scheme of co-operation may be paid and applied in such manner as may be determined or prescribed by the Trust or such committee.

(2) The conditions that the Trust may determine or prescribe under subsection (1) may include conditions with respect to the making of contributions of money for the acquisition, construction, alteration, maintenance or repair of assets vested in or held on behalf of a co-operating denomination or congregation and the giving or taking of such security or charge as may be prescribed by any such scheme of co-operation over any property in respect of any contributions of money or in money's worth made or received pursuant to that scheme and any property of the Trust involved in any scheme, is, to the extent prescribed therein, hereby charged.

PART IV

(3) Neither the Registrar-General nor any person dealing *bona fide* and for value with any property vested in the Trust shall be bound to enquire whether any security or charge referred to in subsection (2) exists or be deemed to have notice of, or be bound by, any such security or charge by virtue only of this Act or the existence of any scheme of co-operation under this section and—

(*a*) a conveyance, transfer or other assurance to such a person shall operate as a discharge of any security or charge so referred to, insofar as the property conveyed, transferred or assured would, but for this subsection, be subject to the security or charge;

and

(*b*) a mortgage or charge in favour of such a person shall have priority over any security or charge so referred to that affects the property mortgaged or charged in favour of that person.

Saving provision.

30. (1) The provisions of section 29 shall apply to and in relation to all property at any time held by the Trust except to the extent that any such property is held subject to any trust expressly forbidding its use in any manner referred to in that section.

(2) Subsection (1) shall not prevent the use of property in a manner referred to in section 29 if the property was merely directed to be held on trust for the general purposes of the Roman Catholic Church.

Power to alter trusts.

31. (1) Subject to subsection (2), in every case where by reason of the circumstances subsequent to the creation of the trusts, including trusts declared under this section, to which any property vested in the Trust is for the time being subject, it has in the opinion of the Trust become impossible or inexpedient to carry out or observe such trusts, it shall be lawful for the Trust by resolution to declare such its opinion, and by the same or any subsequent resolution to declare other trusts for or for the use, benefit, or purpose of and in accordance with the objects of the Trust or, if that is impossible or inexpedient, for the general use, benefit or purpose of the Roman Catholic Church instead of the firstmentioned trusts, and the firstmentioned trusts shall thereupon by force of the resolution cease and determine and the property shall then be held upon the other trusts.

(2) The property shall be dealt with for the same purposes as nearly as may be for the purposes for which the property was immediately before the resolution held unless the Trust, by resolution, declares that by reason of circumstances subsequent to the creation of the firstmentioned trusts it is, in the opinion of the Trust, impossible or inexpedient to deal with or apply the property or some part of the property for the same or similar purposes in which case the property or that part of the property may be dealt with and applied for the use and benefit of the Roman Catholic Church for such other purposes as are declared by resolution of the Trust.

Indemnification of certain persons.

32. A member of the Trust and any other person, exercising a power or performing a duty pursuant to this Act or pursuant to any resolution or direction of the Trust, his executors and administrators, shall be entitled to be indemnified out of the property of the Trust against all expenses or liabilities incurred by him in connection with the exercise by him of the power and the performance by him of the duty unless incurred in the course of fraudulent or negligent breach of trust.

PART IV

Blending of Trust funds.

33. (1) Where the Trust holds moneys on trust for different purposes or activities it shall be lawful for the Trust from time to time to invest those moneys or any part or parts of those moneys as one fund and to distribute income arising ratably among the several purposes for which the moneys so invested are held and any loss arising from any such investment shall likewise be borne ratably.

(2) The Trust may make advances out of the moneys referred to in subsection (1) for any purpose of or relating to the Roman Catholic Church and any sum so advanced shall be deemed an investment of moneys and shall bear interest at a rate fixed by the Trust shall (together with the interest) be a charge on the assets of the Roman Catholic Church.

Powers of investment.

34. The Trust unless expressly forbidden by any instrument creating any special trust, may invest any funds in its hands, whether at the time in a state of investment or not—

(*a*) in any form of investment in which trustees are by statute authorized to invest trust funds;

or

(*b*) in any other manner that the Trust thinks fit.

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

****

No. 4 of 1981

An Act to amend the Parliamentary Superannuation Act, 1974-1978.

[*Assented to 26th February,* 1981]

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 "Parliamentary Superannuation Act Amendment Act, 1981".

(2) The Parliamentary Superannuation Act, 1974-1978, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Parliamentary Superannuation Act, 1974-1981".

Commencement.

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

(2) Notwithstanding subsection (1), section 7 shall be deemed to have come into operation on the day on which the Parliamentary Superannuation Act Amendment Act (No. 2), 1978, came into operation.

Amendment of s. 6—Voluntary and involuntary retirement.

3. Section 6 of the principal Act is amended—

(*a*) by striking out subsections (1) and (2) and substituting the following subsection:

(1) For the purposes of this Act, a former member shall be deemed to have retired involuntarily if his term of office expires or he resigns and a judge is satisfied that upon so ceasing to be a member—

(*a*) he genuinely sought to be elected at an election for the Parliament of this State (whether or not for the same electorate or the same House), another State, the Northern Territory or the Commonwealth (being an election not later than the next

general election for that Parliament occurring after he ceased to be a member) but—

(i) having stood as a candidate, was defeated;

or

(ii) failed to be a candidate due to—

A. his failure to secure the support of a political party from which he reasonably sought support;

B. his expulsion from a polical party;

C. ill health;

or

D. any other good and sufficient reason;

or

(*b*) he sought to be and was elected at an election for the Parliament of another State, the Northern Territory or the Commonwealth (being an election not later than the next general election for that Parliament occurring after he ceased to be a member).;

and

(*b*) by striking out from paragraph (*c*) of subsection (3) the passage "or (2)".

4. Section 19 of the principal Act is amended by striking out from subsection (2) the passage "N = the number of whole years service of the member pensioner" and substituting the passage "N = one or the number of whole years of service of the member pensioner, whichever is the greater". Amendment of s. 19— Suspension of pension.

5. Section 21a of the principal Act is amended by striking out the passage 'expression "30%" therein there was substituted' and substituting the passage 'expressions "30%", "34%" and "38%" therein there were substituted, in each case,'. Amendment of s. 21a— Application of section 21 to certain member pensioners.

6. Section 22 of the principal Act is amended by striking out the passage "N = the number of whole years of service of the former member" and substituting the passage "N = one or the number of whole years of service of the former member, whichever is the greater". Amendment of s. 22— Benefit where no pension available.

7. Section 24 of the principal Act is amended— Amendment of s. 24— Pension for spouse of deceased pensioner.

(*a*) by striking out from subsection (2) the word "and" occurring between paragraphs (*a*) and (*b*);

and

(*b*) by inserting after paragraph (*b*) of subsection (2) the following word and paragraph:

or

(*c*) where the amount determined under paragraph (*a*) or (*b*) exceeds the notional pension of the member pensioner on the day that he died, the amount of that notional pension.

Amendment of s. 25—Pension for spouse of deceased member.

8. Section 25 of the principal Act is amended—

(*a*) by striking out from paragraph (*a*) of subsection (1) the word "pensioner";

and

(*b*) by inserting after subsection (2) the following subsection:

(3) For the purposes of this section, a former member who ceased to be a member and genuinely sought to be elected at an election as provided in section 6 (1) and who died before the conclusion of that election shall be deemed to have been a member at the time of his death.

Insertion of new s. 26a.

9. The following section is inserted in Division II of Part V of the principal Act after the heading to that Division:

Certain former members deemed members at time of death.

26a. For the purposes of this Division, a former member who ceased to be a member and genuinely sought to be elected at an election as provided in section 6 (1) and who died before the conclusion of that election shall be deemed to have been a member at the time of his death.

Amendment of s. 27—Determination of child benefit.

10. Section 27 of the principal Act is amended by striking out the word "or" occurring between paragraphs (*b*) and (*c*) and substituting the word "and".

Amendment of s. 29—Child benefit where no spouse's pension payable.

11. Section 29 of the principal Act is amended by striking out from subsection (1) the passage "the spouse of that member or pensioner owing to the death of that spouse" and substituting the passage "a spouse of that member or pensioner".

Amendment of s. 36—Certain previous service to be counted.

12. Section 36 of the principal Act is amended—

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

(4a) Where the Trustees allow a member a further period to pay an amount required to be paid under subsection (1) or (3), they may impose such conditions relating to the payment (including a condition requiring payment of interest on that amount) as they think fit.

(4b) The Trustees may vary or waive any condition imposed under subsection (4a).

(4c) Where the Trustees have imposed conditions under subsection (4a) in relation to any member, the member shall be deemed not to have paid the amount required to be paid under subsection (1) or (3), as the case may be, unless the member has done so in accordance with the conditions and has paid interest on that amount as required by any such condition.;

and

(*b*) by striking out subsection (6) and substituting the following subsections:

(6) Where—

(*a*) a member has been a member of the Parliament of the Commonwealth or another State or the Northern Territory;

(*b*) the member became a member within the period of four years after ceasing or last ceasing to be a member of such other Parliament;

and

(*c*) he makes a contribution to the Fund of an amount equal to the prescribed amount,

the period or aggregate of the periods of service of that member as a member of such other Parliament or Parliaments shall be counted as service for the purposes of this Act.

(7) In subsection (6)—

"prescribed amount" means an amount equal to eleven and one-half per centum of the total salary that he would have been paid if, for a period equal to the period to be counted as service under subsection (6), he had been in receipt of the salary first payable to him after he became a member.

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

****

No. 5 of 1981

An Act to exempt certain land used for sport or recreation from rates and taxes; and to repeal The Recreation Grounds Taxation Exemption Act, 1910.

[*Assented to* 5 *March* 1981]

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 "Recreation Grounds Rates and Taxes Exemption Act, 1981"

Repeal of The Recreation Grounds Taxation Exemption Act, 1910.

2. The Recreation Grounds Taxation Exemption Act, 1910, is repealed.

Interpretation.

3. In this Act—

"rates and taxes" means rates and taxes imposed by or under any Acts of Parliament but does not include a charge imposed for water supplied or services provided.

Exemption of certain land from payment of rates.

4. (1) Subject to subsection (2), land is exempt from rates and taxes if—

(*a*) the land—

(i) is vested in a council;

or

(ii) is under the care, control or management of a council,

and the public is entitled to access to the land for the purpose of sport or recreation;

(*b*) the land is vested in trustees or in an association and the public is entitled, in pursuance of rights granted in perpetuity, to access to the land for the purpose of sport or recreation;

(*c*) the land is occupied under a lease, licence or permit granted by a council and is used by the occupier for the purposes of sport or recreation.

(2) The exemption conferred by subsection (1) does not operate unless the whole of the income (if any) derived from the land by the council, trustees or association is applied towards the maintenance, repair or improvement of the land.

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

****

No. 6 of 1981

An Act to amend the Public Finance Act, 1936-1975.

[*Assented to* 5 *March* 1981]

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 "Public Finance Act Amendment Act, 1981".

(2) The Public Finance Act, 1936-1975, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Public Finance Act, 1936-1981".

Commencement.

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

Repeal of s. 4.

3. Section 4 of the principal Act is repealed.

Repeal of ss. 27 and 27a and substitution of new section.

4. Sections 27 and 27a of the principal Act are repealed and the following section is substituted:

Treasurer may authorize special credits to Treasury accounts.

27. (1) Subject to this section, the Treasurer may, after consideration of the advice of the Under Treasurer or the Auditor-General, authorize credits in such amounts as he thinks fit, not exceeding the amount of reserves—

(*a*) arising in consequence of the repayment of borrowed moneys by the Treasurer out of the revenues of the State or by the Commonwealth for the benefit of the State, whether in accordance with the provisions of the Financial Agreement or otherwise;

(*b*) arising in consequence of the cancellation of State indebtedness for borrowed money by the Commonwealth or by any other lender, or by the assumption by the Commonwealth of full responsibility for the servicing and repayment of any borrowed moneys;

(*c*) arising in consequence of any recovery, other than a recovery of a revenue nature, from or in respect of any work or asset financed out of borrowed moneys, of any amount in excess of the unrecouped expenditure incurred thereon out of borrowed moneys;

(*d*) arising in consequence of grants of money made by the Commonwealth to the State for the purpose of capital works;

and

(*e*) arising or that will arise as a result of the performance by the National Debt Commission of an existing obligation to repay borrowed moneys from the National Debt Sinking Fund for the benefit of the State in accordance with the Financial Agreement,

to any Treasury account which records unrecouped capital expenditures.

(2) The amount of the credits that may be authorized under subsection (1) shall be reduced by the amount of any credits previously authorized under that subsection in respect of reserves that have not arisen at the time that the firstmentioned credits are authorized.

5. Section 32a of the principal Act is repealed and the following section is substituted:

Repeal of s. 32a and substitution of new section.

Power to appropriate additional moneys for previously authorized purposes or to appropriate moneys for new purposes.

32a. (1) In this section—

"Appropriation Act" means an Act (other than this Act) for the appropriation of moneys from the Consolidated Account and includes an Act for the appropriation of moneys from the General Revenue of the State or from the Loan Fund Account:

"the Governor's Appropriation Fund" means the money that the Governor is by subsection (2) authorized to appropriate:

"the public purposes of the State" includes any purpose for which moneys are, under the provisions of any Act, required to be paid out of moneys to be provided or appropriated by Parliament.

(2) The Governor in any financial year may, without the authority of an Appropriation Act, appropriate by warrant to the public purposes of the State, an amount not exceeding the maximum prescribedby subsection (3).

(3) The maximum amount that may be appropriated under subsection (2) is—

(*a*) an amount equal to three per centum of the total amount appropriated by Appropriation Acts during the previous financial year;

less

(*b*) any amounts previously appropriated under this section and not recouped under subsection (4).

(4) Any money appropriated for any purpose by the Governor pursuant to this section in any financial year may be recouped to the Governor's Appropriation Fund out of any money subsequently voted by any Appropriation Act that provides for the issue and application of money from the Consolidated Account and is passed in the same financial year, and thereafter the balance of the Governor's Appropriation Fund shall be increased by the amount so recouped.

(5) For the purpose of determining the total amount that may be appropriated by the Governor in accordance with this section each amount so appropriated shall be included once only in that determination notwithstanding that it is, for any reason, recorded more than once in the Consolidated Account or in a schedule to that account.

(6) Where the moneys appropriated for a particular purpose are insufficient for that purpose and the moneys appropriated for another purpose exceed the moneys required for that purpose, the Governor may, by warrant, increase the appropriation for the firstmentioned purpose if, by the same warrant, he decreases the appropriation for the secondmentioned purpose by an amount equal to the amount by which the appropriation for the firstmentioned purpose is increased.

(7) The Governor may, by warrant, at any time reduce the moneys appropriated for a particular purpose.

Repeal of s. 32b.

6. Section 32b of the principal Act is repealed.

Amendment of s. 32c—Provisions as to warrants.

7. Section 32c of the principal Act is amended by striking out from paragraph (*a*) the passage "the Chief Secretary" and substituting the passage "a Minister of the Crown".

Repeal of s. 32g and substitution of new section

8. Section 32g of the principal Act is repealed and the following section is substituted:

Treasurer to prepare statement of moneys payable out of Consolidated Account.

32g. (1) The Treasurer shall, as often as occasion may require, calculate the amounts of money likely to become due and payable out of the Consolidated Account during a period not exceeding three months next after the calculation, and shall prepare a warrant in duplicate setting forth those amounts and such other particulars (if any) as are prescribed, and, after signing the warrant, shall transmit it for the approval and signature of the Governor.

(2) One copy of the warrant shall be transmitted to the Auditor-General, and the other copy shall be retained by the Treasurer.

(3) Any such warrant, when approved and signed by the Governor and countersigned by a Minister of the Crown, shall be the authority for the disbursement of the money to which it relates.

(4) No public money shall be disbursed unless and until its disbursement has been authorized as provided in this section, or otherwise in accordance with law.

Amendment of s. 32j—Sums appropriated for any year not to be expended after close of the year.

9. Section 32j of the principal Act is amended by striking out from subsection (1) the passage "the General Revenue" and substituting the passage "the Consolidated Account".

10. Section 35 of the principal Act is repealed and the following section is substituted:

Repeal of s. 35 and substitution of new section.

Treasurer may credit suitable trust funds with special grants from the Commonwealth.

35. (1) Where the Commonwealth has made or makes any payment to the State pursuant to any Act of the Commonwealth or pursuant to an agreement or arrangement between the Commonwealth and the State and that Act, agreement or arrangement prescribes the purpose for which the payment must be applied the Treasurer may accept that payment from the Commonwealth and credit a suitable trust fund account therewith, and may, without any other authority than this Act, authorize the disbursement of that payment for the purposes set out in the Commonwealth Act, agreement or arrangement.

(2) The Treasurer may establish and maintain at the Treasury an account to be called the "Treasurer's Advance Account".

(3) Where moneys are payable by the Commonwealth to the State pursuant to an Act of the Commonwealth or pursuant to an agreement or arrangement between the Commonwealth and the State and those moneys are as yet unpaid, the Treasurer may issue moneys from the Treasurer's Advance Account for the purpose of—

(*a*) making expenditure contemplated by the Commonwealth Act, agreement or arrangement;

or

(*b*) crediting an account from which the expenditure contemplated by the Commonwealth Act, agreement or arrangement has already been made,

and when moneys are subsequently received from the Commonwealth pursuant to the Commonwealth Act, agreement or arrangement those moneys shall be applied to reimburse the Treasurer's Advance Account in respect of that expenditure.

11. Sections 36 and 37 of the principal Act are repealed and the following section is substituted:

Repeal of ss. 36 and 37 and substitution of new section.

Special Deposit Accounts.

36. (1) The Treasurer may in respect of any Government Department or Instrumentality of the Crown authorize the opening of one or more Special Deposit Accounts for any purpose of or relating to that Department or Instrumentality.

(2) Any moneys payable to a Government Department or Instrumentality of the Crown may, with the approval of the Treasurer, be paid into a Special Deposit Account opened under this section.

(3) The Treasurer may pay any moneys appropriated or provided in accordance with law for the purposes of a Department or Instrumentality of the Crown into a Special Deposit Account opened under this section.

(4) Notwithstanding any provision of this Act, or any other law to the contrary the Treasurer may appropriate, issue and apply all or any moneys standing to the credit of a Special Deposit Account for any purpose for which that account was opened.

(5) Any account designated as a special deposit account, deposit account or department stores account established by the Treasurer before the commencement of the Public Finance Act Amendment Act, 1981, shall be deemed to be a special deposit account established under this section.

Repeal of s. 38 and substitution of new section.

12. Section 38 of the principal Act is repealed and the following section is substituted:

The Consolidated Account.

38. (1) The Treasurer shall establish and maintain an account at the Treasury entitled the "Consolidated Account".

(2) There shall be credited to the Consolidated Account the amounts of—

(*a*) the moneys constituting the General Revenue of the State;

(*b*) the moneys that immediately prior to the enactment of this section, stood to the credit of the Loan Fund Acccount;

(*c*) all moneys received by the Treasurer after the enactment of this section in repayment of advances made or money expended from the Loan Account or out of money borrowed for the general purposes of the State under any Act;

(*d*) all moneys received from the Commonwealth as a grant or loan towards the provision of capital works (not being moneys credited to a special account);

(*e*) all moneys received by the Treasurer from the sale of lands belonging to the Crown;

(*f*) all moneys borrowed pursuant to the Financial Agreement by or on behalf of the State and for which Commonwealth securities are issued;

(*g*) any other moneys determined by the Treasurer.

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

****

No. 7 of 1981

An Act to revest in the Crown certain portions of the land vested in the Port Pirie Trotting and Racing Club Incorporated and for other purposes.

[*Assented to* 5 *March* 1981]

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 "Port Pirie Racecourse Land Revestment Act, 1981".

Interpretation.

2. In this Act—

"the Club" means the Port Pirie Trotting and Racing Club Incorporated:

"the land" means the land vested in the club by the principal Act except so much of that land as has reverted to the Crown under the revesting Acts:

"the principal Act" means the Port Pirie Racecourse Site Act, 1946:

"the re-vesting Acts" means the Port Pirie Racecourse Land Revestment Act, 1960, and the Port Pirie Racecourse Land Revestment Act, 1965.

Certain portions of the land to revert to the Crown.

3. (1) Those portions of the land comprising sections 1282, 1283 and 1284 Hundred of Pirie shall, upon the commencement of this Act—

(*a*) cease to be vested in the club;

(*b*) revert to the Crown freed and discharged from any estate, right, title, interest, claim or demand of the Club or any other person;

and

(*c*) become Crown lands within the meaning, and for the purposes, of the Crown Lands Act, 1929-1980.

(2) The principal Act shall continue to apply to the remainder of the land as if a reference to the defined land in the principal Act were a reference to the remainder of the land.

(3) The Registrar-General shall upon the application of the Club or the Minister of Lands, and upon production of such duplicate certificates of title, or other document as the Registrar-General may require, make such entries and notations in the Register Book as may be necessary to evidence the reversion to the Crown of land under this section, and may issue to the Club a new certificate of title in respect of the remainder of the land.

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

****

No. 8 of 1981

An Act to amend the Petroleum Act, 1940-1978.

[*Assented to* 5 *March* 1981]

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 "Petroleum Act Amendment Act, 1981".

(2) The Petroleum Act, 1940-1978, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Petroleum Act, 1940-1981".

Commencement.

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

Amendment of s. 3—Interpretation.

3. Section 3 of the principal Act is amended—

(*a*) by striking out from the definition of "petroleum" the word "shale" wherever it occurs and inserting in lieu thereof, in each case, the passage "oil shale";

and

(*b*) by striking out from the definition of "petroleum" the passage "by the application of heat or by a chemical process" and inserting in lieu thereof the passage "by subjecting it to an industrial process".

Insertion of new s. 35a.

4. The following section is inserted after section 35 of the principal Act:

Development plan to be submitted to Minister.

35a. (1) A licensee who holds a petroleum production licence shall, within six months of the grant of the licence (or such longer period as the Minister may allow) submit for the approval of the Minister a development plan containing—

(*a*) an outline of the developmental works that the licensee proposes to carry out within the area comprised in the licence during the term of the licence;

(*b*) the stages in which the licensee proposes to carry out the developmental works;

and

(*c*) an estimate of the times at which each stage of the developmental works will be commenced and completed.

(2) If a licensee holds petroleum production licences in respect of contiguous areas, or areas that are, under the provisions of any Act, to be treated as contiguous, a single development plan may be submitted in respect of those areas.

(3) The Minister may approve a development plan submitted under this section.

(4) The Minister may from time to time amend a development plan approved under this section in order to bring the plan into conformity with—

(*a*) developmental works actually carried out by the licensee;

or

(*b*) altered or substituted proposals for or relating to the carrying out of developmental works submitted by the licensee and approved by the Minister.

Amendment of s. 36— Schedule and programme to be submitted to the Minister.

5. Section 36 of the principal Act is amended—

(*a*) by striking out subsection (1) and substituting the following subsection:

(1) A licensee who holds a petroleum production licence shall submit for the approval of the Minister when so required by this section—

(*a*) a programme of drilling and other works that the licensee proposes to carry out to develop any field that lies within the area comprised in the licence during a period of twelve months specified in the programme;

and

(*b*) a schedule setting forth estimated rates at which the licensee proposes to produce petroleum, during the period to which the programme relates, from each of the wells within the area comprised in the licence—

(i) that exist at the time of preparation of the schedule;

or

(ii) that are to be drilled before the expiration of the period to which the programme relates.;

(*b*) by inserting in subsection (1a) after the passage "contiguous areas," the passage "or areas that are, under the provisions of any Act, to be treated as contiguous,";

and

(*c*) by inserting after subsection (1a) the following subsections:

(1b) The licensee shall submit a programme and schedule for the approval of the Minister—

(*a*) where no previous programme and schedule have been submitted in pursuance of this section—within six months of the grant of the licence (or such longer period as the Minister may allow) and at least one month before the commencement of drilling or other developmental works within the area comprised in the licence;

and

(*b*) in any other case, at least one month (or such lesser period as the Minister may allow) before the commencement of the period to which the programme and schedule relate.

(1c) The Minister may approve a programme and schedule submitted under this section wholly or in part.

(1d) In determining whether to approve a programme and schedule submitted under this section, the Minister shall have regard to the relevant approved development plan.

Amendment of s. 37—Plans, etc., to be furnished.

6. Section 37 of the principal Act is amended by striking out paragraph (*b*) of subsection (2) and substituting the following paragraph:

(*b*) furnish the Minister with—

(i) such plans and information in relation to the progress of operations within the area comprised in the licence;

and

(ii) such reports relating to estimated petroleum reserves and other matters relevant to the extent of prospective production from a field,

as the Minister may, by notice in writing served personally or by post upon the licensee, require.

Repeal of s. 55 and substitution of new section.

7. Section 55 of the principal Act is repealed and the following section is substituted:

Records to be kept by licensee.

55. (1) A licensee shall keep such records as may be required by the regulations.

(2) The licensee shall deliver to the Minister copies of all records kept pursuant to this section at such times, or at such periodic intervals—

(*a*) as may be required by the regulations;

or

(*b*) as the Minister may, by notice in writing served personally or by post upon the licensee, require.

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

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No. 9 of 1981

An Act to amend the Audit Act, 1921-1975.

[*Assented to* 5 *March* 1981]

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 "Audit Act Amendment Act, 1981".

(2) The Audit Act, 1921-1975, is hereinafter referred to as "the principal Act".

(3) The principal Act as amended by this Act, may be cited as the "Audit Act, 1921-1981".

Commencement.

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

(2) The Governor may, in a proclamation made for the purposes of subsection (1), suspend the operation of any specified provisions of this Act until a subsequent day fixed in the proclamation, or a day to be fixed by subsequent proclamation.

Repeal of ss. 25 and 26 of principal Act and enactment of section in their place.

3. Sections 25 and 26 of the principal Act are repealed and the following section is enacted and inserted in their place:—

Treasurer to permit examination of records, etc.

25. The Treasurer shall—

(*a*) permit the Auditor-General to examine the records showing the transactions of the Treasury as often as the Auditor-General thinks fit to make such an examination;

and

(*b*) produce for the examination of the Auditor-General any statements or other documents supporting or explaining those records that the Auditor-General may require.

Amendment of principal Act, s. 27— Auditor-General to address queries, etc., to the Treasurer.

4. Section 27 of the principal Act is amended by striking out from subsection (1) the passage "the cash book, bank sheet and all other documents produced as vouchers or subordinate vouchers" and inserting in lieu thereof the passage "the records and all other documents produced".

Repeal of s. 30 of principal Act and enactment of section in its place.

5. Section 30 of the princial Act is repealed and the following section is enacted and inserted in its place:—

Auditor-General may check balance and securities.

30. The Auditor-General may, as often as he thinks fit, inspect and examine the balance in hand of any moneys and all securities held by the Treasurer.

Amendment of principal Act, s. 32— Exemption from detailed audit.

6. Section 32 of the principal Act is amended by striking out the passage "other than those mentioned in section 26".

Amendment of principal Act, s. 36— Treasurer to submit yearly statements.

7. Section 36 of the principal Act is amended—

(*a*) by striking out from paragraph (*a*) of subsection (1) the passage "Consolidated Revenue Account" and inserting in lieu thereof the passage "Consolidated Account";

(*b*) by striking out from paragraph (*b*) of subsection (1) the passage "from the Loan Fund Account" and inserting in lieu thereof the passage "in respect of expenditure of a capital nature";

(*c*) by striking out from paragraph (*d*) of subsection (1) the passage "Consolidated Revenue Account" wherever it occurs and inserting in lieu thereof, in each case, the passage "Consolidated Account";

(*d*) by inserting after paragraph (*d*) of subsection (1) the following paragraphs:—

(*da*) A statement of all appropriations made from the Governor's Appropriation Fund;

(*db*) Where the Governor exercises his powers to apply moneys appropriated for a particular purpose to some other purpose, a statement of the moneys which were diverted to that other purpose;;

(*e*) by striking our from paragraph (*e*) of subsection (1) the passage "loan fund";

and

(*f*) by striking out paragraph (*f*) of subsection (1) and inserting in lieu thereof the following paragraph:—

(*f*) A statement—

(i) of the Special Deposit Accounts opened in the preceding financial year and the purposes of those accounts;

(ii) of the balance at the end of the preceding financial year standing to the credit of each Special Deposit Account.

8. Section 38 of the principal Act is repealed and the following section is enacted and inserted in its place:— Repeal of s. 38 of principal Act and enactment of section in its place.

38. Where, in the opinion of the Auditor-General, public moneys have been spent without lawful authority, he shall— Statement of illegal expenditure of public moneys.

(*a*) include in his report a statement of the circumstances in which the moneys were spent;

and

(*b*) append to his report a copy of any case for opinion submitted by him to the Crown Solicitor in relation to the matter, and of the opinion of the Crown Solicitor.

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

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No. 10 of 1981

An Act to amend the Waterworks Act, 1932-1978, the Sewerage Act, 1929-1977, and the West Beach Recreation Reserve Act, 1954-1975.

[*Assented to* 5 *March* 1981]

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 "Statutes Amendment (Water and Sewerage Rating) Act, 1981".

(2) The Waterworks Act, 1932-1978, as amended by this Act, may be cited as the "Waterworks Act, 1932-1981".

(3) The Sewerage Act, 1929-1977, as amended by this Act, may be cited as the "Sewerage Act, 1929-1981".

(4) The West Beach Recreation Reserve Act, 1954-1975, as amended by this Act, may be cited as the "West Beach Recreation Reserve Act, 1954-1981".

Commencement.

2. This Act shall be deemed to have come into operation on the first day of July, 1980.

Amendment of Waterworks Act, s. 88—Exemption from rates.

3. The Waterworks Act, 1932-1978, is amended by inserting after section 88 (3) the following subsections:

(4) Notwithstanding that land is exempt from water rates under this section or under the provisions of any other Act, the Minister may require the owner or occupier of the land to pay such charges for—

(*a*) the supply of water to the land;

or

(*b*) other services related to the supply of water,

as the Minister thinks fit.

(5) The charges imposed on the owner or occupier of land under subsection (4) must not exceed, in a financial year, the total amount of the rates and charges that would be payable in respect of the land for that financial year if the land were not exempt from water rates.

(6) In the exercise of his powers under subsection (4) the Minister may impose—

(*a*) a charge determined according to the volume of water supplied;

(*b*) a fixed charge or a fixed minimum charge;

(*c*) a charge determined on any other basis that the Minister thinks fit;

or

(*d*) a combination of two or more of the foregoing charges.

(7) The Minister may publish the charges payable under this section in the *Gazette*.

(8) A charge payable under this section in respect of land that is exempt from water rates may be recovered in the same manner as water rates.

Amendment of Sewerage Act, 1929-1977

4. The Sewerage Act, 1929-1977, is amended—

(*a*) by striking out paragraph VI from subsection (1) of section 13;

(*b*) by inserting after the present contents of section 65 (now to be designated as subsection (1)) the following subsections:

(2) Notwithstanding that land is exempt from sewerage rates under this section or under the provisions of any other Act, the Minister may require the owner or occupier of the land to pay such charges for—

(*a*) providing drainage or sewerage services to the land;

or

(*b*) providing other related services,

as the Minister thinks fit.

(3) The charges imposed on the owner or occupier of land under subsection (2) must not exceed, in a financial year, the total amount of the rates and charges that would be payable in respect of the land for that financial year if the land were not exempt from sewerage rates.

(4) In the exercise of his powers under subsection (2) the Minister may impose—

(*a*) a charge determined according to the number of water closets on the land that drain into a sewer provided by the Minister;

(*b*) a fixed charge or a fixed minimum charge;

(*c*) a charge determined on any other basis that the Minister thinks fit;

or

(*d*) a combination of two or more of the foregoing charges.

(5) The Minister may publish the charges payable under this section in the *Gazette*.

(6) A charge payable under this section in respect of land that is exempt from sewerage rates may be recovered in the same manner as sewerage rates.;

and

(*c*) by striking out section 68.

Amendment of West Beach Recreation Reserve Act, s. 27—Exemption from certain taxes.

5. The West Beach Recreation Reserve Act, 1954-1975, is amended by striking out from section 27 (*d*) the passage "or charges".

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

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No. 11 of 1981

An Act to amend the Police Regulation Act, 1952-1978.

[*Assented to* 19 *March* 1981]

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 Regulation Act Amendment Act, 1981".

(2) The Police Regulation Act, 1952-1978, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Police Regulation Act, 1952-1981".

Commencement.

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

Repeal of s. 4 and substitution of new section.

3. Section 4 of the principal Act is repealed and the following section is substituted:

Interpretation.

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

"commissioned officer" means any person appointed under section 10 to be an assistant commissioner, superintendent, inspector or other officer of police:

"the Commissioner" means the Commissioner of Police appointed under this Act:

"the Deputy Commissioner" means the Deputy Commissioner of Police appointed under this Act:

"member of the police force" means the Commissioner, the Deputy Commissioner, any commissioned officer or any other member of the police force, but does not include a police cadet or police medical officer:

"the police force" or "the force" means the body comprised of the Commissioner, the Deputy Commissioner, the commissioned officers and other members of the police force:

"police cadet" means a person appointed under this Act to be a police cadet.

Insertion of new section 9c.

4. The following section is inserted after section 9b of the principal Act:

Absence of Deputy Commissioner.

9c. When the Deputy Commissioner is absent from duty by reason of illness or of any other cause, or during any vacancy in the office of the Deputy Commissioner, the senior assistant commissioner of police on duty at the time may exercise and perform all the powers, authorities, duties and functions conferred or imposed upon the Deputy Commissioner by or under this or any other Act.

Insertion of new section 11a.

5. The following section is inserted after section 11 of the principal Act:

Police cadets.

11a. (1) The Commissioner may appoint as many police cadets as he deems necessary.

(2) Every police cadet shall hold office at the will of the Commissioner.

(3) A police cadet shall not be deemed to be a member of the police force.

(4) Any person who is a police cadet on the commencement of the Police Regulation Act Amendment Act, 1981, shall be deemed to have been appointed to be a police cadet under this section.

Repeal of s. 13 and substitution of new section.

6. Section 13 of the principal Act is repealed and the following section is substituted:

Probationary service.

13. (1) Where a person who immediately before his appointment was not a member of the police force is appointed to be a member of the police force (other than as the Commissioner or Deputy Commissioner), his appointment shall in the first place be on probation for such period, not exceeding two years, as the Commissioner determines.

(2) The Commissioner may at any time during the period of probation of a member of the police force, having regard to his suitability for permanent appointment as a member of the police force—

(*a*) confirm the appointment of the member;

(*b*) extend or further extend the period of the probation for such period as he determines, but so that the total period of probation does not exceed two years;

or

(*c*) terminate the appointment.

(3) The period of the probationary service of any member of the police force shall not, except with the approval of the Commissioner, include any period during which the member is absent from duty without pay.

(4) Any appointment under this section shall be deemed to be confirmed if, at the date of expiry of the period of probation, the appointment has not previously been confirmed or terminated.

(5) This section applies to any member of the police force appointed on probation whether appointed before or after the commencement of the Police Regulation Act Amendment Act, 1981.

Amendment of s. 15—False statements in applications for appointment as a police cadet or member of force.

7. Section 15 of the principal Act is amended—

(*a*) by striking out from subsection (1) the passage "admission to" and substituting the passage "appointment as a police cadet or a member of";

and

(*b*) by striking out from subsection (1) the passage "Two hundred dollars" and substituting the passage "Four hundred dollars".

Amendment of s. 19—Resigning without leave.

8. Section 19 of the principal Act is amended—

(*a*) by inserting in subsection (1) after the passage "member of the police force" the passage "or police cadet";

(*b*) by striking out from paragraph (*b*) of subsection (1) the passage "one month's" and substituting the passage "fourteen days' ";

and

(*c*) by striking out from subsection (2) the passage "One hundred dollars" and substituting the passage "Two hundred dollars".

Insertion of new ss. 19a and 19b.

9. The following sections are inserted after section 19 of the principal Act:

Termination due to physical or mental incapacity.

19a. (1) Where the Commissioner is satisfied after due inquiry that the services of a member of the police force should be terminated due to the incapacity of the member to perform his duties as a member by reason of physical or mental infirmity, the Commissioner may—

(*a*) in the case of a commissioned officer, recommend to the Governor;

or

(*b*) in the case of a member of the police force other than a commissioned officer, recommend to the Chief Secretary,

that the services of the member be terminated.

(2) The Governor, or, as the case may be, the Chief Secretary, may, upon the recommendation of the Commissioner made under subsection (1), terminate the services of a member of the police force.

Divestment of powers on cessation or suspension as member of force.

19b. Where a member of the police force—

(*a*) ceases pursuant to this Act for any reason to be a member of the police force, he shall thereupon be divested of all powers and authorities vested in him by or under this Act or any other Act or law as a member of the police force or constable;

or

(*b*) is suspended from office as a member of the police force, all powers and authorities vested in him by or under this Act or any other Act or law as a member of the police force or constable shall be suspended for the period of his suspension from office.

Amendment of s. 20— Duty to deliver up equipment, etc., on ceasing to be member of police force or police cadet.

10. Section 20 of the principal Act is amended by inserting in subsection (1) after the word "force", twice occurring, in each case, the passage "or police cadet".

Amendment of s. 22— Regulations.

11. Section 22 of the principal Act is amended—

(*a*) by striking out paragraphs (2) and (3);

(*b*) by striking out paragraph (8) and inserting in lieu thereof the following paragraphs:

(8) Empowering the Commissioner to suspend with or without pay any member of the police force or police cadet charged with any offence against this or any other Act or with any breach of the regulations;

(8a) Empowering the Commissioner to punish any member of the police force guilty of an offence against this or any other Act or a breach of the regulations—

(*a*) by dismissal with, in the case of a commissioned officer, the approval of the Governor or, in the case of any other member of the police force, the approval of the Chief Secretary;

(*b*) by suspension without pay;

(*c*) by reduction in rank or seniority;

(*d*) by temporary reduction in pay, but so that the total amount forfeited does not exceed one hundred and fifty dollars;

or

(*e*) by reprimand;;

(*c*) by striking out from paragraph (12) the word "The" and inserting in lieu thereof the passage "Subject to the provisions of any applicable industrial award or agreement, the";

and

(*d*) by inserting after paragraph (14) the following paragraphs:

(15) The enlistment, uniform and training of police cadets;

(16) The maintenance, government, duties, discipline and control of police cadets;

(17) Empowering the Commissioner or any commissioned officer authorized by the Commissioner to punish any police cadet for misconduct—

(*a*) by suspension without pay;

(*b*) by temporary reduction in pay, but so that the total amount forfeited does not exceed fifty dollars;

or

(*c*) by temporary withdrawal of any rights or privileges.

Amendment of s. 23—Orders.

12. Section 23 of the principal Act is amended—

(*a*) by inserting in paragraph (*a*) of subsection (1) after the word "force" the passage "or police cadets or police medical officers";

and

(*b*) by inserting in paragraph (*c*) of subsection (1) after the word "force" the passage "or police cadets or police medical officers".

Amendment of s. 26—Allowances.

13. Section 26 of the principal Act is amended by inserting after the passage "member of the force" the passage "and police cadet".

Amendment of s. 27—Impersonating police, and unlawful possession of police property.

14. Section 27 of the principal Act is amended by striking out subsections (1) and (2) and substituting the following subsections:

(1) Any person who, without lawful excuse—

(*a*) wears the uniform of a member of a police force or a police cadet;

or

(*b*) represents himself by word or conduct to be a member of a police force or a police cadet,

shall be guilty of an offence.

Penalty: Four hundred dollars or imprisonment for twelve months.

(2) Any person who, without lawful excuse, has in his possession—

(*a*) the uniform of a member of a police force or a police cadet;

or

(*b*) any property supplied, or intended for supply, to a member of a police force or a police cadet for the execution of his duties,

shall be guilty of an offence.

Penalty: Four hundred dollars or imprisonment for twelve months.

(2a) In subsections (1) and (2), "member of a police force" means a member of the police force of this State or any other State, or any other police force in Australia or any other country.

Repeal of s. 28.

15. Section 28 of the principal Act is repealed.

Amendment of s. 29—Taking bribes and other offences.

16. Section 29 of the principal Act is amended—

(*a*) by inserting before the word "who" the passage "or police cadet";

(*b*) by striking out from paragraph (*a*) the passage "as such a member";

and

(*c*) by inserting in paragraph (*b*) after the passage "member of the police force" the passage "or police cadet".

Repeal of s. 44 and substitution of new section.

17. Section 44 of the principal Act is repealed and the following section is substituted:

Right of appeal.

44. (1) A right of appeal shall lie to the board against—

(*a*) any promotion made by the Commissioner;

(*b*) any intended promotion of which notice is given under section 14 of this Act;

(*c*) any termination of the services of a member of the police force during his period of probation;

(*d*) any termination of the services of a member of the police force by reason of physical or mental infirmity;

(*e*) any punishment of a member of the police force by the Commissioner by dismissal, suspension without pay, reduction in rank, temporary reduction in pay or reprimand;

(*f*) any decision or finding on which any such termination or punishment may be based.

(2) An appeal—

(*a*) against a promotion or intended promotion may be made by any member of the police force who was a member of the police force at the time the decision was made and who was affected by the decision;

or

(*b*) against a termination or punishment or decision or finding relating to a termination or punishment may be made by the member or former member of the police force affected by the termination, punishment, decision or finding.

Amendment of s. 47— Determination of appeal.

18. Section 47 of the principal Act is amended—

(*a*) by inserting in paragraph (*a*) of subsection (1) after the passage "intended promotion," the word "termination,";

and

(*b*) by inserting in paragraph (*b*) of subsection (1) after the passage "intended promotion," the word "termination,".

Amendment of s. 48— Transmission of decision.

19. Section 48 of the principal Act is amended by inserting in subsection (3) after the word "appeal" the passage ", but shall not make any decision less favourable to the appellant than that recommended by the board".

Insertion of new s. 51a.

19a. The following section is inserted after the heading to Part VI of the principal Act:

Protection from liability for members of the police force.

51a. (1) A member of the police force shall not incur any civil liability for an act or omission done or made in good faith in the exercise or discharge, or purported exercise or discharge, of any powers, functions, duties or responsibilities conferred or imposed upon him by any provision of this or any other Act (whenever enacted) or by law.

(2) A liability that would, but for subsection (1), lie against a member of the police force shall lie against the Crown.

20. Sections 53 and 54 of the principal Act are repealed. Repeal of ss. 53 and 54.

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

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No. 12 of 1981

An Act to amend the City of Adelaide Development Control Act, 1976-1978.

[*Assented to* 19 *March* 1981]

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 "City of Adelaide Development Control Act Amendment Act, 1981".

(2) The City of Adelaide Development Control Act, 1976-1978, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "City of Adelaide Development Control Act, 1976-1981".

Commencement.

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

Amendment of s. 19—Information in relation to Development applications.

3. Section 19 of the principal Act is amended by striking out from subsection (4) the passage "references therein to the Council were references to the Commission" and substituting the following paragraphs:

—

(*a*) references in that Part to the Council were references to the Commission;

and

(*b*) references in that Part to the Commission were references to the Minister.

Amendment of s. 20—Application by Council for approval.

4. Section 20 of the principal Act is amended by striking out from subsection (1) the passage "references therein to the Council were references to the Commission" and substituting the following paragraphs:

—

(*a*) references in that Part to the Council were references to the Commission;

and

(*b*) references in that Part to the Commission were references to the Minister.

Amendment of s. 23—Approval of Development.

5. Section 23 of the principal Act is amended by striking out subsections (2) and (3) and substituting the following subsections:

(2) A person who undertakes a Development shall comply with every condition to which the approval of the Development is subject (whether the condition is to be fulfilled prior to, contemporaneously with or subsequently to the undertaking of the Development).

Penalty: One thousand dollars.

Default Penalty: Two hundred dollars.

(3) Where a court convicts a person of an offence under subsections (1) or (2), the court may, in addition to imposing a penalty, by order, direct that person—

(*a*) to comply with a condition (if any) to which the approval for the Development is subject;

or

(*b*) to restore, so far as practicable, the land to the use to which it was put, or the state in which it existed, before the Development,

or where, in the opinion of the court, it would be impossible or impracticable for the convicted person to comply with a direction under paragraph (*a*) or (*b*), the court may, by order, direct him to make alterations to the land or to undertake a new Development on the land for the purpose of remedying, as far as possible, the effects of his default.

Amendment of s. 24—Applications for approval.

6. Section 24 of the principal Act is amended by striking out subsection (5).

Amendment of s. 25—Exceptions.

7. Section 25 of the principal Act is amended—

(*a*) by inserting after the passage "Notwithstanding anything in section 24 of this Act" in subsection (1) the passage "but subject to subsection (2)";

and

(*b*) by striking out subsection (2) and substituting the following subsection:

(2) The consent of the Commission is not required under subsection (1) where the approval is subject to a condition that requires the restoration, in six months or less after the Development occurs, of the land to the use to which it was put, or the state in which it existed, before the Development.

Insertion of new ss. 25a and 25b.

8. The following sections are inserted after section 25 of the principal Act:

Time limited approvals.

25a. (1) Where a Development is approved subject to a condition requiring future restoration of the land to the use to which it was put, or

the state in which it existed, before the Development, the period within which the restoration is to be effected—

(*a*) shall not exceed six months unless the Commission has consented to the Development and the condition;

and

(*b*) shall not, in any event, exceed two years.

(2) A period fixed by a condition of a kind referred to in subsection (1)—

(*a*) shall not, if the period so fixed is six months or less, be extended beyond six months without the consent of the Commission;

and

(*b*) shall not, in any event, be extended so that the total period exceeds two years.

Reasons for refusal, etc., to be given to applicant.

25b. Where—

(*a*) the Council approves a proposed Development subject to a condition or refuses to approve a proposed Development;

or

(*b*) the Commission refuses a consent under this Part,

the Council or the Commission (as the case requires) shall, within thirty days of the approval or refusal, furnish the applicant with a written statement of the reasons for the imposition of the condition or for the refusal.

Amendment of s. 28—Appeals.

9. Section 28 of the principal Act is amended—

(*a*) by inserting in subsection (1) after paragraph (*b*) the following word and paragraph:

or

(*c*) the refusal of a consent by the Commission;;

and

(*b*) by striking out from subsection (1) the passage "subsection (5) of section 24 of this Act" and substituting the passage "section 25b".

Amendment of s. 29—Conference of parties.

10. Section 29 of the principal Act is amended by striking out subsection (2) and substituting the following subsection:

(2) A party to a conference referred to in subsection (1) may be represented at the conference by a person of his choice.

Amendment of s. 32—Appeals.

11. Section 32 of the principal Act is amended by striking out from subsection (1) the passage "sections 24 or 25 of this Act" and substituting the passage "section 24, 25 or 25a".

Amendment of s. 43—Summary proceedings.

12. Section 43 of the principal Act is amended by striking out subsection (2) and substituting the following subsections:

(2) Proceedings in respect of an offence against this Act may be commenced at any time within twelve months after the commission of the alleged offence, or, with the authorization of the Attorney-General, at any later time within five years after the commission of the alleged offence.

(3) An apparently genuine document purporting to be under the hand of the Attorney-General and to authorize the commencement of proceedings in respect of an offence against this Act shall, in the absence of proof to the contrary, be proof of that authorization.

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

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No. 13 of 1981

An Act to amend the Education Act, 1972-1980.

[*Assented to* 19 *March* 1981]

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 "Education Act Amendment Act, 1981".

(2) The Education Act, 1972-1980, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Education Act, 1972-1981".

Commencement.

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

Amendment of s. 72—Constitution of Non-Government Schools Registration Board.

3. Section 72 of the principal Act is amended—

(*a*) by striking out from paragraph (*c*) of subsection (2) the passage "one person" and substituting the passage "two persons";

and

(*b*) by striking out from paragraph (*d*) of subsection (2) the passage "one person" and substituting the passage "two persons".

Amendment of s. 72b—Quorum, etc.

4. Section 72b of the principal Act is amended by striking out from subsection (1) the word "Three" and substituting the word "Four".

Amendment of s. 72g—Registration of non-Government schools.

5. Section 72g of the principal Act is amended by striking out subsection (2) and substituting the following subsection:

(2) An application for registration of a non-Government school must be made in a manner and form determined by the Board.

Repeal of s. 72i.

6. Section 72i of the principal Act is repealed.

Amendment of s. 72o—Minister may provide certain forms of assistance to non-Government schools.

7. Section 72o of the principal Act is amended by striking out from subsection (1) the passage "officer of the Department" and substituting the passage "person or persons".

Amendment of s. 72p—Inspection of non-Government schools.

8. Section 72p of the principal Act is amended—

(*a*) by striking out from subsection (1) the passage "an officer of the Department" and substituting the passage "a person or persons nominated by the Board and approved by the Minister";

and

(*b*) by striking out from subsection (1) the passage "that person" and substituting the passage "a person so authorized".

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

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No. 14 of 1981

An Act to amend the Food and Drugs Act, 1908-1976.

[*Assented to* 19 *March* 1981]

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 "Food and Drugs Act Amendment Act, 1981".

(2) The Food and Drugs Act, 1908-1976, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Food and Drugs Act, 1908-1981".

Amendment of s. 5b—Declaration of poisons, and controlled therapeutic substances and devices.

2. Section 5b of the principal Act is amended—

(*a*) by inserting before paragraph (*a*) the following paragraph:

(*aa*) declare that any article specified in the proclamation is a poison, or a poison of a specified class, within the meaning of this Act;;

and

(*b*) by inserting after its present contents as amended by this section (now to be designated as subsection (1)) the following subsection:

(2) A proclamation made before the commencement of the Food and Drugs Act Amendment Act, 1981, that purported to declare an article to be a poison within the meaning of this Act, or a proclamation that purported to vary or revoke any such proclamation, shall for all purposes be deemed to have been validly made.

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

****

No. 15 of 1981

An Act to amend the Hairdressers Registration Act, 1939-1978.

[*Assented to* 19 *March* 1981]

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 "Hairdressers Registration Act Amendment Act, 1981".

(2) The Hairdressers Registration Act, 1939-1978, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Hairdressers Registration Act, 1939-1981".

Amendment of s. 35—Power to make regulations.

2. Section 35 of the principal Act is amended by inserting after its present contents (now to be designated as subsection (1)) the following subsections:

(2) Fees prescribed by a regulation made under this section may vary according to factors specified in the regulation.

(3) The first regulation made under subsection (1) (*h*) after the commencement of the Hairdressers Registration Act Amendment Act, 1981, shall be expressed to be retrospective to the thirty-first day of January, 1981.

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

****

No. 16 of 1981

An Act to amend the Harbors Act, 1936-1978.

[*Assented to* 19 *March* 1981]

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, 1981".

(2) The Harbors Act, 1936-1978, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Harbors Act, 1936-1981".

Amendment of s. 80—Power to lease public wharves.

2. Section 80 of the principal Act is amended—

(*a*) by striking out from subsection (1) the passage "any term not exceeding twenty-one years, either by public auction or by public tender" and substituting the passage "such period, and on such conditions, as the Minister thinks proper";

and

(*b*) by striking out subsection (2).

Amendment of s. 114—Liability of owner and master.

3. Section 114 of the principal Act is amended by inserting after subsection (1) the following subsection:

(1a) No civil liability attaches to a pilot or to the Minister or to the Crown for negligence by a pilot in relation to the pilotage of a ship, other than a ship belonging to the Crown.

Amendment of s. 124—Responsibility for injury to the works of the Minister.

4. Section 124 of the principal Act is amended—

(*a*) by striking out from subsection (1b) the passage "In any proceedings" and substituting the passage "Subject to subsection (1c), in any proceedings";

and

(*b*) by inserting after subsection (1b) the following subsection:

(1c) Negligence on the part of a pilot does not constitute ground for a defence, or for making an allowance in the assessment of damages, under subsection (1b).

Amendment of s. 144—Regulations.

5. Section 144 of the principal Act is amended by inserting after paragraph (70b) the following paragraph:

(70c) requiring the holder of any licence or permit or other authority granted under this Act to indemnify the Minister against any claims for injury or damage that may arise as a result of the exercise of rights conferred by the licence, permit or other authority.

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

****

No. 17 of 1981

An Act to make provision for industrial and commercial training; to repeal the Apprentices Act, 1950-1978; and for other purposes.

[*Assented to* 19 *March* 1981]

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 "Industrial and Commercial Training Act, 1981".

Commencement.

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

Arrangement of Act.

3. This Act is arranged as follows:

PART I—PRELIMINARY
PART II—ADMINISTRATION
DIVISION I—INDUSTRIAL AND COMMERCIAL TRAINING COMMISSION
DIVISION II—THE FUNCTIONS OF THE COMMISSION
DIVISION III—TRAINING ADVISORY COMMITTEES
DIVISION IV—THE DISCIPLINARY COMMITTEE OF THE COMMISSION
DIVISION V—STAFF OF THE COMMISSION
DIVISION VI—POWERS OF ENTRY AND INSPECTION
PART III—FORMS OF TRAINING
DIVISION I—CONTRACTS OF TRAINING
DIVISION II—TRAINEE SCHEME
DIVISION III—COURSES OF PRE-VOCATIONAL TRAINING
PART IV—MISCELLANEOUS

Repeal and transitional provisions.

4. (1) The Apprentices Act, 1950-1978, is repealed.

(2) Any indentures of apprenticeship in force immediately before the commencement of this Act shall, subject to this Act, continue in force as if they were contracts of training.

(3) A determination, approval or decision of the Apprenticeship Commission in force under the repealed Act immediately before the commencement of this Act shall, subject to variation or revocation by the Commission under this Act, remain in force under this Act as if it were a determination, approval or decision of the Commission under this Act.

Interpretation.

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

"apprentice" means a person whom another has agreed to train in a trade under a contract of training:

"the Commission" means the Industrial and Commercial Training Commission established under this Act:

"contract of training" means a contract (including an indenture of apprenticeship) under Division I of Part III in respect of training in a trade or other declared vocation:

"declared vocation" means—

(*a*) a trade;

or

(*b*) an occupation declared by regulation to be a declared vocation for the purposes of this Act:

"the disciplinary committee" means the disciplinary committee established under Division IV of Part II:

"occupation" includes any form of work in industry or commerce:

"pre-vocational training" means training designed as preparation for training in a trade or other declared vocation:

"trade" means an occupation declared by regulation to be a trade:

"training" means training (including courses of instruction, on-the-job training and off-the-job training) in the knowledge and skills required in industry or commerce.

Relation of Act to other Acts and awards.

6. (1) In the event of an inconsistency between this Act and the Industrial Conciliation and Arbitration Act, 1972-1979, or any regulation, award, order or industrial agreement made under that Act, the provisions of this Act prevail to the extent of the inconsistency.

(2) Notwithstanding subsection (1), any provision of an award or industrial agreement requiring an employer to employ apprentices in preference to junior employees shall remain in full force and effect.

Crown bound.

7. This Act binds the Crown.

PART II

PART II

ADMINISTRATION

DIVISION I

DIVISION I—INDUSTRIAL AND COMMERCIAL TRAINING COMMISSION

Establishment of the Commission.

8. (1) There shall be a commission entitled the "Industrial and Commercial Training Commission".

(2) The Commission shall be under the control and direction of the Minister.

Constitution of the Commission.

9. The Commission shall consist of nine members, appointed by the Governor, of whom—

(*a*) one, who shall be a full-time member, shall be appointed to be Chairman of the Commission;

(*b*) one shall be the Director of the Department of Industrial Affairs and Employment or his nominee;

(*c*) one shall be the Director-General of Further Education or his nominee;

(*d*) three shall be persons nominated by the Minister, after consultation with employer associations (including the South Australian Employers' Federation Inc., the Chamber of Commerce and Industry, South Australia, Inc., the Master Builders' Association of South Australia Inc., and the Metal Industries Association, South Australia), to represent the interests of employers;

and

(*e*) three shall be persons nominated by the Minister, after consultation with the United Trades and Labor Council of South Australia, to represent the interests of employees.

Terms and conditions of office of members of Commission.

10. (1) The Chairman of the Commission shall be appointed for a term of office of five years and upon such conditions as the Governor determines, and, upon the expiration of his term of office, shall be eligible for re-appointment.

(2) The Governor may appoint a person employed under the Public Service Act, 1967-1978, to be Deputy Chairman of the Commission and that person may attend the meetings of the Commission and, in the absence of the Chairman, shall act in the place of and have all the powers, authorities, functions and duties of the Chairman.

(3) A member of the Commission (other than the Chairman) shall be appointed—

(*a*) if he is one of the first members of the Commission—for a term of office not exceeding three years specified in the instrument of his appointment;

and

(*b*) in any other case—for a term of office of three years,

and upon such conditions as the Governor determines, and, upon the expiration of his term of office, shall be eligible for re-appointment.

(4) Subject to subsection (5), the Governor may appoint a suitable person to be a deputy of a member of the Commission (other than the Chairman), and the deputy while acting in the absence of that member, shall have all the powers, authorities, functions and duties of that member.

(5) The provisions of this Act requiring nomination and consultation before the appointment of a member apply in relation to the appointment of a deputy of that member.

(6) The Governor may remove a member of the Commission from office for—

(*a*) any breach of, or non-compliance with, the conditions of his appointment;

(*b*) mental or physical incapacity that prevents him from satisfactorily carrying out the duties of his office;

(*c*) neglect of duty;

or

(*d*) dishonourable conduct.

(7) The office of a member of the Commission shall become vacant if—

(*a*) he dies;

(*b*) his term of office expires;

(*c*) he resigns by written notice addressed to the Minister;

or

(*d*) he is removed from office by the Governor pursuant to subsection (6).

(8) Upon the office of a member of the Commission becoming vacant, a person shall be appointed in accordance with this Act, to the vacant office, but where the office of a member becomes vacant before the expiration of the term for which he was appointed, the person appointed in his place shall be appointed only for the balance of the term of his predecessor.

Remuneration and expenses.

11. (1) The Chairman of the Commission shall be entitled to such salary, allowances and expenses as may be determined by the Governor.

(2) A member of the Commission (other than the Chairman) shall be entitled to such allowances and expenses as may be determined by the Governor.

Quorum, etc.

12. (1) Five members of the Commission of whom—

(*a*) one must be the Chairman or the Deputy Chairman;

(*b*) at least one must be a member appointed to represent the interests of employers;

and

(*c*) at least one must be a member appointed to represent the interests of employees,

shall constitute a quorum of the Commission.

(2) The Chairman or, in the absence of the Chairman, the Deputy Chairman shall preside at a meeting of the Commission.

(3) A decision carried by a majority of the votes cast by the members of the Commission present at a meeting of the Commission shall be a decision of the Commission.

(4) Each member present at a meeting of the Commission shall be entitled to one vote on any matter arising for decision by the Commission at that meeting and, in the event of an equality of votes, the member presiding at the meeting shall have a second or casting vote.

(5) The Commission shall cause minutes to be kept of its proceedings.

(6) Subject to this Act, the proceedings of the Commission shall be conducted in such manner as the Commission may determine.

Delegation.

13. (1) The Commission may, by instrument in writing, delegate any of its powers or functions—

(*a*) to the Chairman or Deputy Chairman of the Commission;

or

(*b*) to a training advisory committee.

(2) A delegation under subsection (1) shall be revocable at will and shall not prevent the Commission from acting in any matter itself.

DIVISION II

DIVISION II—THE FUNCTIONS OF THE COMMISSION

Functions of the Commission.

14. (1) The functions of the Commission are—

(*a*) to inquire into, and keep under review, the training that is being, or should be, provided in order to develop the knowledge and skills required in industry and commerce;

(*b*) to inquire into, and keep under review, systems and methods of apprenticeship training and to report to the Minister upon such systems and methods and on the numbers of apprentices for the time being in training in the various trades;

(*c*) to make recommendations to the Minister relating to the occupations that should constitute trades or declared vocations;

(*d*) to determine the objectives, nature, syllabus content and duration of training in—

(i) trades and other declared vocations;

(ii) trainee schemes;

or

(iii) schemes of pre-vocational training;

(*e*) to determine matters relating to the entry into, observance, discharge, assignment, transfer, variation, suspension or cancellation of contracts of training (not being matters related to disciplining a party to a contract of training);

(*f*) to determine matters relating to the training to be provided by employers to persons employed under contracts of training;

(*g*) to approve facilities provided, or to be provided, at governmental or non-governmental institutions for the purposes of training in—

(i) trades and other declared vocations;

(ii) trainee schemes;

or

(iii) schemes of pre-vocational training;

(*h*) to assess by such means as the Commission thinks fit the competency of apprentices or other trainees;

(*i*) to grant, or arrange for the granting of, certificates to persons completing programmes of training determined by the Commission;

(*j*) to determine credits to be allowed in respect of the training required under this Act on the basis of training previously undertaken, or on any other basis;

(*k*) to enter into reciprocal arrangements with appropriate bodies with respect to the recognition of industrial or commercial training qualifications;

(*l*) to collect data and statistics in relation to industrial and commercial training;

(*m*) to promote and encourage—

(i) the implementation of industrial and commercial training programmes and participation by others in such programmes;

and

(ii) the establishment of off-the-job training centres by employers or groups of employers;

(*n*) to advise the Minister—

(i) on matters referred by the Minister to the Commission for advice;

and

(ii) generally in relation to the administration of this Act;

and

(*o*) to carry out any other functions and duties assigned to the Commission by or under this Act.

(2) The Commission shall, wherever practicable, consult and co-operate with governmental authorities, institutions, employer or employee associations or other persons or bodies that may be affected by recommendations that it may make or actions that it may take in the performance of its functions under this Act.

(3) The Commission may establish such committees and sub-committees as it thinks necessary to advise it upon any aspect of its functions under this Act.

DIVISION III—TRAINING ADVISORY COMMITTEES

Establishment of training advisory committees.

15. (1) The Minister may, upon the recommendation of the Commission, establish a training advisory committee in respect of any part of industry or commerce.

(2) A training advisory committee shall consist of not less than seven members appointed by the Minister, of whom—

(*a*) one shall be the Chairman of the Commission, or his nominee, who shall be chairman of the committee;

(*b*) one shall be the Director-General of Further Education, or his nominee;

(*c*) one shall be appointed to represent the Minister of the Commonwealth Government with responsibility for matters related to industrial and commercial training;

and

(*d*) the remainder shall comprise equal numbers of persons appointed to represent the interests of employers and employees, respectively, engaged in that part of industry or commerce for which the committee is being or has been established.

(3) A member shall not be appointed under subsection (2) (*d*) except after consultation with the relevant association of employers or employees.

(4) A training advisory committee may, with the approval of the Commission, co-opt such additional members as it thinks fit but a co-opted member shall not be entitled to vote on any matter arising for decision by the committee.

(5) The terms and conditions of office of a member of a training advisory committee shall be as determined by the Minister.

(6) Four members of a training advisory committee (of whom one must be the chairman of the committee, at least one must be a member appointed to represent the interests of employers and at least one must be a member appointed to represent the interests of employees) shall constitute a quorum of a training advisory committee.

(7) A decision carried by a majority of the votes of the members present at a meeting of a training advisory committee shall be a decision of the committee.

(8) Each member present at a meeting of a training advisory committee shall be entitled to one vote on any matter arising for decision by the committee at that meeting and, in the event of an equality of votes, the chairman shall have a second or casting vote.

(9) Subject to any direction of the Commission, the proceedings of a training advisory committee shall be conducted in such manner as it may determine.

Sub-committees.

16. (1) A training advisory committee may establish sub-committees to assist it on any aspect of its functions.

(2) A sub-committee may be established in relation to a trade or group of trades or on any other basis, and, if established in relation to a trade or group of trades, shall be referred to as a "Trade Advisory Sub-Committee".

(3) A sub-committee established under this section shall consist of such members of the training advisory committee as the training advisory committee thinks fit, and may include persons who are not members of that training advisory committee.

(4) The membership of a Trade Advisory Sub-Committee established under this section must include equal numbers of members appointed to represent the interests of employers and members appointed to represent the interests of employees.

(5) The terms and conditions of office of a member of a sub-committee shall be as determined by the Commission.

(6) At any meeting of a sub-committee, at least one member appointed to represent the interests of employers and at least one member appointed to represent the interests of employees must be present.

(7) A decision carried by a majority of the votes of the members present at a meeting of a sub-committee shall be a decision of the sub-committee.

(8) Each member present at a meeting of a sub-committee shall be entitled to one vote on any matter arising for decision by the sub-committee at that meeting and, in the event of an equality of votes, the member presiding at the meeting shall have a second or casting vote.

(9) Subject to any direction of the training advisory committee, the proceedings of a sub-committee shall be conducted in such manner as it may determine.

Function of training advisory committees.

17. The function of a training advisory committee established in respect of any part of industry or commerce is to advise and make recommendations to the Commission, either of its own motion or at the request of the Commission, on—

(*a*) apprenticeship in that part of industry or commerce;

(*b*) any other aspect of the training that is being provided for trades or occupations in that part of industry or commerce;

or

(*c*) any new forms of training that should be introduced in order to develop knowledge or skills required in that part of industry or commerce.

DIVISION IV—THE DISCIPLINARY COMMITTEE OF THE COMMISSION

DIVISION IV

The Disciplinary Committee.

18. (1) There shall be a committee entitled the "Disciplinary Committee of the Industrial and Commercial Training Commission".

(2) In relation to disciplinary proceedings the disciplinary committee shall consist of—

(*a*) the Chairman, or the Deputy Chairman, of the Commission;

and

(*b*) two other members of the Commission—

(i) one being a member appointed to represent the interests of employers;

and

(ii) one being a member appointed to represent the interests of employees,

appointed by the Commission to be members of the disciplinary committee in relation to the proceedings in question.

PART II
DIVISION IV

(3) The disciplinary committee is not subject to control or direction by the Commission, and, subject to subsection (4), the Commission has no power to overrule or otherwise interfere with a decision or order of the disciplinary committee.

(4) If the Commission, acting at the direction of the Minister, requests the disciplinary committee to review its decision or order upon any matter, the disciplinary committee shall review the decision or order and may, upon the review, confirm, vary or revoke the decision or order subject to the review, or make any other decision or order in substitution for that decision or order.

DIVISION V

DIVISION V—STAFF OF THE COMMISSION

Staff of the Commission.

19. (1) The Governor may, subject to the Public Service Act, 1967-1981, appoint such officers and employees as are required for the proper administration of this Act.

(2) A person appointed under subsection (1) shall hold office subject to, and in accordance with, the Public Service Act, 1967-1981.

(3) The Commission may, with the consent of a Minister administering any Department of the Public Service, make use of the services of officers employed in that Department.

DIVISION VI

DIVISION VI—POWERS OF ENTRY AND INSPECTION

Powers of entry and inspection.

20. (1) For the purposes of this Act, a member of the Commission, or a person authorized by the Commission to exercise the powers conferred by this section may—

(*a*) enter at any reasonable time any place or premises in which industrial or commercial training is provided;

(*b*) inspect the place or premises, anything in the place or premises, and work in progress in the place or premises;

(*c*) question any person involved in training on any matter relevant to the inspection;

and

(*d*) require the production of any record or document required to be kept by or under this Act and inspect, examine and copy it.

(2) Subject to subsection (3), a person shall not—

(*a*) hinder or obstruct a member of the Commission or other person in the exercise of a power conferred by this section;

(*b*) refuse or fail to answer truthfully to the best of his knowledge, information and belief any question put to him pursuant to subsection (1);

or

(*c*) without lawful excuse, fail to comply with a requirement made under this section.

Penalty: Five hundred dollars.

(3) A person is not obliged to answer a question put to him under this section if the answer would tend to incriminate him of an offence.

PART III

FORMS OF TRAINING

DIVISION I—CONTRACTS OF TRAINING

Training in declared vocations to be offered only under prescribed conditions.

21. (1) An employer shall not undertake to train a person (whether as an apprentice or otherwise) in a declared vocation except in pursuance of a contract of training.

Penalty: Five hundred dollars.

(2) Subsection (1) does not apply in relation to the further training or re-training of a person who has already completed the training required under a contract of training, or who has an equivalent trade or vocational qualification.

(3) A contract of training—

(*a*) shall be in the prescribed form that is relevant to the trade or other declared vocation to which the contract relates;

and

(*b*) shall contain the appropriate prescribed conditions.

(4) An employer shall not employ an apprentice or other trainee under a contract of training unless—

(*a*) the place in which he is to be employed;

(*b*) the equipment and methods to be used in training;

and

(*c*) the persons who are to supervise his work,

have been approved by the Commission.

Penalty: Five hundred dollars.

(5) An approval under subsection (4) may be given subject to conditions—

(*a*) limiting the number of apprentices or other trainees that the employer may have in his employment at any one time;

and

(*b*) as to such other matters as the Commission thinks fit,

and may be revoked for breach of a condition.

(6) An employer shall within two weeks after employing a person under a contract of training furnish the Commission with a copy of the contract of training and with the particulars required by the regulations.

Penalty: Five hundred dollars.

(7) Two or more employers may, with the approval of the Commission, enter into a contract of training with the same apprentice or other trainee.

(8) The Commission may enter into a contract of training, assuming the rights and obligations of an employer under the contract.

(9) The Commission shall not exercise its powers under subsection (8) except—

(*a*) upon a temporary basis;

or

(*b*) where it is not reasonably practicable for some other employer to enter into the contract of training.

(10) Any party to a contract of training may, within three months after the apprentice or other trainee commences work under the contract, terminate the contract by giving notice in writing to the other party or parties to the contract.

(11) Where a contract of training is terminated under subsection (10), the employer shall, within seven days of the termination, notify the Commission, in writing, of the termination.

Penalty: Five hundred dollars.

(12) Where a contract of training is transferred or assigned from one employer to another, the employer to whom the contract is transferred or assigned shall, within seven days of the transfer or assignment, notify the Commission, in writing, of the transfer or assignment.

Penalty: Five hundred dollars.

Age not to be disqualification.

22. No person is, by reason of his age, disqualified from entering into a contract of training.

Term of contract of training.

23. (1) The term of a contract of training shall be determined by or in accordance with the regulations.

(2) Where an apprentice or other trainee has completed at least three-quarters of the term of his contract of training, and the Commission is satisfied of the competence of the apprentice or other trainee, the Commission may, of its own motion, or on the application of all parties to the contract, relieve the apprentice or other trainee of his obligations under the contract, and he shall then be deemed to have completed the training required of him under the contract.

(3) The Commission may, by notice in writing to the parties to a contract of training, increase or reduce the term of the contract.

(4) This section does not prejudice the extension of the term of a contract of training by the disciplinary committee.

Contract of training to provide for employment.

24. (1) A contract of training must provide for the employment of the apprentice or other trainee who is to be trained under the contract.

(2) The Commission may, upon the application of all parties to a contract of training, alter the contract so that it provides for part-time training instead of full-time training, or full-time training instead of part-time training.

Requirement to attend approved courses of training.

25. (1) An apprentice or other trainee under a contract of training is required—

(*a*) to attend such courses of instruction as may be determined by the Commission;

(*b*) to comply with requirements of the Commission as to hours of attendance at approved courses of instruction;

(*c*) to comply with requirements of the regulations as to total hours of attendance at approved courses of instruction;

(*d*) to complete the courses of instruction that he is required to attend to the satisfaction of the Commission;

and

(*e*) to comply with any other requirements of the Commission in relation to his training.

(2) An employer shall permit an apprentice or other trainee employed by him under a contract of training to carry out his obligations under this section.

Penalty: Five hundred dollars.

Discipline.

26. (1) Where a party to a contract of training contravenes, or fails to comply with, a provision of the contract, or of this Act, the other party to the contract may refer the matter to the disciplinary committee.

(2) If an employer has reasonable grounds to believe that an apprentice or other trainee employed by the employer under a contract of training is guilty of wilful and serious misconduct, the employer may suspend him from his employment under the contract, and shall, in that event, refer the matter forthwith to the disciplinary committee and confirm the reference in writing within three days of the suspension.

Penalty: Five hundred dollars.

(3) A suspension under subsection (2) shall, unless confirmed by the disciplinary committee, not operate for more than seven working days.

(4) Where the Commission suspects on reasonable grounds that a party to a contract of training has contravened, or failed to comply with, a provision of the contract or this Act, it may refer the matter to the disciplinary committee.

(5) The disciplinary committee shall inquire into any matter referred to it under this section, and may, if it thinks fit—

(*a*) reprimand the party in default;

(*b*) suspend a person from his employment under a contract of training;

(*c*) confirm or revoke a suspension imposed under subsection (2) and, in the event of revocation, order the employer to pay any wages that would, but for the suspension, have been payable under the contract;

(*d*) extend the term of a contract of training;

(*e*) cancel a contract of training;

(*f*) make any consequential orders that the committee thinks necessary or expedient.

(6) A person shall not contravene, or fail to comply with, an order of the disciplinary committee under this section.

Penalty: Five hundred dollars.

(7) The disciplinary committee may consult with the relevant training advisory committee (if any) before exercising its powers under this section.

(8) Notice shall be given to the Commission of the cancellation of a contract of training under subsection (5).

(9) A suspension imposed under this section shall not operate for a period in excess of four weeks.

PART III

DIVISION II

DIVISION II—TRAINEE SCHEMES

Schemes of training.

27. (1) The Commission may determine and approve such schemes of training as it considers necessary or desirable to advance knowledge and skills required in industry and commerce.

(2) This section does not apply to training in trades or other declared vocations.

(3) A scheme shall provide for such courses of instruction, on-the-job training and off-the-job training as the Commission considers necessary.

(4) The Commission may issue, or arrange for the issue of, an appropriate certificate to a person who successfully completes a scheme of training under this section.

DIVISION III

DIVISION III—COURSES OF PRE-VOCATIONAL TRAINING

Courses of pre-vocational training.

28. (1) The Commission may determine and approve courses of pre-vocational training.

(2) A person who successfully completes a course of pre-vocational training shall be entitled to such credits in respect of the training required for the relevant trade or other declared vocation as may be determined by the Commission.

PART IV

PART IV

MISCELLANEOUS

Report.

29. (1) The Commission shall, within three months after the end of each financial year, present a report to the Minister on the work of the Commission during that financial year.

(2) The Minister shall, as soon as practicable after receiving a report under subsection (1) cause copies of the report to be laid before both Houses of Parliament.

Validity of acts of Commission, etc., and immunity.

30. (1) An act or proceeding of the Commission, or of a committee or sub-committee established by or under this Act, shall not be invalid by reason only of a vacancy in its membership, and, notwithstanding the subsequent discovery of a defect in the appointment of a member or purported member, an act or proceeding of the Commission, committee or sub-committee shall be as valid and effectual as if the member or purported member had been duly appointed.

(2) No liability shall attach to a member of the Commission or of a committee or sub-committee established by or under this Act, or to any other person, for any act or omission by him in the exercise or discharge of his powers, functions or duties under this Act.

(3) A liability that would, but for subsection (2), lie against a person shall lie instead against the Crown.

Making and retention of records.

31. (1) An employer who employs persons under contracts of training shall keep such records as are prescribed.

Penalty: Five hundred dollars.

(2) An employer shall retain a record kept by him under subsection (1) for at least two years after the date on which the record was made.

Penalty: Five hundred dollars.

Proceedings.

32. Proceedings for offences against this Act shall be disposed of summarily.

Regulations.

33. (1) The Governor may make such regulations as are contemplated by this Act, or as are necessary or expedient—

(*a*) for the purposes of this Act;

or

(*b*) for the purpose of dealing with matters relevant to any aspect of training to which this Act applies, or to the rights and obligations of parties to a contract of training.

(2) A regulation may provide a penalty (not exceeding five hundred dollars) for breach of, or non-compliance with the regulation.

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

****

No. 18 of 1981

An Act to amend the Irrigation Act, 1930-1978.

[*Assented to* 19 *March* 1981]

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, 1981".

(2) The Irrigation Act, 1930-1978, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Irrigation Act, 1930-1981".

Commencement.

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

Repeal of Part VI and substitution of new Part.

3. Part VI of the principal Act is repealed and the following Part is substituted:

PART VI

FINANCIAL ASSISTANCE TO LESSEES

Financial assistance to lessees.

81. (1) The Minister may, upon such terms and conditions as he determines, grant financial assistance to a lessee—

(*a*) for the purpose of making improvements to land leased under this Act by the lessee;

(*b*) for the purpose of discharging a mortgage over the land;

or

(*c*) for the purpose of enabling the lessee to purchase implements, stock, seeds, plants, trees or other things required for farming the land.

(2) Assistance under this section may consist of a non-repayable grant or a loan.

(3) Moneys required for the purposes of this section shall be paid out of moneys provided by Parliament for those purposes.

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

****

No. 19 of 1981

An Act to amend the National Parks and Wildlife Act, 1972-1978.

[*Assented to* 19 *March* 1981]

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 "National Parks and Wildlife Act Amendment Act, 1981".

(2) The National Parks and Wildlife Act, 1972-1978, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "National Parks and Wildlife Act, 1972-1981".

Commencement.

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

Amendment of s. 23—Confiscation and forfeiture of certain objects.

3. Section 23 of the principal Act is amended—

(*a*) by striking out subsection (3) and substituting the following subsection:

(3) Subject to subsections (4) and (4a), where a prescribed object is seized under subsection (2) the following provisions apply:

(*a*) if proceedings for an offence against this Act are not commenced against the owner of the object within three months from the date of the seizure, the object shall be returned to the owner;

(*b*) if proceedings for an offence against this Act are commenced against the owner of the object within three months from the date of seizure and the owner is, in the course of those proceedings, convicted of such an offence, the court may, upon convicting the owner, order that the object be forfeited to the Crown;

(*c*) if in the proceedings referred to in paragraph (*b*) the owner is not convicted of an offence against this Act, or the court does not make an order under that paragraph, the object shall be returned to the owner;

(*d*) if an object is forfeited to the Crown the Minister may sell or dispose of the object as he thinks fit and any proceeds of sale shall be paid into the Wildlife Conservation Fund.;

(*b*) by inserting after subsection (4) the following subsection:

(4a) If the Minister, after causing reasonable inquiries to be made, is unable to ascertain the whereabouts of a person to whom an object is to be returned under subsection (3), the Minister may sell or dispose of the object as he thinks fit and any proceeds of sale shall be paid into the Wildlife Conservation Fund.;

and

(*c*) by inserting in subsection (5) before the definition of "prescribed object" the following definition:

"owner" in relation to a prescribed object seized under this section means either or both of the following persons:

(*a*) a person who has legal title to the object;

(*b*) a person who was, immediately before seizure of the object, in possession or control of the object:.

General amendment of principal Act.

4. The provisions of the principal Act mentioned in the first column of the schedule to this Act are amended as shown in the second column of that schedule.

THE SCHEDULE

First Column Provision Affected	Second Column How Amended
Section 24 (1)	By striking out "Two hundred dollars" and substituting "Five hundred dollars".
Section 24 (2)	By striking out "One hundred dollars" and substituting "Three hundred dollars".
Section 24 (3)	By striking out "Five hundred dollars" and substituting "One thousand dollars".
Section 26	By striking out "Five hundred dollars" and substituting "One thousand dollars".
Section 42 (3)	By striking out "One hundred dollars" and substituting "Two hundred dollars".
Section 45 (1)	By striking out "Two hundred dollars" and substituting "Five hundred dollars".
Section 47 (1)	By striking out "two hundred dollars" and substituting "five hundred dollars".
Section 47 (2)	By striking out "two hundred dollars" and substituting "five hundred dollars."
Section 48 (1)	By striking out "two hundred dollars" and substituting "five hundred dollars".
Section 51 (1)	By striking out "Five hundred dollars" and substituting "One thousand dollars".
Section 51 (1a)	By striking out "One thousand dollars" and substituting "Two thousand dollars".
Section 53 (4)	By striking out "Two hundred dollars" and substituting "Five hundred dollars".
Section 55 (1)	By striking out "One thousand dollars" and substituting "Two thousand dollars".

THE SCHEDULE—*continued*

First Column Provision Affected	Second Column How Amended
Section 56 (2)	By striking out "Two hundred dollars" and substituting "Five hundred dollars".
Section 56 (4)	By striking out "Two hundred dollars" and substituting "Five hundred dollars".
Section 57 (2)	By striking out "One hundred dollars" and substituting "Two hundred dollars".
Section 58 (1)	By striking out "Five hundred dollars" and substituting "One thousand dollars".
Section 59 (1)	By striking out "Five hunderd dollars" and substituting "One thousand dollars".
Section 60 (1)	By striking out "Five hundred dollars" and substituting "One thousand dollars".
Section 62 (2)	By striking out "two hundred dollars" and substituting "five hundred dollars".
Section 64 (1)	By striking out "One hundred dollars" and substituting "Two hundred dollars".
Section 64 (3)	By striking out "Two hundred dollars" and substituting "Five hundred dollars".
Section 64 (4)	By striking out "Two hundred dollars" and substituting "Five hundred dollars".
Section 65 (1)	By striking out "two hundred dollars" and substituting "five hundred dollars".
Section 65 (2)	By striking out "two hundred dollars" and substituting "five hundred dollars".
Section 66 (2)	By striking out "Two hundred dollars" and substituting "Five hundred dollars".
Section 68	By striking out "Two hundred dollars" and substituting "Five hundred dollars".
Section 68a (1)	By striking out "Two hundred dollars" and substituting "Five hundred dollars".
Section 68b (1)	By striking out "One hundred dollars" and substituting "Two hundred dollars".
Section 68b (3)	By striking out "Two hundred dollars" and substituting "Five hundred dollars".
Section 68b (4)	By striking out "Two hundred dollars" and substituting "Five hundred dollars".
Section 70 (1)	By striking out "Fifty dollars" and substituting "One hundred dollars".
Section 70 (2)	By striking out "Fifty dollars" and substituting "One hundred dollars".
Section 72 (1)	By striking out "Five hundred dollars" and substituting "One thousand dollars".
Section 73 (1)	By striking out "Two hundred dollars" and substituting "Five hundred dollars".
Section 73 (2)	By striking out "two hundred dollars" and substituting "five hundred dollars".
Section 74 (2) (*a*)	By striking out "two hundred dollars" and substituting "five hundred dollars".
Section 74 (2) (*b*)	By striking out "fifty dollars" and substituting "one hundred dollars".

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

****

No. 20 of 1981

An Act to provide for the vesting of title to certain lands in the people known as Anangu Pitjantjatjaraku; and for other purposes.

[*Assented to* 19 *March* 1981]

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 "Pitjantjatjara Land Rights Act, 1981".

Commencement.

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

(2) The Governor may, in a proclamation made for the purposes of subsection (1), suspend the operation of specified provisions of this Act until a subsequent day fixed in the proclamation, or a day to be fixed by subsequent proclamation.

Arrangement of Act.

3. This Act is arranged as follows:

PART I—PRELIMINARY

PART II—ANANGU PITJANTJATJARAKU

DIVISION I—CONSTITUTION OF ANANGU PITJANTJATJARAKU AS BODY CORPORATE

DIVISION II—POWERS AND FUNCTIONS OF ANANGU PITJANTJATJARAKU

DIVISION III—GENERAL MEETINGS OF ANANGU PITJANTJATJARAKU

DIVISION IV—THE EXECUTIVE BOARD OF ANANGU PITJANTJATJARAKU

DIVISION V—THE APPROVED CONSTITUTION

PART III—THE LANDS

DIVISION I—VESTING OF THE LANDS IN ANANGU PITJANTJATJARAKU

DIVISION II—ENTRY TO THE LANDS

DIVISION III—MINING OPERATIONS ON THE LANDS

DIVISION IV—THE MINTABIE PRECIOUS STONES FIELD

DIVISION V—RIGHT OF THE CROWN TO CONTINUE IN OCCUPATION OF CERTAIN PARTS OF THE LANDS

DIVISION VI—CONSTRUCTION OF ROADS BY THE COMMISSIONER OF HIGHWAYS

PART IV—DISPUTES

PART V—MISCELLANEOUS

Interpretation.

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

"Anangu Pitjantjatjaraku" means the body corporate constituted under that name by this Act:

"the constitution" means the constitution of Anangu Pitjantjatjaraku for the time being in force under this Act:

"the Executive Board" means—

(*a*) the Executive Board of Anangu Pitjantjatjaraku constituted under this Act;

or

(*b*) during a period prior to the constitution of that Board— the Pitjantjatjara Council:

"the lands" means the lands described in the first schedule to this Act:

"mining operations" means operations authorized by or under the Mining Act, 1971-1978, or the Petroleum Act, 1940-1978:

"mining tenement" means a right, permit, claim, lease or licence under the Mining Act, 1971-1978, or the Petroleum Act, 1940-1978:

"Mintabie resident" means a person who—

(*a*) is entitled to enter and remain on the Mintabie precious stones field under Division IV of Part III;

and

(*b*) resides or proposes to reside on the field.

"Pitjantjatjara" means a person who is—

(*a*) a member of the Pitjantjatjara, Yungkutatjara or Ngaanatjara people;

and

(*b*) a traditional owner of the lands, or a part of them:

"road works" means the construction, re-construction or repair of a road, or of related works:

"traditional owner" in relation to the lands means an Aboriginal person who has, in accordance with Aboriginal tradition, social, economic and spiritual affiliations with, and responsibilities for, the lands or any part of them.

PART II

PART II

ANANGU PITJANTJATJARAKU

DIVISION I—CONSTITUTION OF ANANGU PITJANTJATJARAKU AS BODY CORPORATE

DIVISION I

Constitution of Anangu Pitjantjatjaraku as body corporate.

5. (1) There shall be a body corporate entitled "Anangu Pitjantjatjaraku".

(2) All Pitjantjatjaras are members of Anangu Pitjantjatjaraku.

(3) Anangu Pitjantjatjaraku shall have a common seal.

(4) In any legal proceedings, an apparently genuine document purporting to bear the common seal of Anangu Pitjantjatjaraku and the signatures of five members of the Executive Board attesting the affixation of the seal, shall be presumed, in the absence of proof to the contrary, to have been duly executed by Anangu Pitjantjatjaraku.

DIVISION II—POWERS AND FUNCTIONS OF ANANGU PITJANTJATJARAKU

DIVISION II

Powers and functions of Anangu Pitjantjatjaraku.

6. (1) The functions of Anangu Pitjantjatjaraku are as follows:

(*a*) to ascertain the wishes and opinions of traditional owners in relation to the management, use and control of the lands and to seek, where practicable, to give effect to those wishes and opinions;

(*b*) to protect the interests of traditional owners in relation to the management, use and control of the lands;

(*c*) to negotiate with persons desiring to use, occupy or gain access to any part of the lands;

and

(*d*) to administer land vested in Anangu Pitjantjatjaraku.

(2) Anangu Pitjantjatjaraku has the following powers:

(*a*) the power to sue and be sued;

(*b*) the power—

(i) to grant a lease or licence, for any period it thinks fit, in respect of any part of the lands (being a part of the lands vested in Anangu Pitjantjatjaraku) to a Pitjantjatjara or an organization comprised of Pitjantjatjaras;

(ii) to grant a lease or licence, for a period not exceeding fifty years, in respect of any part of the lands (being a part of the lands vested in Anangu Pitjantjatjaraku) to an agency or instrumentality of the Crown;

(iii) to grant a lease or licence, for a period not exceeding five years, in respect of any part of the lands (being a part of the lands vested in Anangu Pitjantjatjaraku) to any other person or body of persons;

(*c*) the power to acquire by agreement, hold, deal in, or dispose of, land outside the lands;

(*d*) the power to enter into contracts;

(*e*) the power to appoint and dismiss staff;

(*f*) the power to receive and disburse moneys;

PART II
DIVISION II

(*g*) the power to obtain advice from persons who are expert in matters with which Anangu Pitjantjatjaraku is concerned;

(*h*) the power to establish offices;

(*i*) the power to make a constitution relating to—

(i) the conduct of meetings of Anangu Pitjantjatjaraku;

(ii) the procedures to be followed in resolving disputes;

and

(iii) any other matter that may be necessary or expedient in relation to the conduct or administration of the affairs of Anangu Pitjantjatjaraku.

Requirement of consultation.

7. Anangu Pitjantjatjaraku shall, before carrying out or authorizing or permitting the carrying out of any proposal relating to the administration, development or use of any portion of the lands, have regard to the interests of, and consult with, traditional owners having a particular interest in that portion of the lands, or otherwise affected by the proposal, and shall not carry out the proposal, or authorize or permit it to be carried out, unless satisfied that those traditional owners—

(*a*) understand the nature and purpose of the proposal;

(*b*) have had the opportunity to express their views to Anangu Pitjantjatjaraku;

and

(*c*) consent to the proposal.

DIVISION III

DIVISION III—GENERAL MEETINGS OF ANANGU PITJANTJATJARAKU

Annual general meetings and special general meetings.

8. (1) There shall be an annual general meeting of Anangu Pitjantjatjaraku once in every calendar year.

(2) The first annual general meeting of Anangu Pitjantjatjaraku shall be held not more than three months after the commencement of this Act.

(3) An annual general meeting of Anangu Pitjantjatjaraku shall be held not more than fifteen months after the last preceding annual general meeting.

(4) A special general meeting of Anangu Pitjantjatjaraku shall be held if not less than ten members of Anangu Pitjantjatjaraku make a request to the Executive Board for the holding of such a meeting.

DIVISION IV

DIVISION IV—THE EXECUTIVE BOARD OF ANANGU PITJANTJATJARAKU

Constitution of the Executive Board of Anangu Pitjantjatjaraku.

9. (1) There shall be an Executive Board of Anangu Pitjantjatjaraku.

(2) The Executive Board shall consist of—

(*a*) a chairman;

and

(*b*) ten other members,

elected at an annual general meeting of Anangu Pitjantjatjaraku.

(3) A person is not eligible for election as a member of the Executive Board unless he is a Pitjantjatjara.

(4) A member of the Executive Board shall, subject to the constitution, hold office from the date of his election until the next annual general meeting of Anangu Pitjantjatjaraku but shall then, subject to the constitution, be eligible for re-election.

(5) Where a casual vacancy occurs in the office of a member of the Executive Board, the Executive Board may appoint a suitable Pitjantjatjara to fill the vacancy, and the person so appointed shall, subject to the constitution, hold office until the next annual general meeting of Anangu Pitjantjatjaraku.

(6) Until the first annual general meeting of Anangu Pitjantjatjaraku, the body presently known as the Pitjantjatjara Council shall perform the functions and duties of the Executive Board.

Procedure of the Executive Board.

10. (1) The Executive Board shall meet for the transaction of business at least once in every two months.

(2) Five members of the Executive Board shall constitute a quorum of the Executive Board.

(3) The Chairman shall preside at any meeting of the Executive Board at which he is present and, in the absence of the Chairman, the members present shall elect one of their number to preside at that meeting.

(4) A decision agreed to by a majority of the members present at a meeting of the Executive Board (being a majority comprising not fewer than four members of the Executive Board) shall be a decision of the Executive Board.

(5) No act or proceeding of the Executive Board is invalid by reason only of a vacancy in the office of a member of the Executive Board.

Functions of the Executive Board.

11. (1) The Executive Board shall carry out the resolutions of Anangu Pitjantjatjaraku.

(2) The Executive Board shall act in conformity with the resolutions of Anangu Pitjantjatjaraku and no act of the Executive Board, done otherwise than in accordance with a resolution of Anangu Pitjantjatjaraku, is binding on Anangu Pitjantjatjaraku.

Evidentiary provision.

12. An apparently genuine document purporting—

(*a*) to be under the common seal of Anangu Pitjantjatjaraku;

(*b*) to be signed by five or more members of the Executive Board;

and

(*c*) to certify that a specified act of the Executive Board has been done in conformity with a resolution of Anangu Pitjantjatjaraku and the provisions of this Act,

shall be conclusive proof that that act is valid and binding upon Anangu Pitjantjatjaraku.

Accounts and audit.

13. (1) The Executive Board shall cause proper accounts to be kept of the financial affairs of Anangu Pitjantjatjaraku.

PART II
DIVISION IV

(2) The Executive Board—

(*a*) shall cause the accounts of Anangu Pitjantjatjaraku for each financial year to be audited by an auditor registered under the Companies Act, 1962-1980;

and

(*b*) shall, within twenty-eight days after completion of the audit, lodge copies of the audited accounts with the Corporate Affairs Commission.

DIVISION V

DIVISION V—THE APPROVED CONSTITUTION

The approved constitution of Anangu Pitjantjatjaraku.

14. (1) Subject to this Act the proceedings of Anangu Pitjantjatjaraku and the administration of its affairs shall be governed by a constitution determined upon by Anangu Pitjantjatjaraku and approved by the Corporate Affairs Commission.

(2) The constitution must be submitted to the Corporate Affairs Commission for its approval within twelve months after the commencement of this Act.

(3) Anangu Pitjantjatjaraku may at any time propose an alteration to its approved constitution and, upon approval of the proposed alteration by the Corporate Affairs Commission, the alteration shall come into effect.

(4) A constitution or alteration submitted for the approval of the Corporate Affairs Commission under this section shall be approved if it conforms with this Act and the law of the State.

(5) The constitution must specify the address of an office within thirty kilometres of the General Post Office at Adelaide at which legal process, notices and other documents may be served upon Anangu Pitjantjatjaraku or the Executive Board.

PART III

THE LANDS

DIVISION I—VESTING OF THE LANDS IN ANANGU PITJANTJATJARAKU

The Governor may grant certain land, in fee simple, to Anangu Pitjantjatjaraku.

15. (1) The Governor may issue a land grant, in fee simple, of the whole or any part of the lands to Anangu Pitjantjatjaraku.

(2) The Governor shall not exercise his powers under subsection (1) in relation to land (not being land comprised in Granite Downs Station) unless all persons with a legal or equitable estate or interest in the land have surrendered, or agreed to surrender, their respective interests.

(3) Where the Governor exercises his powers under subsection (1) to grant land comprised in Granite Downs Station to Anangu Pitjantjatjaraku, the following provisions shall apply:

(*a*) any pastoral lease then in force in relation to that land shall, subject to its terms and the provisions of the Pastoral Act, 1936-1980, continue in force as if Anangu Pitjantjatjaraku had leased the land to the Crown and the Crown had sub-leased it to the lessee;

(*b*) upon surrender or expiration of the lease, the lease shall not be renewed, and the land shall not be re-let by the Crown;

(*c*) the lessee shall be entitled to compensation from the Crown for diminution in the value of the lease resulting from the operation of paragraph (*b*) (but compensation to which the lessee is entitled under this paragraph shall be calculated as if the land were unimproved);

and

(*d*) the lessee shall, upon surrender or expiration of the lease, be entitled to compensation from Anangu Pitjantjatjaraku for the improvements upon the land determined as if the land had remained pastoral lands and had been re-let under the Pastoral Act, 1936-1980, to Anangu Pitjantjatjaraku on the date of the surrender or expiry of the lease.

(4) The compensation payable under subsection (3) (*c*) or (*d*) shall be determined by agreement, or in default of agreement, by the Land and Valuation Court.

Special provisions in relation to the land grant.

16. (1) A land grant issued under this Division shall be expressed in the English language and in the Pitjantjatjara language, but the interpretation of the land grant shall be governed by those portions of the land grant that are expressed in the English language.

(2) If, in the opinion of the Surveyor-General, a land grant issued under this Division erroneously or imperfectly defines the land to which it was intended to apply, the Surveyor-General may submit to the Minister of Lands a proposal to amend the land grant for the purpose of correcting the error, or defining the land with greater precision.

(3) If, in the opinion of the Minister of Lands, the proposal of the Surveyor-General should be carried into effect, he may direct the Registrar-General to amend the land grant in accordance with the proposal.

PART III

DIVISION I

Inalienability of land vested in Anangu Pitjantjatjaraku in pursuance of this Part.

17. Subject to this Act, where land has vested in Anangu Pitjantjatjaraku in pursuance of this Part, no estate or interest in the land—

(*a*) may be alienated from Anangu Pitjantjatjaraku;

or

(*b*) may be compulsorily acquired, resumed or forfeited under the law of this State.

DIVISION II

DIVISION II—ENTRY TO THE LANDS

Rights of Pitjantjatjaras with respect to lands.

18. All Pitjantjatjaras have unrestricted rights of access to the lands.

Unauthorized entry upon the lands.

19. (1) A person (not being a Pitjantjatjara) who enters the lands without the permission of Anangu Pitjantjatjaraku is guilty of an offence and liable to a penalty not exceeding the maximum prescribed by subsection (2).

(2) The maximum penalty for an offence against subsection (1) is—

(*a*) where the offence was committed intentionally—a fine of two thousand dollars plus five hundred dollars for each day during which the convicted person remained on the land after the unlawful entry;

or

(*b*) in any other case—a fine of two hundred dollars.

(3) An application for permission to enter the lands—

(*a*) must be in writing, and lodged with the Executive Board;

and

(*b*) must set out—

(i) the purpose for which the applicant seeks to enter the lands;

(ii) the period for which the applicant seeks to be upon the lands;

and

(iii) the time at which the applicant seeks to enter the lands, and the place at which he intends to make his entry.

(4) The applicant shall, at the request of Anangu Pitjantjatjaraku, furnish such further information as it may reasonably require to determine the application.

(5) Upon an application under this section, Anangu Pitjantjatjaraku may, by instrument in writing—

(*a*) grant permission to enter the lands unconditionally;

(*b*) grant permission to enter the lands subject to such conditions as it thinks fit;

or

(*c*) refuse permission to enter the lands.

(6) Anangu Pitjantjatjaraku may, upon such conditions as it thinks fit, delegate any of its powers under subsection (5) to any group of Pitjantjatjaras.

(7) A delegation under subsection (6) is revocable at will and does not derogate from the power of Anangu Pitjantjatjaraku to act itself in any matter.

(8) This section does not apply to—

(*a*) a police officer acting in the course of carrying out his official duties;

(*b*) any other officer appointed pursuant to statute acting in the course of carrying out his official duties;

(*c*) a person acting upon the written authority of the Minister of Aboriginal Affairs, who enters the lands for the purpose of carrying out functions that have been assigned to a Minister or instrumentality of the Crown or a department of government;

(*d*) a member of the Parliament of the State or the Commonwealth, a person who is genuinely a candidate for election as a member of the Parliament of the State or the Commonwealth, or a person who is accompanying and genuinely assisting any such member or candidate;

(*e*) entry upon the lands in case of emergency;

or

(*f*) entry upon the lands in pursuance of Division III, Division IV or Division VI of this Part.

(9) Where a person proposes to enter the lands in pursuance of subsection (8) (*b*), (*c*) or (*d*) reasonable notice of the time, place and purpose of the proposed entry must be given to Anangu Pitjantjatjaraku.

(10) If Anangu Pitjantjatjaraku, by notice in writing to the Minister of Aboriginal Affairs, objects to an authorized person entering or remaining upon the lands, the Minister shall revoke or modify the authorization in order to give effect to the objection unless he is satisfied that there are sufficient reasons why the authorization should continue notwithstanding the objection.

(11) Where a pastoral lease remains in force in relation to any part of the lands, the holder of the lease, any member of his family, any employee or member of an employee's family, and any other person authorized in writing by the lessee, may, without the permission of Anangu Pitjantjatjaraku, enter land comprised in the lease.

(12) Where an authorization is granted by a lessee under subsection (11), notice in writing of the authorization shall be given by the lessee to Anangu Pitjantjatjaraku within one month after the authorization was granted.

DIVISION III—MINING OPERATIONS ON THE LANDS

DIVISION III

20. (1) Notwithstanding the provisions of any other Act, a person who, without permission under this section— Mining operations on the lands.

(*a*) carries out mining operations upon the lands;

or

(*b*) enters the lands for the purpose of carrying out mining operations,

shall be guilty of an offence and liable to a penalty not exceeding the maximum prescribed by subsection (2).

(2) The maximum penalty for an offence against subsection (1) is a fine of ten thousand dollars plus one thousand dollars for each day during which the convicted person—

(*a*) carried out unlawful mining operations on the lands;

or

(*b*) remained on the lands after the unlawful entry.

(3) An application for permission to carry out mining operations upon the lands—

(*a*) may be made only by a person who has applied for a mining tenement in respect of the lands or a part of the lands and has been notified by the Minister of Mines and Energy that he approves the making of an application under this section;

(*b*) must be in writing and lodged with the Executive Board;

and

(*c*) must contain, or be accompanied by, all information submitted by the applicant to the Minister of Mines and Energy in support of his application for a mining tenement.

(4) The applicant shall, at the request of Anangu Pitjantjatjaraku, furnish in writing such further information as it may reasonably require to determine the application.

(5) The applicant shall, as soon as practicable after making his application, or furnishing information under subsection (3), send to the Minister of Mines and Energy a copy of the application or of the document by which the information was furnished.

(6) Upon an application under this section, Anangu Pitjantjatjaraku may—

(*a*) grant its permission unconditionally;

(*b*) grant its permission subject to such conditions (which must be consistent with the provisions of this Act) as it thinks fit;

or

(*c*) refuse its permission.

(7) Anangu Pitjantjatjaraku shall, upon deciding an application under this section, notify the applicant, in writing, of its decision and the applicant shall, within seven days after receiving that notification, furnish the Minister of Mines and Energy with a copy of the notification.

(8) Where—

(*a*) Anangu Pitjantjatjaraku refuses its permission under this section or grants its permission but subject to conditions that are unacceptable to the applicant;

or

(*b*) the applicant has not, at the expiration of one hundred and twenty days from the date of the application, received notice of a decision by Anangu Pitjantjatjaraku upon the application,

the applicant may request the Minister of Mines and Energy to refer the application to an arbitrator.

(9) If the Minister of Mines and Energy receives a request under subsection (8), the application shall be referred to an arbitrator appointed by the Minister of Mines and Energy.

(10) At least twenty-one days before an arbitrator is appointed under subsection (9), the Minister of Mines and Energy must inform Anangu Pitjantjatjaraku of whom he proposes to appoint and he must consider any representations of Anangu Pitjantjatjaraku in relation to the proposed appointment.

(11) The arbitrator must be a judge of the High Court, the Federal Court of Australia, or the Supreme Court of a State or Territory of Australia.

(12) The arbitrator—

(*a*) shall have the powers of a commission of inquiry under the Royal Commissions Act;

and

(*b*) may state a case for the opinion of the Supreme Court on a question of law.

(13) A case stated under subsection (12) shall be heard and determined by the Full Court.

(14) After hearing such evidence and submissions as—

(*a*) Anangu Pitjantjatjaraku;

(*b*) the applicant;

(*c*) the Minister of Mines and Energy;

and

(*d*) the Minister of Aboriginal Affairs,

may desire to make to him, and such other evidence and submissions as he thinks fit to receive, the arbitrator may—

(*e*) affirm, vary or reverse the decision of Anangu Pitjantjatjaraku;

or

(*f*) where no decision has been made by Anangu Pitjantjatjaraku upon the application—determine the application as the arbitrator thinks fit.

(15) In arriving at his determination, the arbitrator shall have regard to—

(*a*) the effect of the grant of the mining tenement upon—

(i) the preservation and protection of Pitjantjatjara ways-of-life, culture and tradition;

(ii) the interests, proposals, opinions and wishes of the Pitjantjatjara people in relation to the management, use and control of the lands;

(iii) the growth and development of Pitjantjatjara social, cultural and economic structures;

(iv) freedom of access by Pitjantjatjaras to the lands and their freedom to carry out on the lands rites, ceremonies and other activities in accordance with Pitjantjatjara traditions;

(*b*) the suitability of the applicant to carry out the proposed mining operations and his capacity, in carrying out those operations, to minimize disturbance to the Pitjantjatjara people and the lands;

(*c*) the preservation of the natural environment;

and

(*d*) the economic and other significance of the operations to the State and Australia.

(16) The arbitrator shall hear and determine the arbitration as expeditiously as possible.

(17) A determination under this section is binding upon Anangu Pitjantjatjaraku, the applicant and the Crown.

(18) The Arbitration Act, 1891-1974, does not apply to an arbitration under this section.

(19) This section does not apply in relation to prospecting or mining for precious stones on the Mintabie precious stones field.

(20) Where a person applies under this section for permission to prospect and mine for precious stones, and the proposed mining operations are to be carried out within a prescribed area, no compensation, or other consideration, shall be paid or given to Anangu Pitjantjatjaraku under or in respect of a permission granted under this section.

(21) No regulation prescribing an area for the purposes of subsection (20) shall be made unless—

(*a*) the area to be prescribed has been delineated or otherwise identified by plan, photograph or other document;

and

(*b*) the plan, photograph or other document has been deposited in the General Registry Office by the Minister of Mines and Energy with the consent of Anangu Pitjantjatjaraku,

and any such regulation may be made by reference to a plan, photograph or other document so deposited.

Interaction of this Act and the Mining and Petroleum Acts.

21. (1) Where prospecting or mining is permitted upon the lands in pursuance of this Division, the person in whose favour the permission was granted and his agents, contractors and employees may, subject to the conditions (if any) upon which the permission was granted, and to the provisions of the Mining Act, 1971-1978, or the Petroleum Act, 1940-1978, as the case may require (but without requiring any further permission or authority to enter the lands under the provisions of either of those Acts), enter the lands for the purpose of prospecting or mining.

(2) A mining tenement shall not be granted in respect of the lands or a part of the lands except to a person who has permission to carry out mining

operations on the lands under this Division, but this Act does not prevent the taking of any step under the Mining Act or the Petroleum Act antecedent to the grant of a mining tenement.

(3) Before a mining tenement is granted in pursuance of the Mining Act or the Petroleum Act in relation to the lands or a part of the lands, the Minister administering the relevant Act shall afford Anangu Pitjantjatjaraku a reasonable opportunity to make submissions relating to the conditions subject to which the tenement should be granted.

(4) No mining tenement in respect of the lands shall be granted to a person who, before the grant of the tenement, makes a payment, or gives some other consideration, to Anangu Pitjantjatjaraku in respect of the proposed carrying out of mining operations in pursuance of the tenement, and the amount or value of any such payment or consideration made or given before the grant of the mining tenement may be recovered from Anangu Pitjantjatjaraku as a debt due to the Crown.

(5) If, in respect of the carrying out or proposed carrying out of mining operations on the lands, a person makes a payment, or gives some other consideration, to Anangu Pitjantjatjaraku otherwise than in conformity with—

(*a*) conditions imposed by Anangu Pitjantjatjaraku under this Division in granting its permission for the carrying out of the mining operations;

(*b*) conditions determined or approved by an arbitrator under this Division;

or

(*c*) an agreement of which the Minister of Mines and Energy has been notified under this Division,

the amount of the payment, or value of the consideration (insofar as it exceeds the amount or value of a payment or consideration to be made or given under any such conditions or agreement) is recoverable from Anangu Pitjantjatjaraku as a debt due to the Crown.

(6) If a person—

(*a*) makes a payment or gives other consideration in contravention of section 23;

or

(*b*) makes, in respect of the carrying out or proposed carrying out of mining operations on the lands, a payment to Anangu Pitjantjatjaraku otherwise than in conformity with—

(i) conditions imposed by Anangu Pitjantjatjaraku under this Division in granting its permission for the carrying out of the mining operations;

(ii) conditions determined or approved by an arbitrator under this Division;

or

(iii) an agreement of which the Minister of Mines and Energy has been notified under this Division,

no mining tenement in respect of the lands shall be granted to that person, and any such mining tenement held by that person shall be cancelled.

PART III
DIVISION III
Royalty.

22. (1) Royalty paid in respect of minerals recovered from the lands shall be paid into a separate fund maintained by the Minister of Mines and Energy.

(2) Subject to subsection (3), the royalty shall be applied as follows:

(*a*) one-third shall be paid to Anangu Pitjantjatjaraku;

(*b*) one-third shall be paid to the Minister of Aboriginal Affairs to be applied towards the health, welfare and advancement of the Aboriginal inhabitants of the State generally;

and

(*c*) one-third shall be paid into the General Revenue of the State.

(3) If the income of the fund maintained under subsection (1) exceeds in any financial year the prescribed limit, the excess shall be paid in full into the General Revenue of the State.

(4) No moneys shall be paid out of the fund maintained under subsection (1) unless a regulation is in force prescribing a limit for the purposes of subsection (3).

(5) In this section—

"royalty" means royalty payable under the Mining Act, 1971-1978, or the Petroleum Act, 1940-1978.

Offence in relation to obtaining permission to carry out mining operations.

23. (1) A person who, without the consent of the Minister of Mines and Energy, gives, offers, or agrees to give a payment or other consideration to another person in connection with obtaining the permission of Anangu Pitjantjatjaraku to carry out mining operations upon the lands shall be guilty of an offence and liable to a penalty not exceeding two thousand dollars.

(2) Where a body corporate commits an offence against subsection (1), each director of the body corporate shall be guilty of an offence and liable to a penalty not exceeding two thousand dollars unless he proves that he could not, by the exercise of reasonable diligence, have prevented the commission of the offence by the body corporate.

Certain payments or other consideration to Anangu Pitjantjatjaraku must represent fair compensation.

24. (1) This section applies to payments made, or to be made, or consideration given, or to be given, to Anangu Pitjantjatjaraku (not being a payment of royalty under section 22) in respect of the carrying out or proposed carrying out of mining operations on the lands.

(2) A payment or consideration to which this section applies must be reasonably proportioned to the disturbance to the lands, the Pitjantjatjara people, and their ways-of-life, that has resulted or is likely to result from the grant of the relevant mining tenement.

(3) A person who makes or gives, or agrees to make or give, a payment or consideration to which this section applies shall, with fourteen days of the date of making or giving the payment or consideration, or entering into the agreement, notify the Minister of Mines and Energy of the amount or value of the payment or consideration, or of the terms of the agreement.

Penalty: Two thousand dollars.

DIVISION IV—THE MINTABIE PRECIOUS STONES FIELD

Special provisions relating to the Mintabie precious stones field.

25. (1) A person is not entitled to enter or remain upon the Mintabie precious stones field unless—

(*a*) he has permission under this Act to be upon that field;

or

(*b*) he is a member of a class of persons who are, under subsection (2), entitled to enter and remain on the field without permission under this Act.

(2) Subject to this section, persons of the following classes are entitled to enter and remain on the Mintabie precious stones field without permission under this Act—

(*a*) persons who hold precious stones prospecting permits;

(*b*) persons carrying on a lawful business at an established place of business upon the field;

(*c*) the lawful or *de facto* spouse, or parent or child, of a person who is entitled to be on the field under paragraph (*a*) or (*b*);

(*d*) persons whose purpose in entering, or being on, the field is to transact lawful business with persons referred to in paragraph (*a*), (*b*) or (*c*), being business that cannot reasonably be transacted from a place outside the lands.

(3) A person who is entitled under subsection (2) to enter and remain on the field is entitled, without permission under this Act, to use roads that provide access to the field for the purpose of entering and leaving the field.

(4) Where a person carries on, or proposes to carry on, a business of a kind referred to in subsection (2) (*b*), and the business is not such that a licence, permit or other authorization is required under the law of the State in respect of that business, he shall notify the designated officer in writing of the nature of the business and of the place at which it is being or is to be carried on.

Penalty: Five hundred dollars.

(5) Subject to subsection (6), a person who proposes to enter the field under subsection (2) (*d*) shall, before doing so, give notice, in the prescribed form, to the designated officer.

Penalty: Five hundred dollars.

(6) A person is not required to give notice under subsection (5) where he has been invited to the field by a person referred to in subsection (2) (*a*), (*b*) or (*c*) and that person has given the prescribed notice to the designated officer.

(7) The designated officer shall maintain a list of notices given under this section.

(8) The list shall be open for inspection by any member of the public.

(9) In this section—

"the designated officer" means the person to whom the Minister of Mines and Energy assigns the functions of designated officer under this section.

PART III
DIVISION IV
The Mintabie Consultative Committee.

26. (1) There shall be a committee entitled the "Mintabie Consultative Committee".

(2) The Committee shall at the request of the Minister of Mines and Energy, and may of its own motion, tender advice to the Minister of Mines and Energy on matters related to the administration of the Mintabie precious stones field.

(3) The Committee shall consist of the following members:

(*a*) two Pitjantjatjaras nominated by Anangu Pitjantjatjaraku and appointed by the Governor;

(*b*) a member of the Police Force nominated by the Commissioner of Police and appointed by the Governor;

(*c*) a person nominated by the Minister of Mines and Energy and appointed by the Governor;

and

(*d*) a person nominated by the Mintabie Progress Association and appointed by the Governor.

(4) The Governor shall appoint one of the members nominated by Anangu Pitjantjatjaraku to be chairman of the Committee.

(5) The members of the Committee shall hold office at the pleasure of the Governor.

(6) The Pitjantjatjara members of the Committee are entitled to be accompanied at meetings of the Committee by advisers and interpreters.

(7) A member of the Committee may appoint a person to act as his deputy, and a person so appointed may, in the absence of that member, act in his place at a meeting of the Committee.

(8) Subject to this section and the regulations, the procedures for convening meetings of the Committee and transacting its business shall be as determined by the Committee.

(9) A decision carried by a majority of the votes cast by the members present at a meeting of the Committee shall be a decision of the Committee.

(10) Each member present at a meeting of the Committee shall have one vote on any matter arising for decision at that meeting and, in the event of an equality of votes, the chairman shall have a second, or casting, vote.

Exclusion of certain persons from the field.

27. (1) A court of summary jurisdiction may upon the application of the Committee or of Anangu Pitjantjatjaraku, make an order prohibiting a person from entering or remaining on the Mintabie precious stones field.

(2) An order shall not be made against a person under subsection (1) unless the person against whom the order is sought—

(*a*) has, after the commencement of this Act, been convicted of—

(i) an offence involving violence or a breach of the peace;

(ii) an offence of a sexual nature;

(iii) an offence involving the unlawful sale of a motor vehicle;

(iv) larceny;

(v) an offence involving the unlawful sale of liquor;

or

(vi) an offence involving wilful interference with an Aboriginal sacred site;

or

(*b*) has acted in a manner prejudicial to—

(i) the welfare of an Aboriginal individual or group;

or

(ii) the welfare of those who are lawfully on the field in pursuance of this Division.

(3) A person in respect of whom an order is in force under subsection (1) who enters or remains on the field in contravention of the order shall be guilty of an offence and liable to a penalty not exceeding ten thousand dollars or imprisonment for two years.

(4) A court of summary jurisdiction may, upon the application of a person against whom an order has been made under this section, revoke the order, but it shall not do so unless it has first allowed the Committee and Anangu Pitjantjatjaraku a reasonable opportunity to be heard upon the matter.

Annual licences and incidental rights for Mintabie residents.

28. (1) The defined area shall be deemed to have been leased by Anangu Pitjantjatjaraku to the Crown for a term of twenty-one years commencing on the date of commencement of this Act.

(2) The Minister of Lands may, upon the application of a Mintabie resident, issue or renew an annual licence entitling him, subject to the terms and conditions of the licence, to occupy land within the defined area, but no such licence shall operate after the expiration of the period referred to in subsection (1).

(3) The annual rental payable under a licence issued under subsection (2) shall be twenty dollars or such other amount as may be determined by the Minister of Lands, and in determining any such annual rental he shall have regard to, and generally follow, the rates of rental fixed by the Crown in respect of annual licences issued in comparable situations.

(4) Once in each year, the Minister of Lands shall pay to Anangu Pitjantjatjaraku all amounts collected during the preceding period of twelve months by way of annual rental under licences issued in pursuance of this section.

(5) The Minister of Lands shall not issue a licence under this section to a person who is, by order of a court, prohibited from entering or remaining on the Mintabie precious stones field, and, if such an order is made against a licensee, the Minister shall revoke his licence.

(6) An annual licence issued under this section is not transferable nor may any of the rights conferred by the licence be assigned.

(7) The Minister of Lands shall, as soon as practicable after issuing a licence under this section, notify Anangu Pitjantjatjaraku of—

(*a*) the name of the licensee;

and

(*b*) the land to which the licence relates.

PART III
DIVISION IV

(8) A Mintabie resident shall be entitled, without permission under this Act, to use and maintain the airfield adjacent to the defined area as an airfield, and to have such access to the lands as is reasonably necessary for the purpose.

(9) A Mintabie resident shall be entitled, without permission under this Act:—

(*a*) to use and maintain the bore and water distribution system by which water is provided on the Mintabie precious stones field,

and

(*b*) to drill a further bore or bores (either in addition to or in substitution for the present bore) on a site to be agreed with Anangu Pitjantjatjaraku (which agreement shall not be unreasonably or capriciously withheld) and to install and maintain such pumps, pipes and other equipment as may be necessary to connect it to the water distribution system, and to have such access to the lands as is necessary for those purposes.

(10) In this section—

"the defined area" means section 1291 Out of Hundreds (Everard).

(11) This section shall cease to operate in the event of the Mintabie precious stones field ceasing to be a precious stones field for the purposes of the Mining Act, 1971-1978.

Interaction of this Division and the Mining Act.

29. (1) Subject to subsection (2), this Division does not derogate from the provisions of the Mining Act, 1971-1978.

(2) Notwithstanding the provisions of the Mining Act, 1971-1978, the consent of Anangu Pitjantjatjaraku is not required to the pegging out of a precious stones claim on the Mintabie precious stones field.

DIVISION V

DIVISION V—RIGHT OF THE CROWN TO CONTINUE IN OCCUPATION OF CERTAIN PARTS OF THE LANDS

Right of the Crown to continue its occupation of certain land.

30. Where before the commencement of this Act the Crown occupied a part of the lands for purposes connected with the health, education, welfare or advancement of the Pitjantjatjara people, the Crown may continue to occupy that part of the lands, for a period of up to fifty years, for the same or similar purposes and without payment of rent or compensation to Anangu Pitjantjatjaraku.

DIVISION VI

DIVISION VI—CONSTRUCTION OF ROADS BY THE COMMISSIONER OF HIGHWAYS

Consent of Anangu Pitjantjatjaraku required for road works.

31. (1) The Commissioner of Highways may carry out road works upon the lands with the consent of Anangu Pitjantjatjaraku.

(2) The consent of Anangu Pitjantjatjaraku may be given subject to such conditions as Anangu Pitjantjatjaraku thinks fit.

(3) Anangu Pitjantjatjaraku shall not withhold its consent to the construction or re-construction of a road referred to in the second schedule, but this subsection does not prejudice the right of Anangu Pitjantjatjaraku to negotiate conditions affecting the location of the road, the road works, or ancillary or associated works.

PART III
DIVISION VI

Proposals to carry out road works and arbitration of disputes.

32. (1) Where the Commissioner of Highways desires to carry out road works on the lands, he shall submit to Anangu Pitjantjatjaraku proposals containing—

(*a*) a plan describing the land on which the road works are to be carried out;

(*b*) a description of all ancillary or associated works that are to be carried out and of the areas in which those ancillary or associated works are to be carried out;

(*c*) a description of the access roads to be used for the purpose of the road works, or the ancillary or associated works;

(*d*) a general description of the areas in which gravel or stone is to be quarried for the purpose of the road works;

and

(*e*) such other information as Anangu Pitjantjatjaraku may reasonably require.

(2) If the Commissioner and Anangu Pitjantjatjaraku are unable to agree on the proposals, or on some modified form of the proposals, the Commissioner may submit the differences to arbitration.

(3) The arbitrator shall be the arbitrator appointed in pursuance of section 20.

(4) The arbitrator is empowered to determine any matter in dispute and his determination shall be binding on the Commissioner and on Anangu Pitjantjatjaraku.

(5) No compensation is payable to Anangu Pitjantjatjaraku in respect of loss or damage arising from road works where those road works are carried out in relation to the roads referred to in the second schedule and in accordance with conditions agreed by Anangu Pitjantjatjaraku and the Commissioner, or determined by the arbitrator.

(6) For the purposes of this section, the document entitled "Proposal for the Establishment of a Road Construction Corridor and the Construction of the new Stuart Highway" executed by the Commissioner of Highways and the Pitjantjatjara Council Incorporated, deposited in the General Registry Office and numbered 2293 of 1980, shall be deemed to constitute proposals agreed upon by Anangu Pitjantjatjaraku and the Commissioner.

Road reserves.

33. (1) The area comprised within one hundred metres to each side of the centre line of the roads referred to in the second schedule (the centre line being ascertained by reference to the road as constructed) constitutes a road reserve.

(2) The Commissioner of Highways is entitled to unrestricted use of a road reserve for purposes related to road works.

(3) A member of the public shall be entitled to free and unrestricted access to any of the roads referred to in the second schedule and to land comprised in a road reserve.

Consent not required for maintenance or repair of roads referred to in second schedule.

34. The provisions of sections 31 and 32 shall not apply to the maintenance or repair (being maintenance or repair not involving re-alignment) of a road referred to in the second schedule provided that materials used in the course of the maintenance or repair of the road are not taken from any part of the lands that lies outside the road reserve.

PART IV

PART IV

DISPUTES

Tribal assessor.

35. (1) There shall be a tribal assessor.

(2) The tribal assessor shall be appointed by the Minister of Aboriginal Affairs with the approval of Anangu Pitjantjatjaraku.

(3) The terms and conditions upon which the tribal assessor holds office shall be determined by the Minister after considering the advice of the Public Service Board.

Disputes.

36. (1) Any Pitjantjatjara who is aggrieved by a decision or action of Anangu Pitjantjatjaraku, or any of its members, may appeal to the tribal assessor against that decision or action.

(2) The tribal assessor—

(*a*) shall hear the appeal at some suitable place upon the lands;

and

(*b*) shall conduct the hearing as expeditiously as possible and without undue formality.

(3) The tribal assessor is not bound by the rules of evidence in proceedings under this section, but may inform himself in such manner as he thinks fit.

(4) In proceedings under this section, the tribal assessor should observe, and where appropriate give effect to, the customs and traditions of the Pitjantjatjara people.

(5) The tribal assessor may in proceedings under this section—

(*a*) give such directions as he considers just or expedient to resolve any matters in dispute;

or

(*b*) refer the matter back to Anangu Pitjantjatjaraku to be further dealt with in accordance with his directions.

Order compelling compliance with direction of the tribal assessor.

37. (1) If a person refuses or fails to comply with a direction of the tribal assessor, any party to the proceedings before the assessor may apply to a local court of full jurisdiction for an order to compel that person to comply with the direction.

(2) Upon an application under this section, the local court shall, unless satisfied that the direction of the tribal assessor is unjust or unreasonable, make an order requiring the person against whom the direction was made to comply with the direction.

(3) Proceedings under this section shall be heard at some suitable place upon the lands, and shall be conducted as expeditiously as possible and without undue formality.

PART V

PART V

MISCELLANEOUS

Summary procedure.

38. Proceedings in respect of offences against this Act shall be disposed of summarily.

Power of court to order compensation in certain cases.

39. Where a person is convicted of an offence against this Act or any other Act, and it appears to the court by which that person is convicted that Anangu Pitjantjatjaraku has suffered damage to its property as a result of the commission of the offence, the court may order the convicted person to pay such compensation to Anangu Pitjantjatjaraku as the court considers just.

Exemption of lands from land tax.

40. No land tax is payable upon the lands.

Financial provision.

41. The moneys required for the purposes of this Act shall be paid out of moneys provided by Parliament for those purposes.

Non-application of Outback Areas Community Development Trust Act.

42. (1) The Outback Areas Community Development Trust Act, 1978, does not apply to the lands.

(2) Notwithstanding subsection (1), the Outback Areas Community Development Trust may expend moneys for the benefit of residents of the Mintabie precious stones field.

Regulations.

43. (1) The Governor may make regulations—

(*a*) regulating, restricting or prohibiting the depasturing of stock upon any specified part of the lands;

(*b*) regulating, restricting or prohibiting any activity on the lands that may have adverse environmental consequences;

(*c*) regulating, restricting or prohibiting the supply or consumption of alcoholic liquor on the lands;

(*d*) providing for the confiscation of alcoholic liquor;

(*e*) prescribing other matters contemplated by this Act, or necessary or expedient for the purposes of this Act;

and

(*f*) prescribing penalties (not exceeding two thousand dollars) for breach of, or non-compliance with, any regulation.

(2) A regulation shall not be made under subsection (1) (*b*), (*c*) or (*d*) except upon the recommendation of Anangu Pitjantjatjaraku.

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

K. D. SEAMAN, Governor

THE FIRST SCHEDULE

s. 4.

(*a*) The North West Reserve, blocks, 915, 948, 950, 953, 964, 1018, 1019, 1031, 1032 and 1217, Out of Hundreds.

(*b*) Section 462, Out of Hundreds.

(*c*) Pastoral blocks 1033, 1058, 1060 and 1074 and Section 1280, Out of Hundreds.

(*d*) Pastoral blocks 863, 900, 907, 908 and 1165, Out of Hundreds.

(*e*) Pastoral blocks 1034 and 1202, Out of Hundreds.

(*f*) Pastoral blocks 1036, 1037, 1038 and 1077, Out of Hundreds.

(*g*) The land in respect of which partial surrender No. 4603197 and partial surrender No. 4603198 were registered in the Register of Crown Leases.

THE SECOND SCHEDULE

ss. 31, 33.

1. The Stuart Highway.

2. The Oodnadatta to Granite Downs Road.

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

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No. 21 of 1981

An Act to amend the Primary Producers Emergency Assistance Act, 1967.

[*Assented to* 19 *March* 1981]

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 "Primary Producers Emergency Assistance Act Amendment Act, 1981".

(2) The Primary Producers Emergency Assistance Act, 1967, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Primary Producers Emergency Assistance Act, 1967-1981".

Amendment of s. 3— Payments to the Fund.

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

(*a*) by inserting in paragraph (*a*) after the passage "received from the Commonwealth" the passage ", by way of grant or advance,";

(*b*) by striking out paragraph (*c*) and substituting the following paragraph:

(*c*) such other moneys—

(i) as are provided by Parliament for the purposes of the Fund;

or

(ii) as are advanced by the Treasurer to the Fund under subsection (2); ;

and

(*c*) by inserting after its present contents as amended by this section (now to be designated as subsection (1)) the following subsection:

(2) The Treasurer may, out of any moneys that are available for the purpose, advance moneys to, or for the purposes of, the Fund on such terms and conditions as he thinks fit.

(2) This section shall be deemed to have come into operation on the twelfth day of October, 1967.

Amendment of s. 4— Payments out of the Fund.

3. Section 4 of the principal Act is amended—

(*a*) by striking out the word "and" between paragraphs (*a*) and (*b*);

(*b*) by striking out from paragraph (*b*) the passage "of Lands";

and

(*c*) by inserting after paragraph (*b*) the following paragraphs:

(*c*) moneys required to repay moneys advanced to the Fund on condition that they should be repaid;

and

(*d*) moneys required to reimburse the Treasurer in respect of moneys previously applied from a Treasury account for the purpose of repaying moneys advanced to the Fund on condition that they should be repaid.

Amendment of s. 5— Power to make advances.

4. Section 5 of the principal Act is amended—

(*a*) by striking out from subsection (1) the passage "of Lands";

(*b*) by striking out paragraph (*a*) of subsection (2) and substituting the following paragraph:

(*a*) the advance shall be made upon such terms and conditions (including terms and conditions relating to interest) as may be determined by the Minister; ;

and

(*c*) by striking out from subsections (2) and (4) the passage "of Lands" wherever it occurs.

Amendment of s. 8— Penalty for false statements.

5. Section 8 of the principal Act is amended by striking out the passage "of Lands".

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

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No. 22 of 1981

An Act to amend the Prisons Act, 1936-1976.

[*Assented to* 19 *March* 1981]

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 "Prisons Act Amendment Act, 1981".

(2) The Prisons Act, 1936-1976, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Prisons Act, 1936-1981".

Commencement.

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

(2) The Governor may, in a proclamation made for the purposes of subsection (1), suspend the operation of any specified provisions of this Act until a day fixed in the proclamation, or a day to be fixed by subsequent proclamation.

Amendment of s. 3—Arrangement.

3. Section 3 of the principal Act is amended—

(*a*) by inserting after the item—

PART I—PRELIMINARY.

the following item:

PART IA—THE CORRECTIONAL SERVICES ADVISORY COUNCIL.;

and

(*b*) by inserting after the item—

PART IVA—SENTENCES AND PAROLE.

the following item:

PART IVB—CONDITIONAL RELEASE.

Amendment of s. 5—Interpretation.

4. Section 5 of the principal Act is amended—

(*a*) by inserting after the definition of "Assistant Director" the following definition:

"conditional release" means release from prison under Part IVB:;

and

(*b*) by inserting after the definition of "sheriff" the following definition:

"superintendent", in relation to a prison, means the person for the time being in charge of the prison:.

Insertion of new s. 6aa.

5. The following section is inserted in Part I after section 6 of the principal Act:

Transitional provision.

6aa. An order of the parole board in force under this Act immediately before the commencement of the Prisons Act Amendment Act, 1981, shall, notwithstanding the repeal of sections 42k to 42n effected by that amending Act, remain in force for the purposes of, and subject to, the provisions substituted for those repealed provisions by the amending Act.

Insertion of new Part IA.

6. The following Part is inserted after section 6aa of the principal Act:

PART IA

THE CORRECTIONAL SERVICES ADVISORY COUNCIL

Establishment of the Advisory Council.

6a. (1) There shall be a council entitled the "Correctional Services Advisory Council".

(2) The Advisory Council shall consist of six members appointed by the Governor, of whom—

(*a*) one, the Chairman, shall be a person who has, in the opinion of the Governor, extensive knowledge of, and experience in, the science of criminology, penology or any other related science;

(*b*) one, the Deputy Chairman, shall be a person who has, in the opinion of the Governor, extensive knowledge of, and experience in, the field of business management, medicine, social welfare or education;

(*c*) one shall be a person nominated by the Attorney-General;

and

(*d*) three shall be persons nominated by the Minister.

(3) At least one of the members of the Advisory Council must be a woman.

Term of office of members.

6b. (1) The Chairman of the Advisory Council shall be appointed for a term of five years.

(2) A member of the Advisory Council other than the Chairman shall be appointed for such term, not exceeding three years, as the Governor determines and specifies in the instrument of his appointment.

(3) Upon the expiration of the term of office of a member of the Advisory Council, he shall be eligible for re-appointment.

Allowances and expenses.

6c. A member of the Advisory Council shall be entitled to receive such allowances and expenses as the Governor may from time to time determine.

Removal from and vacancies of office.

6d. (1) The Governor may remove a member of the Advisory Council from office on the ground of—

(*a*) mental or physical incapacity;

(*b*) dishonourable conduct;

or

(*c*) neglect of duty.

(2) The office of a member of the Advisory Council shall become vacant if—

(*a*) he dies;

(*b*) his term of office expires;

(*c*) he resigns by giving notice in writing to the Minister;

or

(*d*) he is removed from office by the Governor pursuant to subsection (1).

(3) Upon the office of a member of the Advisory Council becoming vacant, a person shall be appointed to that office in accordance with this Act.

Manner in which business of the Advisory Council must be conducted.

6e. (1) The Chairman or, in his absence, the Deputy Chairman shall preside at any meeting of the Advisory Council.

(2) Four members, one of whom must be the Chairman or the Deputy Chairman, shall constitute a quorum of the Advisory Council, and no business shall be transacted at any meeting of the Advisory Council unless a quorum is present.

(3) Subject to this Part, the business of the Advisory Council shall be conducted in such manner as the Advisory Council may determine.

Functions of the Advisory Council.

6f. (1) The functions of the Advisory Council are to—

(*a*) monitor and evaluate the administration and operation of this Act;

(*b*) report to the Minister on any matter referred to the Advisory Council by the Minister;

(*c*) of its own motion report to the Minister on any matter pertaining to the administration or operation of this Act;

and

(*d*) perform such other functions as may be prescribed by or under this Act, or any other Act.

(2) A member of the Advisory Council is entitled at any reasonable time to enter and inspect any prison and ask questions of any person within the prison.

Annual report.

6g. (1) The Advisory Council shall, not later than the thirty-first day of October in each year, report to the Minister on the administration and operation of this Act during the previous financial year.

(2) The Minister shall, as soon as practicable after his receipt of a report submitted to him under subsection (1), cause a copy of the report to be laid before each House of Parliament.

Insertion of new s. 11a.

7. The following section is inserted in Part II after section 11 of the principal Act:

Use of volunteers in the administration of this Act.

11a. The Minister shall promote the use of volunteers in the administration of this Act to such extent as he thinks appropriate.

Amendment of s. 41— Discharge of prisoners.

8. Section 41 of the principal Act is amended—

(*a*) by inserting in subsection (1) after the passage "would lawfully expire" firstly occurring the passage ", or whose conditional release is due,";

(*b*) by inserting in subsection (1) after the passage "would lawfully expire" secondly occurring the passage ", or his conditional release is due,";

and

(*c*) by inserting in subsection (2) after the passage "would lawfully expire" the passage ", or his conditional release is due, as the case may be".

Amendment of s. 42a— The parole board.

9. Section 42a of the principal Act is amended—

(*a*) by striking out from subsection (2) the passage "five members" and substituting the passage "six members";

and

(*b*) by striking out paragraphs (*d*) and (*e*) from subsection (2) and substituting the following paragraph:

and

(*d*) three shall be persons nominated by the Minister.

Amendment of s. 42c— Proceedings of the board.

10. Section 42c of the principal Act is amended by striking out from subsection (4) the word "Three" and substituting the word "Four".

Repeal of ss. 42i and 42j and substitution of new section.

11. Sections 42i and 42j of the principal Act are repealed and the following section is substituted:

Court shall fix or extend non-parole periods.

42i. (1) Where a court sentences a person to life imprisonment, or a term of imprisonment exceeding three months, or imposes a number of sentences under which he is liable to imprisonment for more than three months, the court shall, by order, fix a period during which the person shall not be released on parole.

(2) Where—

(*a*) a person who is in prison serving a sentence of imprisonment is further sentenced by a court to life imprisonment, or to a term, or terms, of imprisonment;

(*b*) the further sentence, or sentences, have the effect of extending the total period of imprisonment to which the person is liable;

and

(*c*) that total period of imprisonment to which he is liable exceeds three months,

the court shall, subject to subsection (4), fix a period during which the person shall not be released on parole, or extend any existing non-parole period, as the case may require, but the non-parole period so fixed, or the period by which an existing non-parole period is extended, shall not exceed the period of imprisonment imposed by the further sentence, or sentences.

(3) In fixing or extending a non-parole period, the court—

(*a*) shall have regard to all the sentences of imprisonment that the person is liable to serve;

and

(*b*) where the person is in prison serving a sentence of imprisonment, shall take into account the period he has already served.

(4) The court shall not fix a non-parole period in respect of a person in prison serving a sentence of imprisonment, if the person has already served a period of imprisonment that would be equal to, or exceed, a non-parole period determined in accordance with subsections (2) and (3).

(5) This section does not apply in relation to a person who has been found or declared to be insane, an habitual criminal or incapable of exercising proper control over his sexual instincts, pursuant to the Criminal Law Consolidation Act, 1935-1980.

Repeal of ss. 42k to 42n and substitution of new sections.

12. Sections 42k to 42n (inclusive) of the principal Act are repealed and the following sections are substituted:

Application for parole.

42k. (1) A prisoner who is serving—

(*a*) a sentence of life imprisonment;

(*b*) a sentence of imprisonment for a term exceeding three months;

or

(*c*) a number of sentences under which he is liable to imprisonment for a period of more than three months,

may apply in the prescribed manner to the board for his release on parole.

(2) Subject to subsection (3), an application under subsection (1) shall not be made for the release of a prisoner—

(*a*) before the expiration of any non-parole period fixed in respect of his sentence;

or

(*b*) where a non-parole period has not been fixed—before he has served three months of his sentence.

(3) An application under subsection (1) may be made by a prisoner for release from prison before the expiration of a non-parole period if he has applied for and obtained consent to do so from a magistrate or judge of a court of the same jurisdiction as the court that fixed the non-parole period, or the court that last extended the non-parole period, as the case may require.

(4) This section does not apply to a prisoner who has been found or declared to be insane, an habitual criminal or incapable of exercising proper control over his sexual instincts, pursuant to the Criminal Law Consolidation Act, 1935-1980.

Matters to be taken into consideration by the board.

42l. In determining an application for the release of a prisoner on parole, the board shall have regard to the following matters:

(*a*) the likelihood of the prisoner complying with the conditions upon which he may be released;

(*b*) the circumstances of the offence for which the prisoner was sentenced to imprisonment, and any matter taken into account by the court in determining sentence;

(*c*) the gravity of the offence;

(*d*) any remarks made by the court in passing sentence;

(*e*) the behaviour of the prisoner while in prison;

(*f*) any social background, medical, psychological or psychiatric reports tendered to the board;

(*g*) the behaviour of the prisoner during any previous period of release on parole;

and

(*h*) any other matters that the board thinks are relevant.

Release on parole.

42m. (1) The board may, upon consideration of the matters referred to in section 42l, order that a prisoner (not being a prisoner who is serving a sentence of life imprisonment) be released from prison on parole on a day specified in the order.

(2) The board may, upon consideration of the matters referred to in section 42l, recommend to the Governor that a prisoner who is serving a sentence of life imprisonment be released from prison on parole.

(3) The Governor may, upon receiving a recommendation under subsection (2), order that the prisoner be released from prison on parole on a day specified in the order, for a period of not less than three years nor more than ten.

(4) The release of a prisoner from prison on parole—

(*a*) shall be subject to the conditions—

(i) that the prisoner shall not commit any offence; and

(ii) that the prisoner shall be under the supervision of a parole officer, and shall obey the reasonable directions of the parole officer,

until the expiration of the period of his parole;

and

(*b*) may be subject to any other condition the board thinks appropriate until the expiration of the period of his parole, or for such lesser period as the board may specify.

(5) The board may, at any time before a prisoner is released on parole pursuant to an order of the board, revoke the order, or revoke or vary any of the conditions to which the parole is subject.

(6) The board may, at any time before a prisoner is released on parole pursuant to an order of the Governor, recommend to the Governor that the order be revoked, or that any condition of the parole be revoked or varied, and the Governor, upon receiving such a recommendation, may order accordingly.

Duration of parole in relation to prisoners not serving sentences of life imprisonment.

42n. A prisoner (not being a prisoner serving a sentence of life imprisonment) who is released on parole shall, unless his release is cancelled, his parole order is discharged or his sentence is extinguished, remain on parole until the expiry of the term, or terms, of imprisonment to which he was sentenced.

Duration of parole and subsequent expiry of sentence in relation to prisoners serving sentences of life imprisonment.

42na. (1) A prisoner serving a sentence of life imprisonment who is released on parole shall, unless his release is cancelled, or his sentence is extinguished, remain on parole for the period fixed by the Governor.

(2) Upon the expiry of the parole of a person pursuant to subsection (1), his sentence of imprisonment shall, subject to section 42nf, be deemed to have been wholly satisfied.

Prisoner on parole may apply for variation or revocation of condition of his parole.

42nb. (1) A person who has been released on parole may apply to the board for an order varying or revoking any condition of his parole.

(2) The board may, upon an application made under subsection (1) by a person serving a sentence other than a sentence of life imprisonment, make an order varying or revoking a condition of his parole.

(3) The board may, upon an application made under subsection (1) by a person serving a sentence of life imprisonment, recommend to the Governor that a condition of his parole be varied or revoked, and the Governor may, upon receiving such a recommendation, order accordingly.

(4) The board shall not make an order or recommendation under this section in relation to a person who is under the supervision of a parole officer unless it has obtained and considered a report from that parole officer.

Prisoner on parole (other than life prisoner) may apply for discharge from parole.

42nc. (1) The board may, upon the application of a person who has been released on parole (not being a person serving a sentence of life imprisonment), make an order discharging the person from parole.

(2) The board shall not make an order under this section in relation to a person who is under the supervision of a parole officer unless it has obtained and considered a report from that parole officer.

(3) Where a person has been discharged from parole under this section, he shall, upon the day he is so discharged, be deemed to have been released under Part IVB, and the provisions of that Part apply accordingly.

Board may cancel the parole of a person.

42nd. (1) The board may cancel the release on parole of a person (not being a person serving a sentence of life imprisonment), or may recommend to the Governor that the release on parole of a person serving a sentence of life imprisonment be cancelled, if the board is satisfied—

(*a*) that the person obtained his release on parole by unlawful means;

or

(*b*) that there is other good reason why the person should not have been released on parole.

(2) The Governor may, upon receiving a recommendation under subsection (1), cancel the release on parole of a person serving a sentence of life imprisonment.

(3) Where the release of a person is cancelled pursuant to this section, he is, subject to subsection (4), liable to serve in prison the balance of his sentence, or sentences, unexpired as at the day on which he was released from prison on parole.

(4) The board, if it is satisfied that good reason exists for doing so, may direct, or may recommend to the Governor, as the case may require, that a person whose release is cancelled pursuant to this section be liable to serve the balance of his sentence, or sentences, unexpired as at the day on which his release is so cancelled.

Cancellation of parole release for breach of condition.

42ne. (1) Where the board is satisfied that a person who is on parole has breached a condition of his parole, it may, by order, cancel his release.

(2) The board shall not make an order under this section in relation to a person who is under the supervision of a parole officer unless it has obtained and considered a report from that parole officer.

(3) Where the release of a person is cancelled pursuant to this section, he is liable to serve in prison the balance of his sentence, or sentences, unexpired as at the day on which the breach was committed.

Cancellation is automatic upon sentence of imprisonment for offence committed while on parole.

42nf. (1) Where a person released from prison on parole is sentenced to imprisonment for an offence committed during the period of his release on parole he is liable to serve in prison the balance of his sentence, or sentences, of imprisonment unexpired as at the day on which the offence was committed, notwithstanding that at the time of conviction, his parole may have expired or been discharged, or his sentence, or sentences, of imprisonment may have expired.

(2) Where a person referred to in subsection (1) is, at the time of conviction, still on parole, his parole is, by virtue of this subsection, cancelled.

Apprehension of prisoner whose parole has been, or may be, cancelled.

42ng. (1) Where a member of the board suspects on reasonable grounds that a person released on parole may have breached a condition of his parole, the member may—

(*a*) summon the person to appear before the board;

or

(*b*) apply to a justice for a warrant for the apprehension of the person, for the purpose of bringing him before the board.

(2) Where a person fails to attend before the board in pursuance of a summons issued under subsection (1), the board—

(*a*) may proceed to deal with the matter in his absence;

or

(*b*) may direct a member of the board to apply to a justice for a warrant for the apprehension of the person for the purpose of bringing him before the board.

(3) A member of the board may apply to a justice for a warrant for the apprehension and return to prison of a person whose release on parole has been cancelled.

The Director, the Commissioner of Police and the prisoner may appear before the board in any proceedings.

42nh. (1) Upon receiving any application made under this Part, the board shall notify the Director and the Commissioner of Police and shall advise them of the day and time fixed for the hearing of the application.

(2) For the purpose of any proceedings under this Part—

(*a*) the Director, or any officer of the Department authorized by the Director for the purpose, may make such submissions to the board in writing as he thinks fit;

(*b*) the Commissioner of Police, or any member of the police force authorized by him for the purpose, may make such submissions to the board in writing as he thinks fit;

and

(*c*) the prisoner may make such submissions in writing to the board as he thinks fit.

(3) Where, in any proceedings before the board, the Director, an officer of the Department, the Commissioner of Police or a member of the police force appears personally before the board, the prisoner the subject of those proceedings may appear before the board for the purpose of making submissions.

Board may release a prisoner on parole more than once in relation to the same sentence.

42ni. The power of the board or the Governor under this Part to release a person from prison on parole may be exercised by the board or the Governor, as the case may require, notwithstanding that the board or the Governor has released that person on parole on one or more previous occasions in respect of the same sentence of imprisonment.

Amendment of s. 42q—Regulations.

13. Section 42q of the principal Act is amended—

(*a*) by striking out from paragraph (*a*) the passage "probationary release" and substituting the passage "release on parole";

and

(*b*) by striking out paragraphs (*b*) and (*d*).

Insertion of new Part IVB.

14. The following Part is inserted after Part IVA of the principal Act:

PART IVB

CONDITIONAL RELEASE

Application of this Part.

42ra. (1) Subject to subsection (2), this Part applies to a prisoner who is serving a sentence of imprisonment for a term exceeding three

months, or a number of sentences under which he is liable to imprisonment for more than three months, imposed after the commencement of the Prisons Act Amendment Act, 1981.

(2) This Part does not apply to—

(*a*) a prisoner who is serving a sentence of life imprisonment; or

(*b*) a prisoner who has been found or declared to be insane, an habitual criminal or incapable of exercising proper control over his sexual instincts, pursuant to the Criminal Law Consolidation Act, 1935-1980.

(3) This Part applies to a prisoner notwithstanding that he may be serving the unexpired balance of a sentence of imprisonment by virtue of this Part or Part IVA.

The superintendent shall grant ten days of conditional release to a prisoner at the end of each month of imprisonment.

42rb. (1) Subject to subsection (2), the superintendent of a prison shall, at the end of each month served in the prison by a prisoner, credit the prisoner with an entitlement to ten days of conditional release.

(2) Where the superintendent is of the opinion that the conduct of a prisoner has been unsatisfactory at any time during a month, and that the prisoner will not be dealt with in respect of that conduct under any other provision of this Act or any other Act or law, he may credit the prisoner with an entitlement to a lesser number of days of conditional release than ten, or may refuse to credit him with any such entitlement in respect of that month.

(3) Where the superintendent exercises his powers under subsection (2), he shall give the prisoner notice in writing of that fact, specifying the conduct in respect of which the superintendent so exercised his powers.

(4) A prisoner in respect of whom the superintendent has exercised his powers under subsection (2) may appeal to a visiting justice in the prescribed manner against the decision of the superintendent.

(5) The visiting justice may, on an appeal under subsection (4), revoke the decision of the superintendent or may vary the decision by directing that the prisoner be credited with an entitlement to a greater number of days of conditional release, but not exceeding ten.

(6) When the total number of days of conditional release credited to a prisoner and the period he has served in prison together equal the term, or terms, of imprisonment to which he was sentenced, the prisoner shall (unless released earlier under any other provision of this Act or any other Act or law) be released from prison.

Prisoner on conditional release may be returned to prison upon conviction of certain offences.

42rc. (1) A prisoner released from prison under this Part is released upon the condition that, from the time of his release until the day upon which his sentence, or sentences, of imprisonment expire or are discharged or extinguished, he will not commit any prescribed offence.

(2) Where a person released under this Part is sentenced to a term of imprisonment of one month or more for a prescribed offence committed during the period of his conditional release, he is liable to serve in prison the balance of his sentence, or sentences, of imprisonment unexpired as at the day on which the prescribed offence was committed, notwithstanding that, at the time of his conviction, his sentence, or sentences, of imprisonment may have expired.

(3) Where a person released under this Part is, during the period of his conditional release, convicted of a prescribed offence committed during the period of his conditional release in respect of which he is sentenced to a term of imprisonment of less than one month, is fined or enters into a recognizance with or without a suspended sentence of imprisonment, the court may, by order, upon the application of the prosecution, cancel the conditional release of the person.

(4) Upon the cancellation of the conditional release of a person, he shall be liable to serve in prison the balance of his sentence, or sentences, of imprisonment unexpired as at the day upon which the prescribed offence was committed, and the court may issue a warrant for his return to prison.

(5) In this section—

"prescribed offence" means—

(*a*) an indictable offence;

(*b*) a summary offence in respect of which a sentence of imprisonment may be imposed;

or

(*c*) any other summary offence designated by the regulations as a prescribed offence for the purposes of this section.

Person on conditional release may apply to court for discharge from balance of sentence.

42rd. (1) A person who has been released under this Part may apply to a court of the same jurisdiction as the court that imposed the sentence of imprisonment he is then serving for an order discharging him from the unexpired portion of his sentence.

(2) The court may, upon an application made under subsection (1), make an order discharging the person from the unexpired portion of his sentence of imprisonment.

(3) Where the unexpired portion of a sentence is discharged pursuant to this section, the sentence of imprisonment imposed by the court shall be deemed to have been wholly satisfied.

Amendment of s. 47— Punishment.

15. Section 47 of the principal Act is amended by striking out paragraph (*c*) from subsection (1) and substituting the following paragraph:

(*c*) that the prisoner forfeit such number of days of remission of sentence or conditional release credited to him as the Director or visiting justice thinks fit, but not exceeding thirty in any case;.

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

****

No. 23 of 1981

An Act to amend the Public Service Act, 1967-1978.

[*Assented to* 19 *March* 1981]

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 "Public Service Act Amendment Act, 1981".

(2) The Public Service Act, 1967-1978, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Public Service Act, 1967-1981".

Insertion of new s. 36a.

2. The following section is inserted after section 36 of the principal Act:

Reduction in salary arising from refusal or failure to carry out duties lawfully assigned.

36a. (1) Where, in consequence or in furtherance of industrial action, an officer refuses or fails to carry out duties that he is lawfully required to perform, he shall not, if the Board so directs, be paid salary for a day or days on which he refuses or fails to carry out those duties or persists in that refusal or failure.

(2) A direction may be given under subsection (1) notwithstanding that, on a day or days to which the direction relates, the officer has performed some (but not all) of the duties that he is lawfully required to perform.

(3) In this section—

"day" includes a part of a day:

"salary" includes prescribed allowances.

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

****

No. 24 of 1981

An Act to amend the Road Traffic Act, 1961-1980.

[*Assented to* 19 *March* 1981]

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, 1981".

(2) The Road Traffic Act, 1961-1980, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Road Traffic Act, 1961-1981".

Commencement.

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

Amendment of s. 4—Arrangement.

3. Section 4 of the principal Act is amended by striking out the item:

PART IVA—CENTRAL INSPECTION AUTHORITY. SECTIONS 163a-163i.

and substituting the following items:

PART IVA—CENTRAL INSPECTION AUTHORITY. SECTIONS 163a-163k.

PART IVB—LICENSING OF PASSENGER VEHICLES OPERATED FOR HIRE. SECTIONS 1631-163za.

Amendment of s. 5—Interpretation.

4. Section 5 of the principal Act is amended by striking out from paragraph (*b*) of the definition of "omnibus" in subsection (1) the word "passengers" and substituting the passage "persons (including the driver)".

Amendment of s. 163b—Inspectors, etc.

5. Section 163b of the principal Act is amended by striking out subsection (1) and substituting the following subsection:

(1) The Minister may appoint such persons as inspectors for the purposes of this Part and Part IVB as he thinks necessary or expedient.

Insertion of new Part IVB

6. The following Part is inserted after section 163k of the principal Act:

PART IVB

LICENSING OF PASSENGER VEHICLES OPERATED FOR HIRE

Interpretation.

163l. In this Part, unless the contrary intention appears—

"inspector" means a person appointed as an inspector under Part IVA:

"licence" means a licence issued under this Part:

"licensee" means the holder of a licence.

Prohibition against operating vehicles for hire without a licence.

163m. (1) A person shall not operate, or in any way hold himself out as being willing to operate, a vehicle for the purpose of transporting any passenger for hire—

(*a*) unless he is a licensee or is employed by a licensee to operate the vehicle;

and

(*b*) otherwise than in accordance with any condition of his licence or a licence held by his employer.

Penalty: Five hundred dollars.

(2) In any proceedings for an offence against this section—

(*a*) an allegation in the complaint that a person was or was not the holder of a licence on a specified day shall, in the absence of proof to the contrary, be proof of the facts so alleged;

(*b*) an allegation in the complaint that a licence was subject to a specified condition shall, in the absence of proof to the contrary, be proof of the fact so alleged;

(*c*) proof that a passenger was transported on the vehicle shall, in the absence of proof to the contrary, be proof that the passenger was transported for hire;

and

(*d*) the licence and any conditions of the licence may be proved by production of a copy of the licence executed by the Minister.

Exemptions.

163n. (1) The Minister may, by notice published in the *Gazette*, exempt any specified person or vehicle, or persons or vehicles of a specified class, from this Part, either unconditionally or subject to such conditions as the Minister thinks fit and specifies in the notice.

(2) The Minister may, by notice published in the *Gazette*, vary or revoke any notice given under this section.

Transitional provision.

163o. A licence issued under Part IIA of the State Transport Authority Act, 1974-1978, and in force immediately before the commencement of the Road Traffic Act Amendment Act, 1981, shall, upon that commencement, be deemed to be a licence issued under this Part and shall, subject to this Act, remain in force for the period for which it was granted by the State Transport Authority.

Application for licences.

163p. (1) An application for a licence must be made to the Minister in a manner and form approved by the Minister.

(2) The Minister may require an applicant for a licence—

(*a*) to furnish him with any further information he may require;

or

(*b*) to verify by statutory declaration any information furnished for the purposes of the application.

Issue of licences.

163q. (1) In determining whether or not to issue a licence to an applicant, the Minister shall have regard to the following matters:

(*a*) the suitability of the applicant to be issued a licence;

(*b*) the safety of any vehicle that the applicant proposes to operate;

(*c*) the suitability of any such vehicle for the operation to which the application relates;

(*d*) the transport requirements of the public in the area that the applicant proposes to serve;

(*e*) the condition of the roads over which the applicant proposes to operate any vehicle;

and

(*f*) such other matters as the Minister thinks are relevant to the operation to which the application relates.

(2) Where the Minister decides to issue a licence, he shall fix the fee for the licence and, if he thinks fit, the instalments in which it may be paid.

(3) Upon receiving the fee for a licence, or the first instalment of the fee, the Minister shall issue the licence to the applicant.

Conditions of licences.

163r. (1) A licence shall be issued for such period and upon such conditions (if any) in relation to the following matters as the Minister thinks fit:

(*a*) the route or routes over which the licensee is licensed to operate vehicles;

(*b*) the vehicles that the licensee may operate under the licence;

(*c*) the maintenance of the vehicles that the licensee may operate under the licence in a safe and suitable condition;

(*d*) the payment to the Minister of any further instalments of the licence fee;

(*e*) the rates to be charged for the transport of passengers on the vehicles that the licensee may operate under the licence;

(*f*) the time-tables to which vehicles are to be operated by the licensee;

(*g*) the class of persons who may be transported on the vehicles to be operated by the licensee;

(*h*) the records to be kept by the licensee in relation to his operations under the licence;

and

(*i*) any other matters relating to the operations of the licensee under the licence.

(2) A licence shall specify—

(*a*) the person to whom the licence is issued;

(*b*) the period of the licence;

(*c*) the fee for the licence;

and

(*d*) the conditions of the licence.

Variation of conditions of licences.

163s. (1) The Minister may during the period of a licence revoke or vary a condition of the licence, or attach a further condition to the licence.

(2) Where the Minister exercises his powers under subsection (1), he shall, by notice in writing given personally or by post to the licensee, require the licensee to deliver his licence to the Minister within the period of time specified in the notice.

(3) A licensee shall not fail to comply with a notice given to him under subsection (2).

Penalty: Two hundred dollars.

Surrender, suspension and cancellation of licences.

163t. (1) A licensee may at any time surrender his licence to the Minister.

(2) The Minister may, if he is satisfied—

(*a*) that a licensee obtained his licence improperly;

(*b*) that a licensee failed to comply with, or contravened, a condition of his licence;

or

(*c*) that the licensee has been found guilty of an offence under Part IVA,

cancel the licence, or suspend the licence for such period as the Minister thinks fit.

(3) A licence—

(*a*) that is surrendered or cancelled under this section shall cease to have any effect;

or

(*b*) that is suspended under this section shall cease to have any effect during the period of the suspension.

Transfer of licences.

163u. The Minister may, upon the application of a licensee or a person who may lawfully act in the stead of, or represent, a licensee, transfer his licence to a person who the Minister is satisfied is a suitable person to hold the licence.

Duplicate licences.

163v. The Minister shall, if he is satisfied that a licence has been lost or destroyed, issue to the licensee, upon payment of the prescribed fee, a duplicate of that licence.

Function of Central Inspection Authority under this Part.

163w. The Central Inspection Authority shall be responsible for the examination and testing of vehicles for the purposes of this Part.

Powers of inspectors.

163x. (1) Subject to this section, an inspector may, for the purposes of ascertaining whether or not the provisions of this Part are being complied with—

(*a*) at any time enter and inspect any premises where there is, or he suspects on reasonable grounds that there is, a vehicle that is, or is to be, operated for the transport of passengers for hire;

(*b*) at any time enter and inspect any vehicle that is, or that he suspects on reasonable grounds is, a vehicle operated, or that is to be operated, for the transport of passengers for hire, and for that purpose require any such vehicle to stop;

(*c*) carry out, or cause to be carried out, an examination or test of any such vehicle;

(*d*) require any person to answer truthfully any relevant question;

or

(*e*) require any person to produce any books, papers or documents that may be relevant to the investigation, and may examine and make copies of any of them.

(2) An inspector shall not exercise the powers conferred by subsection (1) (*a*) in respect of premises that are not the premises of a licensee except upon the authority of a warrant issued by a justice, unless the inspector believes on reasonable grounds that in the circumstances of the case urgent action is required.

(3) In the exercise of his powers under this section an inspector may be accompanied by such persons as he considers necessary or desirable in the circumstances.

(4) A person shall not—

(*a*) hinder or obstruct an inspector or a person accompanying an inspector in the exercise by the inspector or person of the powers conferred by this section;

or

(*b*) refuse or fail to comply with a requirement made of him under this section by an inspector.

(5) A person is not required to answer a question put to him under subsection (1) (*d*) if the answer would tend to incriminate him.

False or misleading information.

163y. A person shall not in furnishing any information, or keeping any record, pursuant to this Part make, or cause to be made, any representation that is to his knowledge false or misleading in any material particular.

Penalty: Five hundred dollars.

Immunity from liability.

163z. (1) No personal liability shall attach to any person for an act or omission by him in good faith and in the exercise of his powers, or the discharge of his duties or functions, under this Part.

(2) A liability that would, but for subsection (1), lie against a person shall lie against the Crown.

Relation of this Part to other Acts.

163za. (1) Subject to this section, the provisions of this Part are in addition to and do not derogate from the provisions of any other Act.

(2) Notwithstanding any other provision of this Act, this Part does not apply in relation to any vehicle that is operated by or on behalf of the Crown.

(3) This Part does not apply in relation to a vehicle that is licensed as a taxi-cab under any Act.

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

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ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

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No. 26 of 1981

An Act to provide for the promotion, conduct and operation of soccer football pools; and for other purposes.

[*Assented to* 19 *March* 1981]

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 "Soccer Football Pools Act, 1981".

Interpretation.

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

"approved representative", in relation to a licensee, means a person appointed pursuant to section 10 to be an approved representative of that licensee, being a person for the time being approved, or within a class for the time being approved, by the Minister under that section:

"corresponding law" means a law of another State or a Territory of the Commonwealth pursuant to which a person is authorized to promote, conduct or operate soccer football pools:

"entry form" means an entry form required to be completed to enable a person to enter a soccer football pool:

"inspector" means a person appointed to be an inspector under section 12:

"licence" means a licence in force under this Act:

"licensee" means the holder of a licence:

"participating State" means a State or Territory of the Commonwealth in which a person is authorized to promote, conduct or operate soccer football pools pursuant to a corresponding law:

"prize fund" means the moneys kept in a bank account referred to in section 15 (1):

"rules", in relation to a soccer football pool, means rules made by a licensee in relation to soccer football pools promoted, conducted or operated by him and in force under section 11:

"soccer football pool" means a game the results of which depend on the outcome of soccer football matches:

"subscription" means the entry fee required by the rules to be paid by a person to enable him to enter a soccer football pool.

Restrictions on promotion, conduct and operation of soccer football pools.

3. (1) A person shall not promote, conduct or operate a soccer football pool unless he is a licensee.

Penalty: Two thousand dollars.

(2) A licensee shall not promote, conduct or operate a soccer football pool except in accordance with this Act and the conditions of his licence.

Exculpation of certain persons from certain offences.

4. Except as provided in this Act, a person is not guilty of an offence under any law by reason only that—

(*a*) he enters a soccer football pool by means of an entry form;

(*b*) being a licensee, he promotes, conducts or operates a soccer football pool in accordance with this Act and with the conditions of his licence;

(*c*) he is concerned in the promotion, conduct or operation of a soccer football pool promoted, conducted or operated by a licensee in accordance with this Act and with the conditions of the licence held by that licensee;

(*d*) he prints or publishes any thing relating to a soccer football pool promoted, conducted or operated by a licensee in accordance with this Act and with the conditions of the licence held by that licensee;

(*e*) he is the owner or occupier of any house, office, room or other place used for the purpose of, or in connection with, a soccer football pool promoted, conducted or operated by a licensee in accordance with this Act and with the conditions of the licence held by that licensee;

or

(*f*) he prints or publishes the results of, or information as to the prize money payable in respect of, a soccer football pool promoted, conducted or operated under a corresponding law.

Minors not to take part in soccer football pools.

5. (1) A person concerned in the promotion, conduct or operation of a soccer football pool shall not accept from a person who is under the age of eighteen years an entry form for, or a subscription in respect of, a soccer football pool.

(2) It is sufficient defence to a prosecution for an offence against subsection (1) if the defendant proves that he had no reason to believe, and did not believe, that the person from whom he accepted an entry form or subscription was under the age of eighteen years.

(3) A person under the age of eighteen years who enters a soccer football pool is guilty of an offence against this Act and liable to a penalty not exceeding one hundred dollars.

Licence to promote, conduct and operate soccer football pools.

6. (1) An application for a licence to promote, conduct and operate soccer football pools may be made to the Minister.

(2) The Minister may, by instrument in writing, inform a person who makes an application referred to in subsection (1)—

(*a*) that he is prepared to grant to that person, either unconditionally or subject to such conditions as are specified in that instrument, a licence to promote, conduct and operate soccer football pools for such period (being a period that commences not more than two months after the date of the instrument and ends not more than ten years after the commencement of that period) as is specified in that instrument subject to his lodging, within such time as may be specified in that instrument, with the Minister a bond referred to in subsection (3);

or

(*b*) that he is not prepared to grant the application.

(3) Where the Minister has informed a person that he is prepared to grant an application for a licence as referred to in subsection (2), the Minister shall grant that licence, either unconditionally or subject to the conditions specified in the instrument referred to in that subsection, upon that person lodging with the Minister, within such time as may be specified in that instrument or within such further time as the Minister may allow, whether before or after the time so specified, a bond, in a form approved by the Minister and executed by an insurer so approved, binding the insurer—

(*a*) to pay to the Minister any amount of duty that the licensee fails, in respect of any soccer football pool promoted, conducted or operated by that licensee during any period while his licence is in force, to pay pursuant to section 14 (1) (*b*) and that has not been recovered under section 19;

and

(*b*) in addition, if the licence so granted is revoked, to pay to the Minister such amount as may be demanded by the Minister not exceeding an amount equal to the amount that became payable (whether or not it was paid) to the Minister pursuant to section 14 (1) (*b*) during the period of two months that last preceded the revocation of the licence,

but so that the insurer will not be required under the bond to meet a total liability in respect of the matters referred to in paragraphs (*a*) and (*b*) that exceeds one hundred thousand dollars.

(4) Subject to this Act, a licence is in force during the period specified in the licence.

(5) The Minister shall not, while a licence is in force, grant another licence.

(6) If by reason of non-payment of any premium, or any other act or omission of a licensee, a bond lodged with the Minister under subsection (3) ceases to be in force during the term of the relevant licence, the licensee shall be guilty of an offence against this Act and liable to a penalty not exceeding ten thousand dollars, and a court convicting him of the offence may, in addition to imposing that penalty, order that his licence be revoked.

Alteration of conditions of licence.

7. (1) The Minister may, while a licence is in force, alter the conditions of the licence by imposing an additional condition or by amending, substituting or revoking any condition but no such alteration shall be made unless—

(*a*) the licensee has been given a notice in writing setting forth the terms of the proposed alteration and inviting the licensee to make

representations to the Minister concerning the proposed alteration within such period as is specified in the notice;

and

(*b*) the Minister has, after the expiration of that period, considered any representations duly made to him by or on behalf of the licensee.

(2) Any such alteration shall take effect on and from the expiration of seven days after the day on which a notice signed by the Minister advising the licensee of the alteration has been given to the licensee.

Conditions of licence.

8. The conditions of a licence may include conditions relating to—

(*a*) the opening by the licensee of an office in the State and the days on which and the times between which that office shall be open for business;

(*b*) subsidising by the licensee of the prize fund, to the extent necessary to enable prizes to be maintained at such level as the Minister specifies in the condition;

(*c*) the rate of commission to be paid by the licensee to approved representatives;

(*d*) the rules in accordance with which soccer football pools shall be promoted, conducted or operated by the licensee;

(*e*) the maximum amount that a person may subscribe in respect of one entry in a soccer football pool promoted, conducted or operated by the licensee;

(*f*) the printing in entry forms for a soccer football pool promoted, conducted or operated by the licensee of such of the rules, or extracts from the rules, as are specified in the conditions;

(*g*) the frequency with which soccer football pools shall be promoted, conducted or operated by the licensee;

and

(*h*) such other matters as the Minister thinks fit.

Revocation of licence.

9. (1) Where a licensee—

(*a*) contravenes or fails to comply with this Act;

(*b*) contravenes or fails to comply with any condition of the licence;

or

(*c*) applies to the Minister for the revocation of the licence issued to him,

the Minister may, by notice in writing to the licensee, revoke the licence.

(2) Where the licensee is a corporation and—

(*a*) a dealing with shares or any other interest in the capital of the corporation takes place;

or

(*b*) the corporation or its directors enter into a transaction or arrangement,

the Minister may, if in his opinion the dealing, transaction or arrangement substantially affects the control of the corporation, revoke the licence.

(3) The revocation of a licence pursuant to subsection (1) or (2) shall take effect—

(*a*) except as provided by paragraph (*b*), on the day on which a notice of revocation is given to the licensee;

or

(*b*) on such later date as is specified in the notice of revocation.

Approved representatives.

10. (1) A licensee may, by instrument in writing, appoint a person approved by the Minister or within a class of persons so approved to be an approved representative of the licensee and may, in a like manner, revoke any such appointment.

(2) A licensee shall not pay a commission to any person in respect of the receipt of entry forms for, or subscriptions in respect of, soccer football pools promoted, conducted or operated by that licensee unless that person is an approved representative of the licensee.

(3) A person who is not an approved representative of a licensee shall not receive on behalf of the licensee entry forms for, or subscriptions in respect of, soccer football pools promoted, conducted or operated by that licensee.

(4) The South Australian Totalizator Agency Board may be appointed to be an approved representative pursuant to subsection (1).

(5) An approval by the Minister for the purposes of subsection (1) shall be given by notice in writing to the licensee.

Soccer football pool rules.

11. (1) A licensee may make rules not inconsistent with this Act for or with respect to the promotion, conduct and operation by him of soccer football pools.

(2) A rule made pursuant to subsection (1) shall, if it is approved in writing by the Minister—

(*a*) be published in the *Gazette*;

and

(*b*) take effect on and from the date of publication or a later date specified in the rule.

(3) The provisions of the Subordinate Legislation Act, 1978, shall not apply to rules made under this section.

Inspectors.

12. (1) The Minister may appoint an officer employed under the provisions of the Public Service Act, 1967-1978, to be an inspector for the purposes of this Act.

(2) Subject to this section, an inspector may, for the purposes of this Act, at any reasonable time—

(*a*) enter any part of the premises of a licensee;

(*b*) enter any part of the premises, not being a dwellinghouse, of an approved representative;

(*c*) enter any part of the premises, not being a dwellinghouse, of a person, not being a licensee, whom the inspector reasonably suspects of promoting, conducting or operating a soccer football pool;

(*d*) enter any part of the premises, not being a dwellinghouse, of a person, not being an approved representative, whom the inspector reasonably suspects of receiving entry forms for, or subscriptions in respect of, a soccer football pool;

(*e*) require any person whom the inspector reasonably suspects of having the custody, possession or control of any registers, books, records or documents which relate to, or which the inspector reasonably suspects relate to, the promotion, conduct or operation of a soccer football pool—

(i) to produce to him those registers, books, records or documents;

and

(ii) to answer any question with respect to those registers, books, records or documents,

within such reasonable time as the inspector may specify;

and

(*f*) make copies of, or take extracts from, any entries in any such register, book, record or document.

(3) An inspector shall not exercise the powers conferred by subsection (2) (*c*) or (2) (*d*) except upon the authority of a warrant issued by a justice unless he believes upon reasonable grounds that in the circumstances of the case urgent action is required.

(4) A person shall not—

(*a*) prevent an inspector from exercising any power conferred on him by subsection (2);

(*b*) hinder or obstruct an inspector in the exercise of any such power;

(*c*) fail to comply with a requirement of an inspector under subsection (2) (*e*);

or

(*d*) wilfully furnish to an inspector information that is false or misleading in a material particular.

(5) It is a sufficient defence to a prosecution for an offence against subsection (4) (*c*) of failing to answer a question if the defendant proves that he did not know, and could not with reasonable diligence have ascertained, the answer to the question.

(6) A person is not required to answer a question put to him under subsection (2) (*e*) if the answer would tend to incriminate him.

(7) Where an answer to a question referred to in subsection (2) (*e*) (ii) or any information whatsoever is given to an inspector by an officer or employee of a corporation that is concerned in the promotion, conduct or operation of a soccer football pool, the answer and information are, for the purposes of any proceedings against the corporation under any of the provisions of this Act, binding upon and admissible in evidence against the corporation unless it is proved that the answer or information was given in relation to a matter in respect of which the officer had no authority to bind the corporation.

(8) The provisions of subsection (7) are in addition to and not in derogation of any rule of law relating to the binding effect and admissibility in evidence of statements made by an officer or employee of a corporation.

Audits for certain purposes.

13. (1) The Minister may request the Auditor-General to audit or inspect such of the accounts of a licensee as relate to the application of subscriptions and the payment of prizes and to furnish him with a report on the accounts.

(2) The Auditor-General may appoint some other person to carry out an audit or inspection referred to in subsection (1).

(3) For the purposes of an audit or inspection referred to in subsection (1), the person carrying out the audit or inspection shall be deemed to be an inspector and shall have all the powers and authorities of an inspector except those powers and authorities that relate to persons who are not licensees or approved representatives.

Application of subscriptions.

14. (1) Out of the subscriptions received by him in respect of a soccer football pool promoted, conducted or operated by him, whether in this State or elsewhere, the licensee shall—

(*a*) pay into the prize fund an amount equal to the prescribed percentage of the subscriptions;

and

(*b*) pay to the Minister as duty an amount equal to the prescribed percentage of the subscriptions.

(2) The reference in subsection (1) (*a*) to the prescribed percentage of subscriptions is a reference—

(*a*) except as provided in paragraph (*b*), to thirty-seven per centum;

or

(*b*) where a greater percentage is prescribed, to that greater percentage.

(3) The reference in subsection (1) (*b*) to the prescribed percentage of subscriptions is a reference—

(*a*) except as provided in paragraph (*b*), to thirty per centum;

or

(*b*) where a greater percentage is prescribed, to that greater percentage.

(4) Where a licensee proposes to promote, conduct and operate soccer football pools in this State and also in a participating State, the Minister may enter into an agreement with the appropriate Minister or other appropriate authority of that participating State with respect to—

(*a*) the division between him and that appropriate Minister or authority of the amount referred to in subsection (1) (*b*);

or

(*b*) the exclusion from the subscriptions by reference to which the amount referred to in subsection (1) (*b*) is to be calculated of such subscriptions as may be specified in the agreement.

(5) Where an agreement—

(*a*) referred to in subsection (4) (*a*) has been entered into, so much of the subscriptions referred to in subsection (1) as is paid to the Minister under subsection (1) (*b*) and as is required to be paid to the appropriate Minister or other appropriate authority pursuant to the agreement shall, without further appropriation than this Act, be applied for the purpose of making that payment;

or

(*b*) referred to in subsection (4) (*b*) has been entered into, the obligation of the licensee under subsection (1) to pay the amount referred to in subsection (1) (*b*) shall be limited to paying to the Minister as duty the percentage referred to in subsection (1) (*b*) of such of the subscriptions referred to in subsection (1) as are not excluded by the agreement from the subscriptions so referred to.

Prize fund.

15. (1) The part of the subscriptions referred to in section 14 (1) (*a*) shall—

(*a*) except as provided in paragraph (*b*), be paid into a bank account kept by, the licensee at a bank in this State being an account and bank approved in writing by the Minister;

or

(*b*) where the licensee by whom the subscriptions are received also promotes, conducts or operates soccer football pools in a participating State and the Minister approves in writing of that part of the subscriptions being paid into a bank account kept by the licensee in a bank in that State, be paid into that bank account.

(2) Any moneys kept in a bank account referred to in subsection (1) (*a*) that are not immediately required for the payment of prizes may be invested by the licensee in such manner as the Minister approves in writing, and any interest accruing therefrom shall be paid into that account and form part of the prize fund.

(3) Subject to subsection (2), the moneys kept in a bank account referred to in subsection (1) may be applied only—

(*a*) towards the payment by the licensee of prizes won in accordance with soccer football pools promoted, conducted and operated by him in this State or, where a soccer football pool is promoted, conducted and operated by him in this State and in a participating State, in this State and in that participating State;

(*b*) where the licence granted to the licensee contains a condition referred to in section 8 (*b*), towards the reimbursement of the licensee for any amount by which he subsidizes the prize fund;

and

(*c*) where the Minister so approves in writing, towards the reimbursement of the licensee for any amount which, before the commencement of this Act, he paid, under a corresponding law under which he was authorized to promote, conduct or operate soccer football pools, as a subsidy into a fund kept under that law that corresponds to a prize fund under this Act.

(4) Sections 2 and 3 of the Unclaimed Moneys Act, 1891-1975, apply to a licensee, being a company within the meaning of that Act, that keeps a bank account referred to in subsection (1) (*a*) as if the words "six years", occurring in each of those sections, were omitted and the words "two years" were inserted instead.

Payment of duty.

16. (1) Subject to section 14 (5) (*b*), a licensee shall, within seven days after the day on which entries in respect of a soccer football pool close, pay to the Minister the duty specified in section 14 (1) (*b*).

(2) Where a licensee makes a payment of duty referred to in subsection (1) he shall forward with that payment such financial, statistical or other statements as the Minister directs in a notice in writing given to the licensee.

(3) If payment of the duty referred to in subsection (1) is not made within the time specified in that subsection the licensee shall, in addition to that duty, pay to the Minister as additional duty an amount that is equal to ten per centum of the amount of the unpaid duty in respect of each month, calculated from the expiration of the time referred to in subsection (1), during which the duty remains unpaid.

(4) Notwithstanding subsection (3), the Minister may in any case in which he thinks fit to do so, forego the whole or any part of the additional duty referred to in that subsection, or allow further time for the payment of that additional duty.

Recreation and Sport Fund.

17. (1) There shall be established at the Treasury a fund to be called the "Recreation and Sport Fund".

(2) There shall be paid to the credit of the Recreation and Sport Fund—

(*a*) the amount of the duty and additional duty paid to the Minister under this Act;

and

(*b*) any moneys paid to the Minister by the appropriate Minister or other appropriate authority pursuant to an agreement referred to in section 14 (4).

(3) The moneys paid to the Recreation and Sport Fund pursuant to subsection (2) shall be used to support and develop such recreational and sporting facilities and services within the State as are approved by the Minister.

Service of notices and orders on licensees.

18. A notice or order that may, pursuant to this Act, be given to a licensee—

(*a*) may, except in the case of a notice of revocation of the licence, be sent by prepaid post to the licensee;

or

(*b*) may be left for the licensee with some person apparently in the service of the licensee and apparently over the age of sixteen years,

at an address at which the licensee carries on business in this State.

Recovery of moneys.

19. (1) An amount that is payable by a person to the Minister under this Act but is not paid may be recovered from that person as a debt due to the Crown in any court of competent jurisdiction.

(2) For the purpose of any action to recover any such amount a certificate of the Minister certifying the amount alleged to be payable by a person and that that amount has not been paid is evidence that the amount so specified is payable to the Minister in accordance with this Act and has not been paid.

Offences by employees and bodies corporate.

20. (1) Where a person is convicted of an offence against this Act for an act or omission done in the course of his employment as an employee of a licensee or an approved representative, the employer of that person shall also be guilty of an offence and liable to the same penalty as is prescribed for that offence unless he proves that he could not by the exercise of reasonable diligence have prevented the commission of the offence.

(2) Where a body corporate is convicted of an offence against this Act, every member of the governing body of the body corporate shall be guilty of an offence and liable to the same penalty as is prescribed for the principal offence unless he proves that he could not by the exercise of reasonable diligence have prevented the commission of the offence.

Proceedings and penalties.

21. (1) A person who contravenes or fails to comply with a provision of this Act is guilty of an offence.

(2) Proceedings for an offence against this Act shall be disposed of summarily.

(3) Except where some other penalty is provided—

(*a*) a licensee who is convicted of an offence against this Act is liable to a penalty not exceeding two thousand dollars;

and

(*b*) a person, not being a licensee, who is convicted of an offence against this Act is liable to a penalty not exceeding five hundred dollars.

Regulations.

22. (1) The Governor may make such regulations as are contemplated by, or necessary or expedient for the purposes of, this Act.

(2) Without limiting the generality of subsection (1), those regulations may make provision for or with respect to—

(*a*) the displaying in those parts, to which the public has access, of the premises of a licensee or an approved representative of the rules relating to soccer football pools or of extracts from those rules;

(*b*) prohibiting a licensee or an approved representative from accepting entry forms for, or subscriptions in respect of, a soccer football pool on specified days or between specified hours;

(*c*) advertisements relating to soccer football pools;

and

(*d*) the imposition of a penalty, not exceeding five hundred dollars, for any contravention of, or failure to comply with, a regulation.

(3) The application of any regulation made under this Act—

(*a*) may be limited to a part of the State or a person or class of persons specified in the regulations;

or

(*b*) may be limited by reference to any other factor specified in the regulations.

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

****

No. 27 of 1981

An Act to amend the South Australian Meat Corporation Act, 1936-1980.

[*Assented to* 19 *March* 1981]

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 "South Australian Meat Corporation Act Amendment Act, 1981".

(2) The South Australian Meat Corporation Act, 1936-1980, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "South Australian Meat Corporation Act, 1936-1981".

Commencement.

2. This Act shall be deemed to have come into operation on the first day of July, 1980.

Amendment of s. 9—Continuance of the Corporation.

3. Section 9 of the principal Act is amended by inserting after subsection (5) the following subsection:

(6) The Corporation shall be under the control and direction of the Minister.

Insertion of new ss. 54 and 55.

4. The following sections are inserted after section 53 of the principal Act:

Assumption by Minister of liabilities under contracts of loan to the Corporation.

54. (1) The Minister may, with the concurrence of the Treasurer, by notice in writing to a creditor of the Corporation, assume any liabilities of the Corporation to that creditor in respect of a loan to the Corporation.

(2) Where the Minister assumes liabilities of the Corporation under subsection (1), those liabilities shall cease to attach to the Corporation and shall attach instead to the Minister.

The SAMCOR Deficit Fund.

55. (1) There shall be a fund at the Treasury, administered by the Minister, entitled the "SAMCOR Deficit Fund".

(2) The Fund shall consist of—

(*a*) moneys made available by the Treasurer out of moneys provided by Parliament for the purposes of the Fund;

and

(*b*) moneys paid into the Fund by the Corporation under subsection (3).

(3) The Corporation shall, as soon as practicable after the end of each financial year, pay into the Fund—

(*a*) an amount that represents, in the opinion of the Minister, the amount by which the Corporation has benefited in respect of that financial year by reason of exemption from taxation under the laws of the Commonwealth;

and

(*b*) the balance of any profits made by the Corporation during the financial year less any amount that is, by agreement of the Corporation and the Minister, to be retained by the Corporation on account of future expenditure.

(4) The following amounts shall be paid out of the Fund—

(*a*) amounts required to satisfy liabilities assumed by the Minister under section 54;

and

(*b*) amounts that are, by agreement between the Minister and the Treasurer, to be paid to the Corporation in re-imbursement or partial re-imbursement of expenditure incurred by the Corporation.

(5) Payments out of the Fund shall be made by the Minister, acting with the concurrence of the Treasurer.

(6) Any surplus of the Fund shall be paid into the General Revenue of the State.

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

****

No. 28 of 1981

An Act to amend the State Transport Authority Act, 1974-1978.

[*Assented to* 19 *March* 1981]

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 "State Transport Authority Act Amendment Act, 1981".

(2) The State Transport Authority Act, 1974-1978, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "State Transport Authority Act, 1974-1981".

Commencement.

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

Amendment of s. 3—Arrangement of Act.

3. Section 3 of the principal Act is amended by striking out the item:

PART IIA—LICENSING

Amendment of s. 4—Interpretation.

4. Section 4 of the principal Act is amended by striking out the definitions of "Inspector", "licence" and "licensee".

Repeal of Part IIA.

5. Part IIA of the principal Act is repealed.

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

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No. 29 of 1981

An Act to amend the Valuation of Land Act, 1971-1976, and to make consequential amendments to the Land Tax Act, 1936-1979, the Local Government Act, 1934-1980, the Waterworks Act, 1932-1978, and the Sewerage Act, 1929-1977.

[*Assented to* 19 *March* 1981]

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 "Statutes Amendment (Valuation of Land) Act, 1981".

Commencement.

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

Arrangement of Act.

3. This Act is arranged as follows:

PART I—PRELIMINARY

PART II—AMENDMENT OF THE VALUATION OF LAND ACT, 1971-1976

PART III—AMENDMENT OF THE LAND TAX ACT, 1936-1979

PART IV—AMENDMENT OF THE LOCAL GOVERNMENT ACT, 1934-1980

PART V—AMENDMENT OF THE WATERWORKS ACT, 1932-1978

PART VI—AMENDMENT OF THE SEWERAGE ACT, 1929-1977

PART II

AMENDMENT OF THE VALUATION OF LAND ACT, 1971-1976

Short titles.

4. (1) In this Part, the Valuation of Land Act, 1971-1976, is referred to as "the principal Act".

(2) The principal Act, as amended by this Part, may be cited as the "Valuation of Land Act, 1971-1981".

Amendment of s. 4—Transitional provisions.

5. Section 4 of the principal Act is amended by striking out subsections (1), (2), (3) and (4) and substituting the following subsections:

(1) A determination of unimproved value that was in force under this Act immediately before the commencement of the Statutes Amendment (Valuation of Land) Act, 1981, shall, upon the commencement of that Act be deemed to be a determination of site value and the determination shall, subject to this Act, remain in force until superseded by a subsequent determination of site value under this Act.

(2) A determination of annual value that was in force under this Act immediately before the commencement of the Statutes Amendment (Valuation of Land) Act, 1981, shall, upon the commencement of that Act, be deemed also to fix an amount equal to twenty times the annual value specified in the determination as the capital value of the relevant land, and the determination in so far as it thus operates as a determination of capital value shall, subject to this Act, remain in force until superseded by a subsequent determination of capital value under this Act.

Amendment of s. 5—Interpretation.

6. Section 5 of the principal Act is amended—

(*a*) by striking out the word "and" between paragraphs (*b*) and (*c*) of the definition of "annual value";

(*b*) by inserting after paragraph (*c*) the following paragraph:

and

(*d*) where it is not reasonably practicable to determine a gross annual rental in relation to land, the annual value of the land shall be computed on the basis of the capital value of the land:;

(*c*) by inserting after the definition of "area" the following definition:

"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 or consisting of the propagation and harvesting of fish or other aquatic organisms:;

and

(*e*) by striking out the definition of "site value" and substituting the following definition:

"site value" of land means the capital amount that an unencumbered estate in fee simple in the land might reasonably be expected to realize upon sale assuming that

any improvements on the land, the benefit of which is unexhausted at the time of valuation, had not been made; for the purposes of this definition—

(*a*) "improvements" means—

(i) buildings and structures (but not including structures in the nature of site works);

(ii) wells, dams and reservoirs;

and

(iii) the planting of trees for commercial purposes;

and

(*b*) where the land is a unit defined on a deposited strata plan, its site value is that portion of the site value of the parcel, of which the unit is part, that bears to the total site 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; in this paragraph 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, 1886-1980.

Insertion of new s. 22a.

7. The following section is inserted after section 22 of the principal Act:

Notional valuations to be made in certain cases.

22a. (1) The owner of land is entitled to the benefit of this section in respect of the valuation of land by a valuing authority if—

(*a*) the owner—

(i) has an estate of fee simple in the land;

(ii) holds the land by virtue of a Crown lease, or an agreement to purchase from the Crown;

or

(iii) is the occupier of the land by virtue of his shareholding in a body corporate of a kind referred to in paragraph (*b*) (ii);

(*b*) the conditions laid down in any one of the following subparagraphs are satisfied:

(i) the owner of the land is a natural person, the land constitutes his principal place of residence, and is not used for any commercial or industrial purpose;

(ii) the land is vested in a body corporate and—

(A) the whole of the land vested in the body corporate consists of a group of dwellings and land appurtenant to those dwellings;

(B) all issued shares of the body corporate are owned by shareholders who acquire exclusive rights to occupy land of the body corporate by virtue of their shareholdings;

(C) the land constitutes the principal place of residence of a natural person who is a shareholder in the body corporate;

and

(D) the land is not used for a commercial or industrial purpose;

or

(iii) the land is used for the business of primary production;

and

(*c*) the value of the land is, in the opinion of the relevant valuing authority, enhanced by its potential for subdivision or for use otherwise than in the manner referred to in the relevant subparagraph of paragraph (*b*).

(2) Where a valuing authority is satisfied that a person is entitled to the benefit of this section it may, and shall at the request of that person, value the land as if the potential referred to in subsection (1) (*c*) did not exist and any such valuation shall operate for the purposes of any rating or taxing Act under which rates, taxes or imposts are levied or imposed on the land on the basis of the valuations of that valuing authority.

(3) Where a valuing authority makes a valuation under the provisions of subsection (2), it shall inform the owner of the land, in writing, of the valuation and of his obligations under subsection (6).

(4) Where land is valued under the provisions of subsection (2), it shall also be valued as if the owner were not entitled to the benefit of this section, and the latter valuation shall take effect for the purpose of a rating or taxing Act if—

(*a*) the owner ceases to be entitled to the benefit of this section;

or

(*b*) a person who is not entitled to the benefit of this section becomes the owner of the land.

(5) If at the time a liability to pay a rate tax or impost upon land arises the land is owned by a person who subsequently establishes that he is entitled to the benefit of this section neither the validity nor the extent of the liability is affected by this section.

(6) Where land has been valued under this section and—

(*a*) circumstances occur by virtue of which the owner ceases to be entitled to the benefit of this section;

or

(*b*) the owner enters into a transaction by virtue of which a change in the ownership of the land may occur,

the owner shall, subject to subsection (7), within twenty-eight days inform the relevant valuing authority of those circumstances, or that transaction, and shall furnish such further information as the valuing authority may require.

Penalty: Two thousand dollars.

(7) Where by virtue of an Act a right to rescind or avoid a transaction exists, the obligation to inform a valuing authority of the transaction does not arise unless the time within which the right may be exercised expires and the right has not been exercised within that time.

(8) In this section—

"rating or taxing Act" means any of the rating or taxing Acts or any other Act under which a rate, tax or impost is levied or imposed on land:

"valuing authority" means the Valuer-General or other authority responsible for valuing land for the purposes of a rating or taxing Act.

(9) For the purposes of the Land Tax Act, 1936-1981, a valuation under subsection (2) operates only in relation to land used for the business of primary production.

PART III

PART III

AMENDMENT OF THE LAND TAX ACT, 1936-1979

Short titles.

8. (1) In this Part, the Land Tax Act, 1936-1979, is referred to as "the principal Act".

(2) The principal Act, as amended by this Part, may be cited as the "Land Tax Act, 1936-1981".

Amendment of s. 4—Interpretation.

9. Section 4 of the principal Act is amended—

(*a*) by striking out from subsection (1) the definition of "declared rural land";

(*b*) by striking out from subsection (1) the definition of "determination of unimproved value" and substituting the following definition:

"determination of site value" in relation to land means a determination or assessment of site value in force under the Valuation of Land Act, 1971-1981:;

(*c*) by striking out from subsection (1) the definition of "improvements";

(*d*) by striking out from subsection (1) the definition of "site improvements" and substituting the following definition:

"site value" in relation to land has the meaning assigned by the Valuation of Land Act, 1971-1981:;

(*e*) by striking out from subsection (1) the definition of "unimproved value";

and

(*f*) by striking out subsection (2).

Amendment of s. 11—Basis for calculating land tax.

10. Section 11 of the principal Act is amended by striking out the passage "unimproved value" wherever it occurs in subsections (1), (2) and (3) and substituting, in each case, the passage "site value".

Amendment of s. 11a—Taxable value of land.

11. Section 11a of the principal Act is amended—

(*a*) by striking out from subsections (1) and (3) the passage "unimproved value" wherever it occurs and substituting, in each case, the passage "site value";

and

(*b*) by striking out subsections (4) and (5).

Amendment of s. 12a—Land partially exempt from land tax.

12. Section 12a of the principal Act is amended by striking out from subsection (3) the passage "unimproved value" and substituting the passage "site value".

Amendment of s. 12c—Differential land tax.

13. Section 12c of the principal Act is amended—

(*a*) by striking out from subsection (1) the word "section" and substituting the word "Act";

and

(*b*) by striking out subsections (4) to (19) inclusive.

Amendment of s. 56—Time for payment of tax.

14. Section 56 of the principal Act is amended by striking out subsections (1a) and (1b).

PART IV

PART IV

AMENDMENT OF THE LOCAL GOVERNMENT ACT, 1934-1980

Short titles.

15. (1) In this Part, the Local Government Act, 1934-1980, is referred to as "the principal Act".

(2) The principal Act, as amended by this Part, may be cited as the "Local Government Act, 1934-1981".

Amendment of s. 5—Interpretation.

16. Section 5 of the principal Act is amended—

(*a*) by striking out from subsection (1) the definition of "assessment" and substituting the following definition:

"assessment" means an assessment made or adopted pursuant to Division II or Division III of Part X:;

(*b*) by striking out from subsection (1) the definition of "assessed value" and substituting the following definitions:

"assessed value" in relation to ratable property within an area means the annual value, capital value or land value of ratable property—

(*a*) assessed under this Act;

or

(*b*) assessed under the Valuation of Land Act, 1971-1981, and adopted under this Act:

"capital value" means capital value as defined in the Valuation of Land Act, 1971-1981:;

(*c*) by inserting in the definition of "Government assessment" in subsection (1) after the passage "annual value" the passage "capital value";

(*d*) by inserting in subsection (1) after the definition of "Government assessment of annual value" the following definition:

"Government assessment of capital value" in relation to an area means the determinations or assessments of capital value in force under the Valuation of Land Act, 1971-1981, and relating to ratable property within the area:;

(*e*) by striking out from subsection (1) the definition of "land value" and substituting the following definition:

"land value" means site value as defined in the Valuation of Land Act, 1971-1981:;

and

(*f*) by striking out subsection (8).

Amendment of principal Act.

17. The principal Act is amended as follows:

(*a*) by striking out from section 3 the passage "Annual Value" wherever it occurs and substituting, in each case, the passage "Annual or Capital Value";

(*b*) by striking out from paragraph (*e*) of section 12 the passage "annual values" and substituting the passage "annual or capital values";

(*c*) by striking out from paragraph XIII of section 13 the passage "annual values" and substituting the passage "annual or capital values";

(*d*) by striking out from paragraph (*c*) of section 164 the passage "annual or land value" and substituting the passage "annual, capital or land value";

(*e*) by striking out from subsections (1) and (2) of section 169 the passage "annual value" wherever it occurs and substituting, in each case, the passage "annual value, capital value";

(*f*) by striking out from subsection (1) of section 172 the passage "annual or land value" and substituting the passage "annual, capital or land value";

(*g*) by striking out from subsection (2) of section 172 the passage "upon annual value or upon land value" and substituting the passage "upon annual value, capital value or land value";

(*h*) by striking out the heading immediately preceding section 173 and substituting the following heading:

DIVISION II—ASSESSMENTS BASED UPON ANNUAL OR CAPITAL VALUE;

(*i*) by striking out from subsection (1) of section 173 the passage "annual value" and substituting the passage "annual value or capital value";

(*j*) by striking out from paragraph (*a*) of section 174 the passage "annual value" and substituting the passage "annual value or capital value";

(*k*) by striking out from section 178a the passage "annual value" and substituting the passage "annual value or capital value (as the case may require)";

(*l*) by striking out from section 178b the passage "annual value" wherever it occurs and substituting, in each case, the passage "annual value or capital value";

(*m*) by striking out from the heading immediately preceding section 202 the passage "Annual Value" and substituting the passage "Annual or Capital Value";

(*n*) by inserting after subsection (10) of section 214b the following subsection:

(11) This section does not apply in respect of ratable property where the assessment relating to that property has been made in accordance with section 22a of the Valuation of Land Act, 1971-1981.;

(*o*) by striking out from the heading immediately preceding section 235 the passage "Annual Value" and substituting the passage "Annual or Capital Value";

(*p*) by inserting in section 245 after the passage "annual value" the passage "(or a rate of one-tenth of one cent in the dollar where the assessment is based on capital value)";

(*q*) by inserting in section 248 after the passage "annual value" the passage "(or a rate of one-tenth of one cent in the dollar where the assessment is based on capital value)";

(*r*) by striking out from the heading immediately preceding section 249 the passage "Annual Value" and substituting the passage "Annual or Capital Value";

and

(*s*) by inserting in paragraph (*b*1) of subsection (1) of section 257 after the passage "annual value" the passage ", capital value,".

PART V

PART V

AMENDMENT OF THE WATERWORKS ACT, 1932-1975

Short titles.

18. (1) In this Part, the Waterworks Act, 1932-1975, is referred to as "the principal Act".

(2) The principal Act, as amended by this Part, may be cited as the "Waterworks Act, 1932-1981".

Amendment of s. 66—Calculation and fixing of rates.

19. Section 66 of the principal Act is amended—

(*a*) by striking out from subsection (2) the passage "annual value" wherever it occurs and substituting, in each case, the passage "capital value";

(*b*) by striking out paragraphs (*a*) and (*b*) of subsection (3) and substituting the following paragraphs:

(*a*) the rates applicable to the land calculated on the basis of the area of the land, or the minimum rates (if any) applicable to the land, whichever are the greater;

or

(*b*) where the Minister determines in relation to certain land that rates shall not be calculated on the basis of the area of the land, but fixes minimum rates in respect of the land, the minimum rates so fixed.;

(*c*) by striking out from paragraph (*b*) of subsection (4) the passage "annual value" and substituting the passage "capital value";

(*d*) by striking out paragraph (*c*) of subsection (4) and substituting the following paragraph:

(*c*) a rate per hectare at which the rates payable upon any ratable land referred to in the notice are to be calculated, taking as the basis of calculation the area of the land;;

and

(*e*) by striking out from subsection (6) the passage "the annual value or unimproved value of land is the annual value or unimproved value" and substituting the passage "the capital value of land is the capital value".

PART VI

AMENDMENT OF THE SEWERAGE ACT, 1929-1977

Short titles.

20. (1) In this Part, the Sewerage Act, 1929-1977, is referred to as "the principal Act".

(2) The principal Act, as amended by this Part, may be cited as the "Sewerage Act, 1929-1981".

Amendment of s. 73—Determination of rates.

21. Section 73 of the principal Act is amended by striking out from subsections (2), (3) and (4) the passage "annual value" wherever it occurs and substituting, in each case, the passage "capital value".

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

****

No. 30 of 1981

An Act to amend the Tea Tree Gully (Golden Grove) Development Act, 1978.

[*Assented to* 19 *March* 1981]

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 "Tea Tree Gully (Golden Grove) Development Act Amendment Act, 1981".

(2) The Tea Tree Gully (Golden Grove) Development Act, 1978, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Tea Tree Gully (Golden Grove) Development Act, 1978-1981".

Commencement.

2. (1) This Act, other than section 9, shall come into operation on a day to be fixed by proclamation.

(2) Section 9 shall be deemed to have come into operation on the day on which the principal Act came into operation.

Amendment of s. 3—Arrangement of Act.

3. Section 3 of the principal Act is amended by striking out the item—

PART V—THE COMMISSION.

Amendment of s. 4—Interpretation.

4. Section 4 of the principal Act is amended—

(*a*) by striking out from subsection (1) the definition of "the Commission";

and

(*b*) by inserting in subsection (1) after the definition of "Scheme Area" the following definition:

"the Trust" means the South Australian Urban Land Trust constituted under the Urban Land Trust Act, 1981:.

Amendment of s. 5—Position of Crown.

5. Section 5 of the principal Act is amended by striking out from subsection (2) the word "Commission", twice occurring, and substituting, in each case, the word "Trust".

Amendment of s. 20—Control of land subdivision.

6. Section 20 of the principal Act is amended by striking out from paragraph (*a*) the passage "Land Commission" and substituting the passage "Urban Land Trust".

Repeal of Part V.

7. Part V of the principal Act and the heading to that Part are repealed.

Amendment of s. 25—Road closure.

8. Section 25 of the principal Act is amended by striking out the word "Commission", wherever it occurs, and substituting, in each case, the word "Trust"

Amendment of second schedule.

9. The second schedule to the principal Act is amended by striking out the passage "Together with that portion of section 2101" and substituting the passage "Together with that portion of section 2102".

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

****

No. 31 of 1981

An Act to continue the corporation known as the "South Australian Land Commission" in existence under the name the "South Australian Urban Land Trust"; to prescribe the powers and functions of the South Australian Urban Land Trust; to repeal the Land Commission Act, 1973-1977; and for other purposes.

[*Assented to* 19 *March* 1981]

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 "Urban Land Trust Act, 1981".

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
PART II—THE SOUTH AUSTRALIAN URBAN LAND TRUST
DIVISION I—ESTABLISHMENT AND CONSTITUTION OF THE TRUST
DIVISION II—POWERS AND FUNCTIONS OF THE TRUST
DIVISION III—STAFF, ETC.
PART III—FINANCIAL PROVISIONS
PART IV—MISCELLANEOUS

Repeal.

4. The Land Commission Act, 1973-1977, is repealed.

PART I
Interpretation.

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

"the Chairman" means the chairman of the Trust:

"the Fund" means The South Australian Urban Land Trust Fund maintained under Part III 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" in relation to the Trust includes the Chairman:

"the repealed Act" means the Land Commission Act, 1973-1977, repealed by this Act:

"the Trust" means the corporation known as the "South Australian Land Commission" established under the repealed Act and continued in existence under this Act under the name "South Australian Urban Land Trust".

PART II

PART II

THE SOUTH AUSTRALIAN URBAN LAND TRUST

DIVISION I—ESTABLISHMENT AND CONSTITUTION OF THE TRUST

DIVISION I

Establishment of South Australian Urban Land Trust.

6. (1) The corporation established under the repealed Act under the name "South Australian Land Commission" shall continue in existence under the name "South Australian Urban Land Trust".

(2) The Trust—

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

(*b*) shall be capable of suing and of being sued;

(*c*) shall be capable of holding, dealing with, and disposing of real and personal property;

(*d*) shall be capable of acquiring or incurring any other rights or liabilities;

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

and

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

(3) Where a document purports to bear the common seal of the Trust, it shall be presumed in any legal proceedings, in the absence of proof to the contrary, that the common seal of the Trust has been duly affixed to that document.

PART II
DIVISION I

(4) The change of the name of the corporation established under the repealed Act and continued in existence under this Act shall not affect its rights or obligations and any reference to the "South Australian Land Commission" in any Act, statutory instrument, document or writing of any kind shall, so far as the context admits, be construed as a reference to the "South Australian Urban Land Trust".

Vacation of offices of members of Land Commission.

7. The members of the South Australian Land Commission holding office under the repealed Act immediately before the commencement of this Act shall, on the commencement of this Act, vacate their respective offices.

Constitution of the Trust.

8. (1) The Trust shall consist of five members appointed by the Governor upon the nomination of the Minister, of whom—

(*a*) one shall be a person employed in private industry who in the opinion of the Minister has appropriate knowledge and experience of urban land development;

(*b*) one shall be a person who in the opinion of the Minister has appropriate knowledge and experience of local government;

(*c*) one shall be a person nominated by the Minister after consultation with the appropriate Minister of the Government of the Commonwealth;

and

(*d*) two shall be officers of a Department or agency of the Government of the State.

(2) One member of the Trust shall be appointed by the Governor to be chairman of the Trust.

Term and conditions of office of members.

9. (1) A member of the Trust shall be appointed for such term of office, being not less than two years nor more than four years, and upon such conditions, as may be determined by the Governor and, upon the expiration of his term of office, shall be eligible for re-appointment.

(2) The Governor may appoint a suitable person to be a deputy of a member of the Trust, and such a person, while acting in the absence of that member, shall be deemed to be a member of the Trust, and shall have all the powers, authorities, duties and obligations of the member of whom he has been appointed a deputy.

(3) The Governor may remove a member of the Trust from office for—

(*a*) any breach of, or non-compliance with, the conditions of his appointment;

(*b*) mental or physical incapacity;

(*c*) neglect of duty;

or

(*d*) dishonourable conduct.

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

(*a*) he dies;

(*b*) his term of office expires;

(*c*) he resigns by written notice addressed to the Minister;

or

(*d*) he is removed from office by the Governor pursuant to subsection (3).

(5) Upon the office of a member of the Trust becoming vacant, a person shall be appointed, in accordance with this Act, to the vacant office, but where the office of a member of the Trust becomes vacant before the expiration of the term for which he was appointed, the person appointed in his place shall be appointed only for the balance of the term of his predecessor.

Remuneration and expenses.

10. (1) A member of the Trust shall be entitled to receive such remuneration and expenses as may be determined by the Governor.

(2) Any amount to which a member of the Trust is entitled under this section shall be paid out of the Fund.

Quorum, etc.

11. (1) Three members of the Trust shall constitute a quorum of the Trust, and no business shall be transacted at a meeting unless a quorum is present.

(2) A decision in which any three members of the Trust concur shall be a decision of the Trust.

(3) The Chairman shall preside at any meeting of the Trust at which he is present, and in the absence of the Chairman from a meeting of the Trust, the members present shall decide who is to preside at that meeting.

(4) The Trust shall meet for the transaction of business at least eight time in each year.

(5) Subject to this Act, the business of the Trust shall be conducted in such manner as the Trust determines.

Validity of acts of the Trust, etc.

12. (1) An act or proceeding of the Trust shall not be invalid by reason only of a vacancy in its membership, and, notwithstanding the subsequent discovery of a defect in the nomination or appointment of a member, any such act or proceeding shall be as valid and effectual as if the member had been duly nominated or appointed.

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

(3) A liability that would, but for subsection (3), lie against a member of the Trust shall lie against the Crown.

Disclosure of interest.

13. (1) A member of the Trust who is in any way directly or indirectly interested in a contract or proposed contract made by, or in the contemplation of, the Trust shall disclose the nature of his interest at a meeting of the Trust, and the disclosure shall be recorded in the minutes of the Trust.

(2) A member of the Trust who is in any way directly or indirectly interested in a contract or proposed contract made by, or in the contemplation of, the Trust shall not take part in any decision of the Trust with respect of that contract.

PART II
DIVISION II

DIVISION II—POWERS AND FUNCTIONS OF THE TRUST

Powers and functions of the Trust.

14. (1) The functions of the Trust are to hold land and, as prevailing circumstances require, to make land available for, and otherwise assist in, the orderly establishment and development of new urban areas.

(2) In the performance of its functions under this Act, the Trust may—

(*a*) acquire land with the prior specific approval of the Minister;

(*b*) sell, grant, grant a lease or licence in respect of, mortgage, charge, encumber or otherwise deal with land;

(*c*) divide land for the purpose of making land available in parcels—

(i) that are suitable for further division and development for residential, commercial or industrial purposes or for further development for commercial or industrial purposes;

or

(ii) that are required for or in connection with the provision of public or community services, facilities or amenities,

and carry out any works necessary for that purpose;

(*d*) enter into contracts or arrangements with any person or body of persons;

and

(*e*) exercise any other powers prescribed by this Act or necessary for or incidental to the performance of its functions.

(3) The provisions of the Land Acquisition Act, 1969-1972, shall not apply to or in relation to the acquisition of land by the Trust.

(4) The Trust may, notwithstanding the provisions of this section, with the approval of the Minister, complete any programme of division, development and disposal of land commenced before the commencement of this Act and, for that purpose, do anything that the South Australian Land Commission would have been authorized to do had this Act not been enacted.

(5) The Trust shall conduct its business in accordance with established principles of financial management and economy.

(6) In the performance of its functions under this Act, the Trust shall be subject to the general control and direction of the Minister.

Power of delegation.

15. (1) The Trust may delegate to any member, officer or employee of the Trust any of its powers or functions under this Act.

(2) Any such delegation shall be revocable at will and shall not derogate from the power of the Trust to act itself in any matter.

DIVISION III

DIVISION III—STAFF, ETC.

Officers and employees.

16. (1) The Governor may, subject to and in accordance with the Public Service Act, 1967-1978, appoint such officers as he considers necessary or expedient for the proper administration of this Act.

(2) An officer so appointed shall, subject to this section, hold office in accordance with the provisions of the Public Service Act, 1967-1978.

(3) The Minister may by notice published in the *Gazette* determine—

(*a*) that specified provisions of the Public Service Act, 1967-1978, and of the regulations thereunder, shall not apply to or in relation to officers appointed pursuant to subsection (1);

and

(*b*) that provisions contained, or referred to, in the notice shall apply to and in relation to those officers in lieu of those provisions,

and the notice shall have effect in accordance with its terms.

(4) The Minister may, by notice published in the *Gazette*, vary or revoke a notice published under subsection (3).

(5) The Trust may, with the approval of the Minister, appoint such officers and employees as it considers necessary or expedient for the proper administration of this Act.

(6) A person appointed under subsection (5) shall hold office upon terms and conditions determined from time to time by the Governor, and the Public Service Act, 1967-1978, shall not apply to or in relation to persons so appointed.

PART III

FINANCIAL PROVISIONS

Power of the Trust to borrow.

17. (1) The Trust may borrow money from the Treasurer, or, with the consent of the Treasurer, from any other person for the purpose of carrying out any of its functions under this Act.

(2) Any liability incurred with the consent of the Treasurer under subsection (1) is hereby guaranteed by the Treasurer.

(3) Any liability incurred by the Treasurer under a guarantee arising by virtue of subsection (2) shall be satisfied out of the General Revenue of this State which is hereby, to the necessary extent, appropriated accordingly.

Establishment and control of the Fund.

18. (1) The fund maintained under the repealed Act shall continue in existence under the name the "South Australian Urban Land Trust Fund" and shall be kept and maintained by the Trust.

(2) The following moneys shall be paid into the Fund:

(*a*) any moneys paid to the Trust by the Government of the Commonwealth;

(*b*) any moneys appropriated for the purposes of the Trust by Parliament;

PART III

(*c*) any moneys borrowed by the Trust under this Act;

(*d*) the proceeds of any sale or dealing in land by the Trust;

(*e*) the rent derived from the leasing of land by the Trust;

(*f*) any income derived from investment of the Fund;

(*g*) any moneys received by the Trust by way of gift, bequest or otherwise;

(*h*) any other moneys received by the Trust.

(3) The Fund shall be applied by the Trust in the performance of its functions under this Act, including the provision of financial assistance for public or community services, facilities or amenities in new urban areas.

(4) Subject to this Act, the Trust may draw upon, and otherwise deal with, the Fund in such manner as may be approved by the Treasurer.

Investment of moneys in the Fund.

19. The Trust may, with the approval of the Treasurer, invest any of the moneys standing to the credit of the Fund that are not immediately required for the purposes of this Act in such manner as may be approved by the Treasurer.

Accounts and audit.

20. (1) The Trust shall cause proper accounts to be kept of its financial affairs and shall in respect of each financial year prepare a statement of accounts in a form approved by the Treasurer.

(2) The Auditor-General may at any time, and shall at least once in every year, audit the accounts of the Trust.

(3) The Auditor-General shall have and may exercise in respect of the moneys and accounts of the Trust and the persons dealing therewith the powers that are vested in the Auditor-General by the Audit Act, 1921-1975, in respect of public accounts and accounting officers.

PART IV

PART IV

MISCELLANEOUS

Report.

21. (1) The Trust shall as soon as practicable after the thirtieth day of June in each year submit a report to the Minister upon the conduct of the business of the Trust during the financial year ending on that day together with the audited statement of accounts of the Trust for that financial year.

(2) The Minister shall, as soon as practicable after receipt of the report and audited statement of accounts cause copies of the report and statement to be laid before each House of Parliament.

Regulations.

22. (1) The Governor may make such regulations as are necessary or expedient for the purposes of this Act.

(2) Without limiting the generality of subsection (1), those regulations may—

(*a*) provide for the manner in which meetings of the Trust are to be convened;

(*b*) regulate the proceedings of the Trust;

(*c*) lay down conditions upon which the Trust may acquire, deal with, or dispose of land or other property;

and

(*d*) otherwise regulate the transaction of business by the Trust.

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

****

No. 32 of 1981

An Act to amend the Workers Compensation (Insurance) Act, 1980.

[*Assented to* 19 *March* 1981]

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 "Workers Compensation (Insurance) Act Amendment Act, 1981".

(2) The Workers Compensation (Insurance) Act, 1980, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Workers Compensation (Insurance) Act, 1980-1981".

Commencement.

2. This Act shall be deemed to have come into operation immediately after the commencement of the principal Act.

Amendment of s. 4—The statutory reserve fund.

3. Section 4 of the principal Act is amended—

(*a*) by striking out from subsection (3) the passage ", subject to subsection (5)," and substituting the passage ", subject to subsections (5) and (5a),";

(*b*) by striking out subsection (5) and substituting the following subsections:

(5) The additional levy shall commence on the first day of January, 1982.

(5a) If, on the thirty-first day of October in any year, the amount standing to the credit of the fund equals or exceeds five million dollars there shall be no additional levy in the year commencing on the first day of January falling fourteen months after that date.;

and

(*c*) by striking out from subsection (6) the passage "in consequence of the additional levy under subsection (3) if that employer had not been an exempt employer," and substituting the passage "by way of additional levy if that employer were an insurance company by which the employer had been insured under a policy of workers compensation insurance,".

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

****

No. 33 of 1981

An Act to amend the Residential Tenancies Act, 1978.

[*Assented to* 19 *March* 1981]

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 "Residential Tenancies Act Amendment Act, 1981".

(2) The Residential Tenancies Act, 1978, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Residential Tenancies Act, 1978-1981".

Commencement.

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

(2) The Governor may, in a proclamation made for the purposes of subsection (1), suspend the operation of any specified provisions of this Act until a subsequent day fixed in the proclamation, or a day to be fixed by subsequent proclamation.

Amendment of s. 5—Interpretation.

3. Section 5 of the principal Act is amended by inserting in the definition of "residential tenancy agreement" after the passage "residential premises" the passage "or part of residential premises".

Repeal of s. 6 and substitution of new section.

4. Section 6 of the principal Act is repealed and the following section is substituted:

Application of Act to the Crown.

6. (1) Subject to subsection (2), this Act binds the Crown.

(2) This Act does not apply to any residential tenancy agreement entered into by the South Australian Housing Trust constituted under the South Australian Housing Trust Act, 1936-1973.

Amendment of s. 7—Application of Act.

5. Section 7 of the principal Act is amended—

(*a*) by inserting after subsection (2) the following subsections:

(2a) This Act does not apply to or in relation to any agreement *bona fide* entered into for the purpose of conferring on a person a right to occupy premises for a holiday.

(2b) For the purposes of subsection (2a), an agreement conferring a right to occupy premises for a fixed term of two months or longer, shall be deemed, in the absence of proof to the contrary, not to have been entered into *bona fide* for the purpose of conferring a right to occupy the premises for a holiday.;

and

(*b*) by striking out paragraph (*b*) of subsection (3).

Insertion of new s. 7a.

6. The following section is inserted after section 7 of the principal Act:

Application of Act to certain periodic tenancies

7a. (1) Where a residential tenancy agreement was entered into before the commencement of this Act and continues after the commencement of this section and the tenancy under the agreement is a periodic tenancy, this Act shall, subject to any other provisions of this Act, apply to the agreement on and from the first day after the commencement of this section on which rent is payable under the agreement.

(2) Where this Act has application to a residential tenancy agreement by virtue of subsection (1)—

(*a*) any proceedings commenced in relation to the agreement before that application may be continued and completed as if this Act had not been enacted;

(*b*) any notice to quit given in relation to the agreement before that application shall have effect and may be enforced as if this Act had not been enacted;

(*c*) any process commenced before that application, being a process whereby the rent may be increased under the agreement, may be continued and completed and shall have effect to increase the rent as if this Act had not been enacted, but subject to any order under section 36;

(*d*) proceedings may be brought subject to and in accordance with this Act in respect of any cause of action that arose before that application, not being a cause of action subject to proceedings at the time of that application;

and

(*e*) no civil or criminal liability shall be incurred by virtue of that application in respect of any act or omission before that application.

Amendment of s. 11—Powers and functions of Commissioner under this Act.

7. Section 11 of the principal Act is amended by inserting in subsection (2) after the word "residential" the word "tenancy".

Amendment of s. 14— Residential Tenancies Tribunal.

8. Section 14 of the principal Act is amended by inserting after subsection (2) the following subsections:

(2a) The Governor may appoint a member of the Tribunal who is a legal practitioner to be Chairman of the Tribunal.

(2b) The office of the Chairman of the Tribunal may be held in conjunction with any office in the Public Service of the State.

Amendment of s. 16— Registrars.

9. Section 16 of the principal Act is amended by striking out from subsection (1) the passage "legal practitioner to be the registrar and any person to be" and substituting the passage "person to be the registrar or".

Amendment of s. 17— Registrar may exercise jurisdiction of Tribunal in certain matters.

10. Section 17 of the principal Act is amended by inserting after the passage "directions of" the passage "the Chairman of".

Amendment of s. 19— Declared areas.

11. Section 19 of the principal Act is amended—

(*a*) by striking out from subsection (1) the word "Attorney-General" and substituting the word "Minister";

(*b*) by striking out from subsection (2) the word "Attorney-General" and substituting the word "Minister";

and

(*c*) by striking out from subsection (3) the word "Attorney-General" and substituting the word "Minister".

Amendment of s. 20— Constitution and times and places for proceedings of Tribunal.

12. Section 20 of the principal Act is amended—

(*a*) by striking out from subsection (1) the passage "by one member of the Tribunal" and substituting the passage "by one or more members of the Tribunal at the direction of the Chairman of the Tribunal";

(*b*) by striking out subsection (4);

and

(*c*) by striking out from subsection (5) the word "Attorney-General" and substituting the word "Minister".

Amendment of s. 22— Powers of Tribunal.

13. Section 22 of the principal Act is amended—

(*a*) by inserting in subsection (1) after the passage "residential tenancy agreement" the passage "or a party to an agreement for an option to enter into a residential tenancy agreement";

and

(*b*) by striking out from subsection (4) the passage "cause a certificate of that order in the prescribed form to" and substituting the passage "issue a certificate of the order in the prescribed form which certificate may".

Insertion of new s. 22a.

14. The following section is inserted after section 22 of the principal Act:

Application to vary or set aside order.

22a. (1) A person who is or was a party to any proceedings before the Tribunal may apply to the Tribunal for an order varying or setting aside an order made in those proceedings.

(2) An application to vary or set aside an order, other than an order under section 91, must be made within three months of the making of the order.

Amendment of s. 23— Application to Tribunal.

15. Section 23 of the principal Act is amended by inserting in paragraph (*c*) of subsection (1) after the word "fee" the passage "if any".

Repeal of s. 30 and substitution of new section.

16. Section 30 of the principal Act is repealed and the following section is substituted:

Consideration for tenancy agreement to be rent and security bond only.

30. (1) Subject to subsection (2), a person shall not require or receive from a tenant or prospective tenant any monetary consideration for or in relation to entering into, renewing, extending or continuing a residential tenancy agreement other than rent and a security bond.
Penalty: Two hundred dollars.

(2) Subsection (1) does not apply to—

(*a*) any amount required or received as consideration for an option to enter into a residential tenancy agreement if, upon the option being exercised, the amount is refunded or applied towards the rent payable under the agreement;

(*b*) any amount that the landlord is authorized by any other provision of this Act to require or receive;

or

(*c*) any payment of a prescribed class.

Amendment of s. 31— Rent in advance.

17. Section 31 of the principal Act is amended by inserting after its present contents (now to be designated as subsection (1)) the following subsection:

(2) A person shall not require any payment of rent (other than the first payment) under a residential tenancy agreement until the period of the tenancy in respect of which any previous payment has been made has elapsed.

Penalty: Two hundred dollars.

Amendment of s. 32— Security bond.

18. Section 32 of the principal Act is amended—

(*a*) by striking out from paragraph (*b*) of subsection (1) the word "three" and substituting the word "four";

and

(*b*) by inserting after subsection (1) the following subsections:

(1a) Subsection (1) (*b*) does not apply in relation to a residential tenancy agreement where the weekly rate of rent payable under the agreement exceeds the prescribed amount.

(1b) Where, during the period of six months after the day on which the tenancy under a residential tenancy agreement commenced, the rent payable under the agreement decreases or is decreased, the amount paid in excess of the lower or, as the case may be, lowest rate of rent payable under the agreement during that period shall be deemed to have been paid as a security bond.

Amendment of s. 33— Payment of security bonds by Tribunal to landlord or tenant.

19. Section 33 of the principal Act is amended—

(*a*) by striking out from subsection (3) the passage "subsection (4) of";

(*b*) by inserting after subsection (3) the following subsections:

(3a) Where a person makes an application under subsection (3), the provisions of section 23 (2) shall not apply but the Tribunal shall give to the other party to the residential tenancy agreement notice in writing of the application inviting him to indicate by notice in writing in the prescribed form lodged with the Tribunal within ten days after service of the Tribunal's notice whether he intends to dispute the application.

(3b) Notwithstanding any other provisions of this Act, where—

(*a*) a person makes an application under subsection (3) and notice has been given to the other party in accordance with subsection (3a);

and

(*b*) that other party does not within ten days after service of that notice lodge with the Tribunal a notice in writing in the prescribed form indicating that he intends to dispute the application,

the Tribunal may, without conducting a formal hearing, order payment in accordance with the application.

(3c) If the other party indicates in the manner referred to in subsection (3b) that he intends to dispute the application, section 23 (2) and the other provisions of this Act relating to proceedings of the Tribunal shall thereupon apply in relation to the application.

Amendment of s. 34— Variation of rent.

20. Section 34 of the principal Act is amended by inserting after subsection (2) the following subsection:

(2a) Notwithstanding the provisions of this section, where—

(*a*) the maximum rent payable in respect of premises subject to a residential tenancy agreement is fixed by a notice under Part VII of the Housing Improvement Act, 1940-1978;

and

(*b*) that notice is revoked pursuant to the provisions of that Act,

the rent payable by the tenant in respect of the premises may be increased by the landlord by notice in writing to the tenant specifying the amount

of the increased rent and the day as from which the increased rent becomes payable, if—

(*c*) the notice is given not more than sixty days after the day on which the notice referred to in paragraph (*a*) was so revoked;

and

(*d*) the day specified in the notice is not less than fourteen days after the day on which the notice is given.

Amendment of s. 35—Increase in security bond.

21. Section 35 of the principal Act is amended by striking out from subsection (2) the word "three" and substituting the word "four".

Amendment of s. 37—Duty to give receipt for rent.

22. Section 37 of the principal Act is amended by inserting after subsection (1) the following subsection:

(1a) Subsection (1) does not apply in relation to rent paid pursuant to an agreement between the landlord and tenant into an account at a bank, building society or other similar body nominated by the landlord.

Repeal of s. 39 and substitution of new section.

23. Section 39 of the principal Act is repealed and the following section is substituted:

Payment of rent by post-dated cheques, etc., prohibited.

39. No person shall require a post-dated cheque or other negotiable instrument that is post-dated in payment of rent under a residential tenancy agreement.

Penalty: Two hundred dollars.

Amendment of s. 48—Locks.

24. Section 48 of the principal Act is amended by inserting after subsection (2) the following subsections:

(3) Where an agent of a landlord, without reasonable excuse, alters, removes or adds a lock or device without the consent of the tenant given at, or immediately before, the time that the alteration, removal or addition is carried out, the agent shall, in addition to any civil liability that he might incur by so doing, be guilty of an offence and liable to a penalty not exceeding two hundred dollars.

(4) The liability of an agent under subsection (3) shall be in addition to any liability of the landlord in respect of the actions of the agent.

Amendment of s. 50—Right of tenant to affix and remove fixtures, etc.

25. Section 50 of the principal Act is amended by inserting before paragraph (*a*) the following paragraphs:

(*aa*) that the tenant shall not, without the landlord's written consent, affix any fixture or make any renovation, alteration or addition to the premises, unless the agreement so provides;

(*aab*) that the landlord shall not unreasonably withhold his consent;.

Amendment of s. 52—Right of tenant to assign or sub-let.

26. Section 52 of the principal Act is amended by striking out subsection (2).

Amendment of s. 56—Landlord or agent to deliver copy of written residential tenancy agreement to tenant.

27. Section 56 of the principal Act is amended—

(*a*) by inserting in subsection (1) after the word "landlord" the passage "or agent of a landlord";

and

(*b*) by inserting in subsection (2) after the word "landlord", twice occurring, in each case, the passage "or agent of a landlord".

Amendment of s. 58—Discrimination against tenants with children.

28. Section 58 of the principal Act is amended by striking out subsections (3) and (4).

Amendment of s. 59—Accelerated rent and liquidated damages prohibited.

29. Section 59 of the principal Act is amended by inserting after its present contents (now to be designated as subsection (1)) the following subsection:

(2) Where a residential tenancy agreement provides that, if the tenant does not breach the agreement to pay rent or any other term of the residential tenancy agreement or any provision of this Act or any other Act, the rent shall or may be decreased or the tenant shall or may be granted or paid a rebate, refund or other benefit, the residential tenancy agreement shall be deemed to have been varied from the commencement of the tenancy so that the tenant is entitled to the reduction, rebate, refund or other benefit in any event and the landlord shall be guilty of an offence and liable to a penalty not exceeding five hundred dollars.

Amendment of s. 61—Termination of residential tenancy agreements.

30. Section 61 of the principal Act is amended by inserting after paragraph (*a*) of subsection (1) the following paragraph:

(*ab*) in relation to a tenancy for a fixed term, where the term expires and—

(i) the tenant delivers up vacant possession of the premises on or after the expiration of the term;

or

(ii) the Tribunal, upon application by the landlord, terminates the agreement under section 73a;.

Amendment of s. 64—Notice of termination by landlord upon ground that possession required for certain purposes.

31. Section 64 of the principal Act is amended—

(*a*) by inserting after paragraph (*c*) of subsection (1) the following paragraph:

(*ca*) that he has entered into a contract for sale of the premises under which he is required to give vacant possession of the premises;;

(*b*) by striking out subsection (3);

(*c*) by inserting in subsection (4) after the word "landlord" the passage "or agent of a landlord";

and

(*d*) by inserting after subsection (6) the following subsection:

(7) This section does not apply in relation to a residential tenancy agreement that creates a tenancy for a fixed term during the currency of that term.

Amendment of s. 65—Notice of termination by landlord without any ground.

32. Section 65 of the principal Act is amended by striking out subsection (3) and substituting the following subsection:

(3) This section does not apply in relation to a residential tenancy agreement that creates a tenancy for a fixed term during the currency of that term.

Amendment of s. 70—Notice of termination by tenant.

33. Section 70 of the principal Act is amended by striking out subsection (3) and substituting the following subsection:

(3) This section does not apply in relation to a residential tenancy agreement that creates a tenancy for a fixed term during the currency of that term.

Insertion of new s. 72a.

34. The following section is inserted after section 72 of the principal Act:

Duty of landlords to notify registrar of short fixed term tenancies.

72a. The landlord under a residential tenancy agreement that creates a tenancy for a fixed term of less than one hundred and twenty days shall, within fourteen days after entering into the agreement, notify the registrar of the Tribunal, or cause the registrar to be notified, in writing of—

(*a*) the names and addresses of the parties to the agreement;

(*b*) the address of the premises subject to the agreement;

and

(*c*) the first and last days of the term of the tenancy.

Penalty: Two hundred dollars.

Insertion of new s. 73a.

35. The following section is inserted after section 73 of the principal Act:

Application to Tribunal for termination and order for possession in relation to fixed term agreements.

73a. (1) Where a residential tenancy agreement creates a tenancy for a fixed term and the tenant fails to deliver up possession of the premises or or after the expiration of the term, the landlord may, within thirty days after the expiration of the term, apply to the Tribunal for an order terminating the agreement and an order for possession of the premises.

(2) Subject to this section, the Tribunal shall, upon application under this section, make an order terminating the agreement and an order for possession of the premises.

(3) Notwithstanding the provisions of subsection (2), except where the premises the subject of the agreement are the principal place of residence of the landlord, the Tribunal—

(*a*) may suspend the operation of orders under that subsection for a period not exceeding ninety days, if it is satisfied that it is desirable to do so having regard to the relative hardship that would be caused—

(i) to the landlord by suspending the orders;

or

(ii) to the tenant by not suspending the orders;

and

(*b*) shall refuse to make the orders under that subsection where the term of the tenancy under the agreement is less than one hundred and twenty days unless it is satisfied—

(i) that the landlord genuinely proposed, at the time that he entered into the agreement, to use the premises after the expiration of the term for purposes inconsistent with the tenant continuing to occupy the premises;

or

(ii) that the tenant of his own initiative sought a tenancy of a term of less than one hundred and twenty days.

(4) Subject to subsection (3) (*a*), where the Tribunal terminates an agreement and makes an order for possession of the premises under this section, the Tribunal shall specify the day as from which the orders shall operate, being not more than seven days after the day on which the orders are made.

(5) The Limitation of Actions Act, 1936-1975, does not apply to or in relation to an application under this section.

Insertion of new s. 79a.

36. The following section is inserted after section 79 of the principal Act:

Abandoned goods.

79a. (1) Where a residential tenancy agreement is terminated and goods are left on the premises that were subject to the agreement, the former landlord may, after the expiration of two days from the termination of the agreement, remove and destroy or dispose of the goods if—

(*a*) the goods are perishable foodstuffs;

or

(*b*) the value of the goods is less than the total estimated cost of the removal, storage and sale of the goods.

(2) Where a residential tenancy agreement is terminated and goods are left on the premises that were subject to the agreement and have not been removed for destruction or disposal under subsection (1), the former landlord shall store them in a safe place and manner for a period of not less than sixty days.

(3) A former landlord shall before the expiration of seven days after he has stored goods under subsection (2)—

(*a*) where the former tenant has informed him of his forwarding address—send a notice to the tenant at that address in or to the effect of the form prescribed for the purposes of this paragraph;

and

(*b*) cause a notice in or to the effect of the form prescribed for the purposes of this paragraph to be inserted in a newspaper circulating generally throughout the State.

(4) At the request of a former landlord, the Commissioner may state in writing whether or not in his opinion there are reasonable grounds for believing that subsection (1) applies in respect of particular goods.

(5) Where a former landlord has been found liable to the owner of goods in respect of the removal, destruction or disposal of the goods, being goods that were left on premises that were subject to a former residential tenancy agreement, and it is proved that he removed and destroyed or disposed of the goods in reliance upon a statement of the Commissioner under subsection (4), the former landlord shall be entitled to be paid from the Fund an amount equal to the amount in respect of which he has been found liable.

(6) Where—

(*a*) a residential tenancy agreement has been terminated;

(*b*) goods have been left on the premises that were subject to the agreement;

(*c*) at the request of the former landlord, the Commissioner has made a statement in writing that in his opinion there are reasonable grounds for believing that subsection (1) does not apply to the goods;

and

(*d*) the total cost of removing, storing and selling the goods does in fact exceed the value of the goods,

the Tribunal may on application by the former landlord make an order for the payment to him out of the Fund of an amount equal to the difference between the value of the goods and the reasonable cost of removal, storage and sale.

(7) A person who has a lawful right to goods removed and stored under subsection (2) may at any time before the goods are sold under subsection (8) reclaim the goods upon paying to the former landlord the reasonable costs of the removal and storage of the goods.

(8) Where goods are stored under subsection (2) and have not been reclaimed within sixty days after the day on which they were removed and stored, the landlord shall as soon as practicable after the expiration of that period cause them to be sold by public auction.

(9) If goods are stored, removed and sold by public auction under this section, the landlord is entitled to retain out of the proceeds of the sale the reasonable costs of removing, storing and selling the goods.

(10) Where goods have been sold under this section by a former landlord, the former landlord may, upon application containing the prescribed information, pay to the Tribunal an amount that the Tribunal is satisfied represents the balance of the proceeds of the sale after deduction of any amount to which the former landlord is entitled under subsection (9) and any amount which he is owed under the former residential tenancy agreement, and, where such payment is made, the receipt of the Tribunal for the moneys paid shall be a sufficient discharge to the former landlord of his liability in respect of the moneys.

(11) Any moneys paid to the Tribunal under subsection (10) shall be paid into the Fund.

(12) Where any application is made to the Tribunal by any person claiming any amount paid into the Fund under this section, the Tribunal may, upon being satisfied that the person is entitled to the amount, order that the amount be paid to him.

(13) Where goods are sold by public auction under this section, the purchaser shall, unless he has actual notice of any interest in the goods of any person other than the former tenant, acquire a good title to the goods in defeasance of any such interest.

(14) A former landlord shall not incur any liability—

(*a*) in respect of the removal, destruction or disposal of goods under subsection (1);

or

(*b*) in respect of the removal, storage or sale under this section of goods to which subsection (1) does not apply, except liability for intentional or negligent damage to the goods or where he has actual notice of any interest in the goods of any person other than the former tenant and fails to take all reasonable steps to notify that person of the whereabouts of the goods and afford that person a reasonable opportunity to reclaim the goods.

(15) Where a dispute arises between a former landlord and a former tenant in respect of goods to which this section applies, the Tribunal may, upon application by such person, order the payment of any amount or make such other order as the Tribunal considers appropriate in the circumstances.

Amendment of s. 80—Recovery of premises by peaceable entry prohibited.

37. Section 80 of the principal Act is amended by striking out the passage "order of a court of" and substituting the passage "order of a court or".

Amendment of s. 82—Bailiffs.

38. Section 82 of the principal Act is amended by inserting after subsection (2) the following subsection:

(3) A bailiff of the Tribunal shall be entitled to receive such remuneration and expenses as the Minister may determine.

Amendment of s. 84—Residential Tenancies Fund.

39. Section 84 of the principal Act is amended by striking out subsection (1) and substituting the following subsection:

(1) The fund entitled the "Residential Tenancies Fund" shall be kept and administered by the Commissioner.

Amendment of s. 86—Application of income derived from investment of Fund.

40. Section 86 of the principal Act is amended—

(*a*) by inserting before paragraph (*a*) the following paragraph:

(*aa*) in making any payment required to be made from the Fund under section 79a;;

and

(*b*) by striking out from paragraph (*c*) the passage "the Fund" and substituting the passage "this Act".

Amendment of s. 87—Accounts.

41. Section 87 of the principal Act is amended by striking out from subsection (1) the passage "registrar of the Tribunal" and substituting the word "Commissioner".

Amendment of s. 88—Annual report.

42. Section 88 of the principal Act is amended—

(*a*) by striking out from subsection (1) the passage "registrar of the Tribunal" and substituting the word "Commissioner";

and

(*b*) by striking out from subsection (2) the word "registrar" and substituting the word "Commissioner".

Amendment of s. 93—Service.

43. Section 93 of the principal Act is amended by inserting in subsection (4) after the passage "agent of the landlord" the passage ", to any person apparently over the age of sixteen years apparently residing at the place of residence of the landlord".

Amendment of s. 94—Summary proceedings.

44. Section 94 of the principal Act is amended by inserting after its present contents (now to be designated subsection (1)) the following subsection:

(2) Proceedings in respect of an offence against this Act may be commenced at any time within two years of the day on which the offence is alleged to have been committed.

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

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No. 34 of 1981

An Act to amend the Supreme Court Act, 1935-1980, the Judges' Pensions Act, 1971-1974, the Local and District Criminal Courts Act, 1926-1980, the Justices Act, 1921-1980, the Oaths Act, 1936-1969, the Planning and Development Act, 1966-1980, the City of Adelaide Development Control Act, 1976-1978, the Builders Licensing Act, 1967-1980, the Local Government Act, 1934-1980, the Water Resources Act, 1976-1979, the Motor Fuel Distribution Act, 1973-1979, the Superannuation Act, 1974-1980, and the Police Regulation Act, 1952-1975.

[*Assented to* 19 *March* 1981]

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

Short title.

1. This Act may be cited as the "Statutes Amendment (Administration of Courts and Tribunals) Act, 1981".

Commencement.

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

Arrangement of Act.

3. This Act is arranged as follows:

PART I—PRELIMINARY

PART II—AMENDMENT OF SUPREME COURT ACT, 1935-1980

PART III—AMENDMENT OF JUDGES' PENSIONS ACT, 1971-1974

PART IV—AMENDMENT OF LOCAL AND DISTRICT CRIMINAL COURTS ACT, 1926-1980

PART V—AMENDMENT OF JUSTICES ACT, 1921-1980

PART VI—AMENDMENT OF OATHS ACT, 1936-1969

PART VII—AMENDMENT OF PLANNING AND DEVELOPMENT ACT, 1966-1980

PART VIII—AMENDMENT OF CITY OF ADELAIDE DEVELOPMENT CONTROL ACT, 1976-1978

PART IX—AMENDMENT OF BUILDERS LICENSING ACT, 1967-1980

PART X—AMENDMENT OF LOCAL GOVERNMENT ACT, 1934-1980

PART XI—AMENDMENT OF WATER RESOURCES ACT, 1976-1979

PART XII—AMENDMENT OF MOTOR FUEL DISTRIBUTION ACT, 1973-1979

PART XIII—AMENDMENT OF SUPERANNUATION ACT, 1974-1980

PART XIV—AMENDMENT OF POLICE REGULATION ACT, 1952-1975

PART II

AMENDMENT OF SUPREME COURT ACT, 1935-1980

Short titles.

4. (1) The Supreme Court Act, 1935-1980, is in this Part referred to as "the principal Act".

(2) The principal Act, as amended by this Part, may be cited as the "Supreme Court Act, 1935-1981".

Amendment of s. 2—Arrangement of Act.

5. Section 2 of the principal Act is amended by striking out the item:

PART VI—The Master and Officers of the court

and substituting the item:

PART VI—Officers of the court.

Amendment of s. 5—Interpretation.

6. Section 5 of the principal Act is amended—

(*a*) by striking out the definition of "jurisdiction" and substituting the following definition:

"jurisdiction" of the court includes powers and authorities (whether of a judicial, ministerial or administrative nature) vested in the court, a judge, or a master by law or custom:;

(*b*) by striking out the definition of "master" and substituting the following definition:

"master" means a person holding the office of master of the court:;

(*c*) by inserting after the definition of "pleading" the following definition:

"registrar" means a person holding, or acting in, the office of registrar of the court:;

(*d*) by striking out the definition of "suitors' funds" and substituting the following definition:

"suitors' funds" means moneys in the custody or charge of the court that have been paid into the court for or on account of, or to the use or credit of, any person in a cause or matter, and includes interest and accretions upon any such moneys:;

and

(*e*) by inserting after its present contents as amended by this section (now to be designated as subsection (1)) the following subsection:

(2) Subject to the rules of court, a reference in an Act, or in any regulation, by-law, or instrument made under an Act, to the master or a deputy master of the court shall—

(*a*) where the reference occurs in connection with the performance of an act of a judicial nature—be construed as a reference to a master;

and

(*b*) where the reference occurs in connection with the performance of an act of an administrative nature—be construed as a reference to the registrar.

Repeal of s. 7 and substitution of new section.

7. Section 7 of the principal Act is repealed and the following section is substituted:

Constituent members of the court.

7. (1) The court shall be constituted of the Chief Justice, the puisne judges and the masters appointed, and for the time being holding office, under this Act.

(2) Subject to any express provision in this or any other Act, all the judges shall have, in all respects, equal power, authority and jurisdiction and the masters shall have power, authority and jurisdiction to the extent authorized by this or any other Act or by rules of court made under this or any other Act.

(3) The puisne judges shall be styled "Justices of the Supreme Court of South Australia".

Amendment of s. 8—Qualifications for appointment as judges and masters.

8. Section 8 of the principal Act is amended by inserting after subsection (2) the following subsection:

(3) No person shall be qualified for appointment as a master unless he is a practitioner of the court of not less than seven years standing.

9. Section 9 of the principal Act is repealed and the following section is substituted: Repeal of s. 9 and substitution of new section.

9. (1) Whenever necessary, the Governor shall appoint a qualified person to hold the office of judge of the court with the tenure prescribed by the Constitution Act, 1934-1980, but subject to the provisions of this Act as to retirement. Appointments to the court.

(2) Appointments to the office of master shall be made by the Governor whenever necessary.

(3) Subject to the provisions of this Act as to retirement, the commission of a master shall remain in full force during his good behaviour but the Governor may, upon the address of both Houses of Parliament, remove a master from office and revoke his commission.

10. Section 11 of the principal Act is repealed and the following section is substituted: Repeal of s. 11 and substitution of new section.

11. (1) If a judge or master is on leave, or unable to discharge the duties of his office, the Governor may appoint a suitable person to act in the place of that judge or master. Acting judges and acting masters.

(2) The jurisdiction of the court is exercisable by an acting judge to the same extent as by a judge, and by an acting master to the same extent as by a master.

(3) An acting judge or acting master has the same privileges and immunities as a judge or master.

(4) Where the judge or master in whose place an acting judge or acting master was appointed dies or resigns, or if there is any other reason for extending the appointment of an acting judge or acting master, the Governor may extend the appointment of the acting judge or acting master for such period as he thinks proper.

(5) An acting judge or an acting master may, notwithstanding the expiration of the period of his appointment, complete the hearing of any proceedings part-heard by him before the expiration of that period and, in relation to any such proceedings, shall be deemed to continue as an acting judge, or acting master.

11. Section 12 of the principal Act is repealed and the following section is substituted: Repeal of s. 12 and substitution of new section.

12. (1) Subject to this section, the salary of— Salaries of judges and masters of the court.

(*a*) the Chief Justice;

(*b*) a puisne judge;

or

(*c*) a master,

shall be such as is determined, from time to time, by the Governor in relation to the relevant office.

(2) A salary determined under this section shall not be reduced by subsequent determination.

(3) The salaries payable to the judges and masters of the court shall be paid out of the General Revenue of the State, which is appropriated to the necessary extent.

Repeal of s. 13a and substitution of new sections.

12. Section 13a of the principal Act is repealed and the following sections are substituted:

Retirement of judges and masters.

13a. (1) A judge or master shall retire on reaching the age of seventy years.

(2) Section 74 of the Constitution Act, 1934-1980, shall be read subject to this section.

(3) A judge or master who retires or resigns may nevertheless complete the hearing and determination of proceedings part-heard by him before his retirement or resignation and, in relation to any such proceedings, shall be deemed to continue as a judge or master (as the case may require).

Conditions of service of certain masters.

13b. (1) Subject to this section, the rights of a master to whom this section applies to recreation leave, sick leave, long service leave or leave of any other kind shall be determined as if he were an officer appointed under the Public Service Act, 1967-1978, and for the purpose of determining those rights his service before and after the commencement of the Statutes Amendment (Administration of Courts and Tribunals) Act, 1981, shall be regarded as a single continuous period of service.

(2) A master to whom this section applies shall be deemed to be an employee within the meaning, and for the purposes, of the Superannuation Act, 1974-1980.

(3) A master to whom this section applies shall not be entitled to long service leave or payment in lieu of long service leave in respect of service after he reaches the age of sixty-five years.

(4) Any rights under the Superannuation Act, 1974-1980, of or relating to a master who continues in office after reaching the age of sixty-five years shall be determined upon his retirement or death (as the case may require), as if he had retired or died upon attaining the age of sixty-five years.

(5) This section applies to a master who was, immediately before the commencement of the Statutes Amendment (Administration of Courts and Tribunals) Act, 1981, the master or a deputy master of the court.

Amendment of s. 14— Certain interests not to disqualify.

13. Section 14 of the principal Act is amended by inserting after the word "judge" the passage "or master".

Amendment of s. 15— Seal of court.

14. Section 15 of the principal Act is amended by striking out from subsection (1) the passage "the chief officer of the court for the time being" and substituting the passage "the registrar".

Amendment of s. 47— Power to sit in several jurisdictions at one time.

15. Section 47 of the principal Act is amended by striking out the passage "in two divisions" and substituting the passage "in more than one division".

Amendment of s. 48— Jurisdiction of Full Court, single judge and master.

16. Section 48 of the principal Act is amended by inserting after paragraph (2) of the proviso the following paragraph:

(3) The jurisdiction of the court may be exercised by a master to the extent authorized by this Act or any other Act, or by rules of court made under this Act or any other Act.

Amendment of s. 50—Appeals against decisions of judges and masters.

17. Section 50 of the principal Act is amended by inserting after its present contents (now to be designated as subsection (1)) the following subsection:

(2) Subject to the rules of court, an appeal shall lie to a judge against a judgment, order, direction or decision of a master.

Amendment of s. 62h—Rules of court.

18. Section 62h of the principal Act is amended by striking out subsections (3) and (3a) and substituting the following subsections:

(3) The rules may confer or impose on the registrar such powers, authorities, functions and duties in relation to the administration of the business of the court as may be necessary or expedient for the purposes of this Part.

(3a) A master may exercise such jurisdiction of the court as may be conferred on him by the rules.

(3b) Subject to the rules, an appeal from a judgment, order, direction or decision of a master made in the exercise of a jurisdiction conferred by the rules shall lie to a judge upon whom the jurisdiction of the court has been conferred.

Amendment of s. 72—Rules of court.

19. Section 72 of the principal Act is amended by striking out from paragraph IV of subsection (1) the passage "the master" wherever it occurs and substituting, in each case, the passage "a master".

Repeal of heading to Part VI and substitution of new heading.

20. The heading to Part VI of the principal Act is repealed and the following heading is substituted:

PART VI

OFFICERS OF THE COURT

Repeal of heading and ss. 82 and 83 and substitution of new heading and section.

21. Sections 82 and 83 of the principal Act and the heading immediately preceding section 82 are repealed and the following heading and section are substituted:

The Registrar

The registrar.

82. (1) There shall be a registrar of the court.

(2) The registrar shall be appointed and shall hold office subject to, and in accordance with, the Public Service Act, 1967-1978, but no registrar shall be appointed, dismissed or reduced in status, nor shall the office of registrar be abolished, except upon the recommendation, or with the concurrence, of the Chief Justice.

(3) The registrar shall be the principal administrative officer of the court and shall have such functions and duties as are assigned to him—

(*a*) by this Act or any other Act or by rules of court under this Act or any other Act;

or

(*b*) by the Chief Justice.

(4) The registrar shall, in relation to the performance and discharge of his functions and duties (so far as they relate to the business of the court), be subject to the control and direction of the Chief Justice.

Amendment of s. 84—Appointment of sheriff and officers.

22. Section 84 of the principal Act is amended by striking out from subsection (2) the passage ", unless the Governor otherwise determines,".

Amendment of s. 106—Appointment of tipstaves.

23. Section 106 of the principal Act is amended by inserting in subsection (1) after the word "may" the passage ", on the recommendation of the Chief Justice,".

Amendment of s. 109—Appointment of officers.

24. Section 109 of the principal Act is amended by inserting in subsection (2) after the word "Governor" the passage "on the recommendation of the Chief Justice".

Consequential amendments.

25. The principal Act is amended—

(*a*) by striking out from section 119 the word "master" and substituting the word "registrar";

(*b*) by striking out from section 120 the word "master" and substituting the word "registrar";

(*c*) by striking out from section 121 (2) the word "master" and substituting the word "registrar";

(*d*) by striking out from section 124 the word "master" and substituting the word "registrar";

(*e*) by striking out from section 125 the word "master" wherever it occurs and substituting, in each case, the word "registrar";

(*f*) by striking out from section 126 the passage "the term master shall not include the deputy master, but the master" and substituting the passage "the term registrar shall not include an acting registrar, but the registrar";

(*g*) by striking out from section 126 the passage "appointed by him in writing under his hand" and substituting the passage "of the registrar appointed by the Chief Justice";

(*h*) by striking out from section 127 (*d*) the word "master" and substituting the word "registrar";

and

(*i*) by striking out from section 128 (1) the word "master" and substituting the word "registrar".

PART III

AMENDMENT OF JUDGES' PENSIONS ACT, 1971-1974

Short titles.

26. (1) The Judges' Pensions Act, 1971-1974, is in this Part referred to as "the principal Act".

(2) The principal Act, as amended by this Part, may be cited as the "Judges' Pensions Act, 1971-1981".

Amendment of s. 4—Interpretation.

27. Section 4 of the principal Act is amended by inserting after paragraph (*a*) of the definition of "Judge" the following paragraph:

(*ab*) a Master of the Supreme Court (not being a person who, immediately before the commencement of the Statutes Amendment (Administration of Courts and Tribunals) Act, 1981, held office as the master, or a deputy master of that Court);.

PART IV

AMENDMENT OF LOCAL AND DISTRICT CRIMINAL COURTS ACT, 1926-1980

Short titles.

28. (1) The Local and District Criminal Courts Act, 1926-1980, is in this Part referred to as "the principal Act".

(2) The principal Act, as amended by this Part, may be cited as the "Local and District Criminal Courts Act, 1926-1981".

Amendment of s. 4—Interpretation.

29. Section 4 of the principal Act is amended—

(*a*) by inserting after the definition of "Judge" in subsection (1) the following definition:

"Registrar" means the person for the time being holding, or acting in, the office of Registrar of Courts of Subordinate Jurisdiction:;

(*b*) by inserting in subsection (3) before the definition of "district" the following definition:

"clerk of arraigns" means the chief clerk of arraigns or any other clerk of arraigns:;

(*c*) by striking out from the definition of "officer" in subsection (3) the passage "the Principal Registrar or Assistant Registrar or any other" and substituting the word "any";

and

(*d*) by striking out from subsection (3) the definition of "Registrar".

Amendment of s. 5—Arrangement of Act.

30. Section 5 of the principal Act is amended by inserting after the item:

PART BI—Appointment to judicial office

the item:

PART CI—The Registrar.

Amendment of s. 5a—Transitional provision.

31. Section 5a of the principal Act is amended by striking out subsections (2) and (3).

Insertion of new s. 5ab.

Local courts of full jurisdiction, and district criminal courts to be known in future as "district courts".

32. The following section is inserted after section 5a:

5ab. (1) After the commencement of the Statutes Amendment (Administration of Courts and Tribunals) Act, 1981—

(*a*) each local court to which full jurisdiction has been assigned shall, insofar as it is a local court of full jurisdiction, be known as a "District Court";

and

(*b*) each District Criminal Court shall be known as a "District Court".

(2) Instruments shall be read and construed subject to such modifications as are necessary to accommodate the change in nomenclature effected by this section.

(3) This section applies only to nomenclature and does not affect—

(*a*) the constitution, jurisdiction or powers of any court;

(*b*) any proeeedings before a court;

or

(*c*) (except as provided in subsection (2)) the operation of any instrument.

(4) In this section—

"instrument" means this or any other Act, any proclamation, regulation, rule, by-law, judgment, order, writ, summons, warrant, or other instrument.

Amendment of s. 5b—Appointment to judicial office, etc.

33. Section 5b of the principal Act is amended—

(*a*) by inserting at the end of subsection (2) the passage "or "District Court Judge" ";

and

(*b*) by striking out subsection (7) and substituting the following subsection:

(7) Subject to the provisions of this or any other Act, the Senior Judge may make such administrative or other arrangements as are necessary or expedient for the hearing and determination of proceedings—

(*a*) in local courts and district criminal courts;

and

(*b*) before courts (not being courts of summary jurisdiction), boards or tribunals—

(i) that are to be constituted of a Judge or of either a Judge or a special magistrate;

or

(ii) the presiding officer of which is to be a Judge, or either a Judge or a special magistrate.

Amendment of s. 5c—Acting Judge.

34. Section 5c of the principal Act is amended by inserting at the end of subsection (2) the passage "or "Acting District Court Judge" ".

Insertion of new Part CI.

35. The following Part is inserted after Part BI of the principal Act:

PART CI

THE REGISTRAR

The Registrar.

5m. (1) There shall be a Registrar of Courts of Subordinate Jurisdiction.

(2) The Registrar shall be appointed and shall hold office subject to, and in accordance with, the Public Service Act, 1967-1978, but no Registrar shall be appointed, dismissed or reduced in status except upon the recommendation, or with the concurrence, of the Senior Judge.

(3) The Registrar shall be the principal administrative officer of the courts constituted under this Act, and shall have such functions and duties as are assigned to him—

(*a*) by this Act or any other Act or by rules of court made under this Act or any other Act;

or

(*b*) by the Senior Judge.

(4) The Registrar shall, in relation to the performance and discharge of his functions and duties (so far as they relate to the business of courts, boards or tribunals in respect of which functions and duties are assigned to him by or under subsection (3)), be subject to the control and direction of the Senior Judge.

Consequential amendments.

36. The principal Act is amended—

(*a*) by striking out from section 321 (1) (*c*) the passage "the Registrars" and substituting the passage "the clerks of arraigns";

(*b*) by striking out from the heading immediately preceding section 324 the passage "PRINCIPAL REGISTRAR" and substituting the passage "THE CLERKS OF ARRAIGNS";

(*c*) by striking out from section 324 (1) the passage "a Principal Registrar of District Criminal Courts and such assistant registrars" and substituting the passage "a chief clerk of arraigns and such other clerks of arraigns";

(*d*) by striking out from section 324 (4) the passage "the Senior Judge or (in the absence of any direction by him) any other Judge" and substituting the passage "the Registrar";

(*e*) by striking out section 325 and substituting the following section:

Offices of clerks of arraigns.

325. The chief clerk of arraigns shall have his office in Adelaide and the various other clerks of arraigns shall have their respective offices at such places as are appointed from time to time by the Registrar.;

(*f*) by striking out from section 326 (1) the passage "The Registrar shall, with respect to the District Criminal Court of which he is an officer, and subject to the directions of the Senior Judge or, in any particular case, the presiding Judge" and substituting the passage "a clerk of arraigns shall, with respect to any District Criminal Court of which he is an officer, and subject to the directions of the Registrar or a Judge";

(*g*) by striking out from section 326 (2) the passage "the Registrar of that court" and substituting the passage "a clerk of arraigns";

(*h*) by striking out subsection (1) of section 332;

and

(*i*) by striking out from section 333 (6) (*a*) the passage ", or Registrar,".

PART V

AMENDMENT OF JUSTICES ACT, 1921-1980

Short titles.

37. (1) The Justices Act, 1921-1980, is in this Part referred to as "the principal Act".

(2) The principal Act, as amended by this Part, may be cited as the "Justices Act, 1921-1981".

Amendment of s. 4—Interpretation.

38. Section 4 of the principal Act is amended by inserting before the definition of "Senior Judge" the following definition:

"the senior magistrate" means a senior special magistrate for the time being designated by the Governor as the Senior magistrate:.

39. The following section is inserted after section 9 of the principal Act: Insertion of new s. 9a.

9a. (1) In this section— The Registrar.

"the Registrar" means the person for the time being holding, or acting in, the office of Registrar of Courts of Subordinate Jurisdiction under the Local and District Criminal Courts Act, 1926-1981.

(2) The Registrar shall be the principal administrative officer of the courts constituted under this Act, and shall have such functions and duties as are assigned to him—

(*a*) by this Act or any other Act or by rules of court made under this Act or any other Act;

or

(*b*) by the senior magistrate.

(3) The Registrar shall, in relation to the performance and discharge of his functions and duties (so far as they relate to the business of courts constituted under this Act), be subject to the control and direction of the senior magistrate.

PART VI

AMENDMENT OF OATHS ACT, 1936-1969

40. (1) The Oaths Act, 1936-1969, is in this Part referred to as "the principal Act". Short titles.

(2) The principal Act, as amended by this Part, may be cited as the "Oaths Act, 1936-1981".

41. Section 7 of the principal Act is amended— Amendment of s. 7—

(*a*) by striking out subsection (1) and substituting the following subsection: Oaths to be taken by judicial officers.

(1) Each of the following officers, namely—

(*a*) the Chief Justice;

(*b*) the puisne judges of the Supreme Court;

(*c*) the Masters of the Supreme Court;

(*d*) the Judges appointed under the Local and District Criminal Courts Act, 1926-1981;

(*e*) the Judge in Insolvency;

(*f*) the special magistrates;

and

(*g*) the justices of the peace,

shall, as soon as practicable after his acceptance of office, take the oath of allegiance and the judicial oath.;

and

(*b*) by striking out subsection (3) and substituting the following subsection:

(3) The oaths to be taken under this section by a Master of the Supreme Court, a Judge appointed under the Local and District Criminal Courts Act, 1926-1981, or a Special Magistrate shall be taken before a Judge of the Supreme Court, either in open court or in chambers.

PART VII

AMENDMENT OF PLANNING AND DEVELOPMENT ACT, 1966-1980

Short titles.

42. (1) The Planning and Development Act, 1966-1980, is in this Part referred to as "the principal Act".

(2) The principal Act, as amended by this Part, may be cited as the "Planning and Development Act, 1966-1981".

Amendment of s. 5— Interpretation.

43. Section 5 of the principal Act is amended—

(*a*) by striking out from subsection (1) the definition of "Associate Chairman" and substituting the following definition:

"Associate Chairman" means an Associate Chairman of the board:;

and

(*b*) by inserting in subsection (1) after the definition of "the Registrar-General" the following definition:

"the Senior Judge" means the Judge holding, or acting in, the office of Senior Judge under the Local and District Criminal Courts Act, 1926-1981:.

Amendment of s. 21— Constitution of the Board.

44. Section 21 of the principal Act is amended by striking out subsections (1), (2) and (3) and substituting the following subsections:

(1) The board shall consist of the following members:

(*a*) the Chairman;

(*b*) the Associate Chairmen;

and

(*c*) the commissioners appointed by the Governor.

(2) The Chairman shall be a Judge holding office under the Local and District Criminal Courts Act, 1926-1981, nominated by the Senior Judge to be Chairman of the board, and the remaining Judges holding office under that Act shall be Associate Chairmen of the board.

(3) Neither the Chairman, nor an Associate Chairman, is precluded by his office as such from performing any other functions or duties of a Judge under the Local and District Criminal Courts Act, 1926-1981.

Amendment of s. 21c—Removal of commissioner from office.

45. Section 21c of the principal Act is amended by striking out the passage "a member" and substituting the passage "a commissioner".

Amendment of s. 21d—Casual vacancies.

46. Section 21d of the principal Act is amended by striking out subsection (2) and substituting the following subsection:

(2) The office of Chairman of the board shall become vacant if—

(*a*) he dies;

(*b*) he ceases to be a Judge holding office under the Local and District Criminal Courts Act, 1926-1981;

or

(*c*) the Senior Judge revokes his nomination as Chairman of the board.

Repeal of s. 21f.

47. Section 21f of the principal Act is repealed.

Amendment of s. 22—Constitution of the board when hearing appeals.

48. Section 22 of the principal Act is amended by striking out from subsection (1) the word "Governor" and substituting the passage "Senior Judge".

PART VIII

AMENDMENT OF CITY OF ADELAIDE DEVELOPMENT CONTROL ACT, 1976-1978

Short titles.

49. (1) The City of Adelaide Development Control Act, 1976-1978, is in this Part referred to as "the principal Act".

(2) The principal Act, as amended by this Part, may be cited as the "City of Adelaide Development Control Act, 1976-1981".

Amendment of s. 27—The Tribunal.

50. Section 27 of the principal Act is amended by striking out subsection (2) and substituting the following subsection:

(2) The Tribunal shall be constituted of a Judge holding office under the Local and District Criminal Courts Act, 1926-1981.

PART IX

AMENDMENT OF BUILDERS LICENSING ACT, 1967-1980

Short titles.

51. (1) The Builders Licensing Act, 1967-1980, is in this Part referred to as "the principal Act".

(2) The principal Act, as amended by this Part, may be cited as the "Builders Licensing Act, 1967-1981".

Amendment of s. 19—Establishment of Tribunal.

52. Section 19 of the principal Act is amended by striking out subsection (2) and substituting the following subsections:

(2) The Tribunal shall be constituted of—

(*a*) a Judge holding office under the Local and District Criminal Courts Act, 1926-1981 (who shall be Chairman);

(*b*) one nominated member of the Tribunal appointed under subsection (3) (*a*);

and

(*c*) one nominated member of the Tribunal appointed under subsection (3) (*b*) or (*c*).

(3) The nominated members of the Tribunal shall be as follows:

(*a*) not more than six shall be persons with wide knowledge of, and experience in, the building industry appointed by the Governor on the nomination of the Minister;

(*b*) not more than three shall be persons with wide knowledge of, and experience in, the building industry appointed by the Governor from a panel of five nominees submitted to the Minister by the Master Builders Association of South Australia Incorporated;

and

(*c*) not more than three shall be persons with wide knowledge of, and experience in, the building industry appointed by the Governor from a panel of five nominees submitted to the Minister by the Housing Industry Association.

(4) The Tribunal separately constituted in accordance with subsection (2) may sit to hear and determine separate proceedings at the same time.

Repeal of s. 19a.

53. Section 19a of the principal Act is repealed.

Amendment of s. 19e—Chairman, etc.

54. Section 19e of the principal Act is amended by striking out the passage "two other members" and substituting the passage "one other member".

PART X

AMENDMENT OF LOCAL GOVERNMENT ACT, 1934-1980

Short titles.

55. (1) The Local Government Act, 1934-1980, is in this Part referred to as "the principal Act".

(2) The principal Act, as amended by this Part, may be cited as the "Local Government Act, 1934-1981".

Amendment of s. 142aa—Interpretation.

56. Section 142aa of the principal Act is amended by inserting after the definition of "the Court" the following definition:

"the Senior Judge" means the person for the time being holding, or acting in, the office of Senior Judge under the Local and District Criminal Courts Act, 1926-1981.

Amendment of s. 142b—The Court.

57. Section 142b of the principal Act is amended by striking out subsections (2), (3) and (4) and substituting the following subsections:

(2) The Court shall be constituted of a Judge holding office under the Local and District Criminal Courts Act, 1926-1981.

(3) The Court, separately constituted in accordance with subsection (2), may sit contemporaneously to hear separate proceedings.

Amendment of s. 142r—Rules of Court.

58. Section 142r of the principal Act is amended by striking out the passage "President and the Deputy Presidents of the Court or any two of them" and substituting the words "Senior Judge".

PART XI

AMENDMENT OF WATER RESOURCES ACT, 1976-1979

Short titles.

59. (1) The Water Resources Act, 1976-1979, is in this Part referred to as "the principal Act".

(2) The principal Act, as amended by this Part, may be cited as the "Water Resources Act, 1976-1981".

Amendment of s. 5—Interpretation.

60. Section 5 of the principal Act is amended by inserting after the definition of "authorized officer" in subsection (1) the following definition:

"the chairman" of the Tribunal means the Judge or magistrate for the time being acting as chairman of the Tribunal:.

Amendment of s. 17—The Tribunal.

61. Section 17 of the principal Act is amended by striking out subsection (2) and substituting the following subsection:

(2) Any Judge holding office under the Local and District Criminal Courts Act, 1926-1981, or any special magistrate authorized in writing by the Attorney-General, may act as chairman of the Tribunal.

Amendment of s. 19— Terms and conditions of office.

62. Section 19 of the principal Act is amended—

(*a*) by striking out from subsection (1) the passage "the chairman and";

(*b*) by striking out subsection (2) and substituting the following subsection:

(2) The Governor may appoint a suitably qualified person to be a deputy of a standing member of the Tribunal, and a deputy so appointed may, when the member of whom he is a deputy is absent, unable to act or disqualified from acting, act as a standing member of the Tribunal.;

(*c*) by striking out from subsection (3) the passage "the chairman or";

(*d*) by striking out from subsection (4) the passage "the chairman or";

and

(*e*) by striking out from subsection (5) the passage "the chairman or" wherever it occurs.

PART XII

AMENDMENT OF MOTOR FUEL DISTRIBUTION ACT, 1973-1979

Short titles.

63. (1) The Motor Fuel Distribution Act, 1973-1979, is in this Part referred to as "the principal Act".

(2) The principal Act, as amended by this Part, may be cited as the "Motor Fuel Distribution Act, 1973-1981".

Amendment of s. 20— Appeal Tribunal.

64. Section 20 of the principal Act is amended—

(*a*) by striking out from subsection (2) the passage "appointed by the Governor";

and

(*b*) by striking out subsections (3), (4) and (5).

PART XIII

AMENDMENT OF SUPERANNUATION ACT, 1974-1980

Short titles.

65. (1) The Superannuation Act, 1974-1980, is in this Part referred to as "the principal Act".

(2) The principal Act, as amended by this Part, may be cited as the "Superannuation Act, 1974-1981".

Amendment of s. 117—Establishment of Tribunal.

66. Section 117 of the principal Act is amended—

(*a*) by striking out from subsection (2) the passage "appointed by the Governor for a term of office not exceeding five years and who shall be eligible for re-appointment";

and

(*b*) by striking out subsection (3).

Repeal of ss. 118 and 119.

67. Sections 118 and 119 of the principal Act are repealed.

PART XIV

AMENDMENT OF POLICE REGULATION ACT, 1952-1975

Short titles.

68. (1) The Police Regulation Act, 1952-1975, is in this Part referred to as "the principal Act".

(2) The principal Act, as amended by this Part, may be cited as the "Police Regulation Act, 1952-1981".

Amendment of s. 38—Constitution of Police Appeal Board.

69. Section 38 of the principal Act is amended by striking out from paragraph (*a*) of subsection (2) the passage "appointed by the Governor to be the chairman".

Amendment of s. 39—Term of office.

70. Section 39 of the principal Act is amended—

(*a*) by striking out from subsection (1) the passage "the chairman and every member of the board" and substituting the passage "a member of the board (not being the chairman)";

and

(*b*) by striking out subsection (2).

Amendment of s. 40—Acting members.

71. Section 40 of the principal Act is amended by striking out subsection (1).

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

K. D. SEAMAN, Governor

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(*c*) may perform any other functions that he is authorized by the Minister to perform.;

and

(*b*) by inserting after subsection (4) the following subsection:

(5) Neither the Electoral Commissioner nor the Deputy Electoral Commissioner shall, without the consent of the Minister, engage in remunerative employment outside the functions and duties of their respective offices.

Repeal of s. 6a and substitution of new section.
Delegation of powers.

6. Section 6a of the principal Act is repealed and the following section is substituted:

6a. (1) The Minister may, by instrument in writing, delegate any of his powers or functions under this Act to the Electoral Commissioner or any other officer.

(2) A delegation under this section—

(*a*) is revocable at will;

and

(*b*) does not derogate from the power of the Minister to act personally in any matter.

Amendment of s. 6c—Delegation.

7. Section 6c of the principal Act is amended by inserting in subsection (1) after the passage "under this Act" the passage "or any other Act".

Repeal of ss. 6f and 6g and substitution of new section.
Certain obsolete references to be read as references to the Electoral Commissioner.

8. Sections 6f and 6g of the principal Act are repealed and the following section is substituted:

6f. Where in any other Act or in any document, rule or regulation a reference is made to—

(*a*) the returning officer for the State;

(*b*) the assistant returning officer for the State;

or

(*c*) the principal returning officer,

the reference shall be read as a reference to the Electoral Commissioner.

Amendment of s. 7—Returning officers.

9. Section 7 of the principal Act is amended by inserting after subsection (1) the following subsection:

(1a) No person of or above the age of seventy years shall be appointed as a returning officer, and a returning officer, upon attaining the age of seventy years, shall cease to hold office as such unless he attains that age during the course of an election, in which case he shall continue in office until the completion of the election.

Amendment of s. 8—Assistant returning officers.

10. Section 8 of the principal Act is amended—

(*a*) by striking out from paragraph (*a*) of subsection (1) the passage "portion of a district" and substituting the passage "district or division";

and

(*b*) by striking out subsection (2) and substituting the following subsection:

(2) A person appointed to be an assistant returning officer for a district or division may, subject to the control of the returning officer or deputy returning officer, perform the functions and exercise the powers of the returning officer or deputy returning officer in or in relation to that district or division.

Insertion of new s. 8a.

11. The following section is inserted after section 8 of the principal Act:

Fees and allowances.

8a. The Minister may, by instrument in writing—

(*a*) fix a scale of fees and allowances payable to officers, or specified classes of officers, employed upon a temporary basis in the administration of this Act;

or

(*b*) vary or revoke a scale of fees and allowances previously fixed under this section.

Repeal of s. 14 and substitution of new section.

12. Section 14 of the principal Act is repealed and the following section is substituted:

Polling places.

14. (1) The Minister may, by notice in the *Gazette*—

(*a*) appoint a chief polling place for each district;

(*b*) appoint other polling places for each district;

(*c*) abolish any polling place.

(2) No polling place shall be abolished between the time of the issue of a writ and the time appointed for its return unless the Electoral Commissioner certifies that it would be impracticable to take the poll at that polling place.

Repeal of s. 15.

13. Section 15 of the principal Act is repealed.

Amendment of s. 17— Form of rolls.

14. Section 17 of the principal Act is amended by striking out the passage "place of living" and substituting the passage "place of residence".

Repeal of s. 19 and substitution of new section.

15. Section 19 of the principal Act is repealed and the following section is substituted:

Preparation of new rolls on constitution of new subdivision or district, etc.

19. Whenever a new subdivision or district is constituted, or the boundaries of a subdivision or district are altered, a new roll shall be prepared for that subdivision or district.

Amendment of s. 22— Effect of new rolls on objections and notices.

16. Section 22 of the principal Act is amended by striking out the passage "the day on which new rolls come into operation" and substituting the passage "the preparation of new rolls".

Amendment of s. 28— Enrolment.

17. Section 28 of the principal Act is amended by striking out subsections (2) and (3) and substituting the following subsections:

(2) A person who is qualified for enrolment as an elector and whose principal place of residence is in a subdivision shall, if his principal

place of residence has been within the subdivision for at least one month, be entitled to have his name placed on the Assembly roll for that subdivision.

(3) An elector whose name is on a roll for a subdivision and whose principal place of residence is in another subdivision—

(*a*) shall, one month after that place became his principal place of residence, be entitled to have his name transferred to the roll for the subdivision in which his principal place of residence is situated;

and

(*b*) shall, if he fails to make a claim for transfer of enrolment within three months after he became entitled to have his name transferred to the roll for the subdivision in which his principal place of residence is situated, be guilty of an offence and liable to a penalty not exceeding one hundred dollars.;

and

(*b*) by inserting after subsection (4) the following subsection:

(5) Where—

(*a*) an elector whose name is on the roll for a subdivision changes his principal place of residence;

but

(*b*) his principal place of residence remains nevertheless within the same subdivision,

the elector shall, within three months after changing his principal place of residence, notify the Electoral Commissioner, in writing, of the address of his present principal place of residence.

Penalty: One hundred dollars.

Repeal of s. 29 and substitution of new section.

18. Section 29 of the principal Act is repealed and the following section is substituted:

Claim for enrolment or transfer of enrolment.

29. A claim for enrolment on an Assembly roll, or transfer of enrolment from the Assembly roll for one subdivision to the Assembly roll for another subdivision—

(*a*) must be in the prescribed form;

(*b*) must contain the prescribed particulars;

and

(*c*) must be delivered or sent to the registrar of the subdivision in which the claimant is entitled to be enrolled or to which the claimant is entitled to have his enrolment transferred.

Amendment of s. 38— Alteration of rolls.

19. Section 38 of the principal Act is amended—

(*a*) by striking out paragraph (*b*) and substituting the following paragraph:

(*b*) altering, on the written application or notification of an elector, the name, address or occupation of the elector as shown on the roll for the subdivision in which he is enrolled;;

(*b*) by striking out from subsection (2) the passage "he was living" wherever it occurs and substituting, in each case, the passage "his principal place of residence was situated";

and

(*c*) by striking out from subsection (2) the passage "he lives" and substituting the passage "his principal place of residence is situated".

Amendment of s. 44— Objections by other persons.

20. Section 44 of the principal Act is amended by striking out from subsection (3) the passage "the King" and substituting the passage "the Crown".

Amendment of s. 46— Notice of objection.

21. Section 46 of the principal Act is amended—

(*a*) by striking out from subsection (2) the word "abode" wherever it occurs, and the word "living" and substituting, in each case, the word "residence";

and

(*b*) by striking out subsection (3) and substituting the following subsection:

(3) An objection may be made on the ground that the principal place of residence of a person is not, and has not during the period of three months immediately preceding the date of the objection been, in the subdivision for which he is enrolled.

Amendment of s. 50— Issue of writ.

22. Section 50 of the principal Act is amended by striking out subsection (2) and substituting the following subsection:

(2) If—

(*a*) a casual vacancy in the membership of the House of Assembly occurs;

or

(*b*) the election of a member to a seat in the House of Assembly is declared void by the Court of Disputed Returns,

and the Speaker of the House of Assembly is within the State, he shall issue the writ after giving two clear days' notice to the Governor of his intention to do so.

Amendment of s. 53— Polling day.

23. Section 53 of the principal Act is amended by striking out from paragraph (*b*) the word "seven" and substituting he word "ten".

Amendment of s. 61— Requirements for nomination and rejection of nominations.

24. Section 61 of the principal Act is amended by inserting after its present contents (now to be designated as subsection (1)) the following subsections:

(2) The returning officer may, with the concurrence of the Electoral Commissioner, reject a nomination if in the opinion of the returning officer the name of a person nominated—

(*a*) is obscene;

(*b*) is frivolous;

or

(*c*) has been assumed for an ulterior purpose.

Repeal of s. 69 and substitution of new section.

25. Section 69 of the principal Act is repealed and the following section is substituted:

Death of nominated candidate on or before polling day.

69. (1) If a nominated candidate for election in an Assembly district dies before or on polling day, the election shall be deemed to have failed.

(2) If a nominated candidate for election to the Legislative Council dies before or on polling day—

(*a*) this Act shall apply in relation to the election as if the name of that candidate did not appear on the ballot paper;

and

(*b*) any preference indicated on a ballot-paper for that candidate shall be ignored and any subsequent preferences indicated on the ballot-paper shall be re-numbered accordingly.

(3) No ballot-paper used for an election for the Legislative Council shall be rendered informal by virtue of the operation of subsection (2).

Amendment of s. 71— Forfeiture of deposit.

26. Section 71 of the principal Act is amended—

(*a*) by striking out subsection (1) and substituting the following subsection:

(1) The deposit made by or on behalf of a candidate shall be retained pending the election and if—

(*a*) the candidate is elected or obtains more than the prescribed number of votes;

or

(*b*) the election is declared void by the Court of Disputed Returns,

the deposit shall be returned to the candidate or a person authorized in writing by him to receive it, but otherwise it shall be forfeited to the Crown.

and

(*b*) by striking out paragraph (*a*) of subsection (2) and substituting the following paragraph:

(*a*) where he is a candidate for a district for which two or more members are required to be elected, if the total number of votes polled as first preference votes in favour of the members of the group in which he is included is not less than one-half of the quota referred to in section 125 (9) (*a*) of this Act;.

Amendment of s. 73— Application for postal voting papers.

27. Section 73 of the principal Act is amended—

(*a*) by striking out paragraph (*d*) of subsection (1) and substituting the following paragraph:

(*d*) is seriously ill, infirm or disabled, and by reason of the illness, infirmity or disability will be unable to vote at a polling booth, or, in the case of a woman, will by reason of advanced pregnancy be unable to vote at a polling booth;;

(*b*) by striking out paragraph (*b*) of subsection (2) and substituting the following paragraph:

(*b*) must state the full name of the applicant and the address in respect of which he is enrolled;;

and

(*c*) by striking out from paragraph (*c*) of subsection (2) the passage "in the presence of an authorized witness".

Amendment of s. 73a—Application for registration as general postal voter.

28. Section 73a of the principal Act is amended by striking out from paragraph (*b*) of subsection (2) the passage "in the presence of an authorized witness".

Repeal of s. 74.

29. Section 74 of the principal Act is repealed.

30. Section 75 of the principal Act is amended by striking out subsections (1) and (1a) and substituting the following subsections:

Amendment of s. 75—Issue of postal voting papers.

(1) Where the Electoral Commissioner, returning officer, deputy returning officer or assistant returning officer to whom an application for a postal vote certificate and postal ballot-paper is made is satisfied that—

(*a*) the applicant is entitled under the provisions of this Act to apply for a postal vote certificate and postal ballot-paper;

(*b*) the application is properly signed or authenticated;

and

(*c*) the applicant is enrolled as an elector for the district in which he seeks to vote,

he shall deliver or post to the applicant a postal vote certificate printed on an envelope addressed to the returning officer for the appropriate district, and a postal ballot-paper for the election at which the applicant is entitled to vote.

(1a) An officer may, if satisfied that an error exists in an application for a postal vote certificate and postal ballot-paper, correct that error.

(1b) No postal vote certificate or postal ballot-paper shall be delivered or posted to an applicant under subsection (1) unless the application is received by the officer to whom it is made before five o'clock in the afternoon of the day preceding polling day.

Amendment of s. 76a—Registration of general postal voters and issue of certificate and ballot-papers.

31. Section 76a of the principal Act is amended—

(*a*) by inserting the word "and" between paragraphs (*a*) and (*b*) of subsection (1);

and

(*b*) by striking out paragraph (*c*) of subsection (1) and the word "and" immediately preceding that paragraph.

Amendment of s. 80—Authorized witnesses.

32. Section 80 of the principal Act is amended by striking out the proviso to subsection (2).

Amendment of s. 81— Directions for postal voting.

33. Section 81 of the principal Act is amended by striking out from subsection (3) the passage "and shall insert in the place provided his occupation and the address of his usual place of residence" and substituting the passage "and shall write in legible script in the place provided on the envelope his full name and the address of his usual place of residence".

Amendment of s. 88— Duty of Electoral Commissioner and returning officer.

34. Section 88 of the principal Act is amended by striking out from paragraph (*c*) of subsection (1) the passage "all necessary certified lists of voters" and substituting the passage "all relevant rolls".

Repeal of s. 94.

35. Section 94 of the principal Act is repealed.

Amendment of s. 96— Printing of Ballot-papers.

36. Section 96 of the principal Act is amended by striking out from paragraph (i) of subsection (1) the passage "each group" and substituting the passage "the name of each candidate".

Amendment of s. 101— The polling.

37. Section 101 of the principal Act is amended—

(*a*) by striking out from paragraph (*b*) the passage "eight o'clock in the evening" and substituting the passage "six o'clock in the evening";

and

(*b*) by striking out from paragraph (*c*) the passage "eight o'clock in the evening" and substituting the passage "six o'clock in the evening".

Amendment of s. 105— Questions to be put to voter.

38. Section 105 of the principal Act is amended—

(*a*) by striking out subsection (2) and substituting the following subsection:

(2) The presiding officer may, and at the request of a scrutineer shall, put all or any of the following questions to a person claiming to vote:

(*a*) Are you of or above the age of eighteen years?

(*b*) Are you the person whose name appears as (*here state the name under which the claimant claims to vote*) on the roll for the district of .....?

(*c*) What is the address of your principal place of residence?

(*d*) Is your principal place of residence within this district?

and if it appears from the answer to a question under paragraph (*c*) or (*d*) that the claimant's principal place of residence is outside the district—

(*e*) When did you last have your principal place of residence within this district?

and

(*b*) by striking out subsection (4) and substituting the following subsections:

(4) Where it appears from the answer to a question put under subsection (2) that a person claiming to vote has not,

within the period of three months immediately preceding the issue of the writ, had his principal place of residence in the district for which he is enrolled, he is not entitled to vote at an election in that district.

(5) The answer of a person claiming to vote to a question put to him under this section shall be conclusive and the matter shall not be further inquired into during the polling.

Amendment of s. 106— Errors not to result in forfeiture of vote.

39. Section 106 of the principal Act is amended by striking out the passage "or in the certified list of voters".

Amendment of s. 107— Right of elector to receive ballot-paper.

40. Section 107 of the principal Act is amended by striking out from paragraphs (*a*) and (*b*) the passage "the certified list of voters for the polling place" wherever it occurs and substituting, in each case, the passage "the roll".

Amendment of s. 108— Duty to mark roll.

41. Section 108 of the principal Act is amended—

(*a*) by striking out from subsection (1) the passage "on the certified list of voters if his name is on that list" and substituting the passage "on the roll if his name is on the roll";

and

(*b*) by striking out from subsection (2) the passage "certified list" and substituting the word "roll".

Amendment of s. 109— Marking of votes.

42. Section 109 of the principal Act is amended by striking out from paragraph (*b*) of subsection (1) the passage "and to show clearly the initials of the presiding officer and exhibit it so folded to the presiding officer,".

Repeal of s. 110 and substitution of new section.

43. Section 110 of the principal Act is repealed and the following section is substituted:

Voter may be accompanied by an assistant in certain cases.

110. (1) Subject to subsection (2), if a voter satisfies the presiding officer that he is unable to vote without assistance, the voter may be accompanied by an assistant of his choice while in the polling booth.

(2) The presiding officer may express his disapproval of a person chosen to assist a voter under this section and, in that event, some other person, acceptable to the presiding officer, must be chosen by the voter.

(3) The assistant may assist the voter in any of the following ways:

(*a*) he may act as an interpreter between the voter and the presiding officer or any other officer;

(*b*) he may explain the ballot-paper, and the voter's obligations under this Act in relation to the marking of the ballot-paper to the voter;

(*c*) he may assist the voter to mark the ballot-paper, or may himself mark the ballot-paper at the voter's direction;

(*d*) he may fold and deposit the ballot-paper in the ballot-box.

(4) A person who assists a voter under this section shall not disclose any knowledge of the vote of that voter.

Penalty: One thousand dollars or imprisonment for three months.

Amendment of s. 110a—Voting in pursuance of claim.

44. Section 110a of the principal Act is amended—

(*a*) by striking out subsection (1) and substituting the following subsection:

(1) Where a person who is entitled to be enrolled on the roll for a district claims at a polling place for the district to be entitled to vote at an election and his name does not appear on the roll for the district, he may, subject to this Act, be permitted to vote if—

(*a*) he delivered or sent to the registrar of the subdivision in which he lives a duly completed claim for enrolment or transfer of enrolment and the claim was received by the registrar before the issue of the writ for the election;

(*b*) he has, since making the claim, continuously retained his right to enrolment for that subdivision;

and

(*c*) he makes a declaration in the prescribed form before the presiding officer.;

(*b*) by striking out from subsection (3) the passage "and of such scrutineers as are present";

and

(*c*) by striking out from subsection (5) the passage "to whom paragraph (*a*), (*b*) or (*c*) of subsection (1) of this section applies" and substituting the passage "who has satisfied the conditions set out in paragraphs (*a*) and (*b*) of subsection (1)".

Amendment of s. 111—Claim of person whose name has been marked off on the roll.

45. Section 111 of the principal Act is amended by striking out the passage "certified list of voters" and substituting the word "roll".

Amendment of s. 113—Mode of Voting.

46. Section 113 of the principal Act is amended by striking out paragraph (*a*) of subsection (1) and substituting the following paragraph:

(*a*) where his ballot-paper is a ballot-paper in accordance with Form D in the fourth schedule to this Act he shall place consecutive numbers beginning with the number 1 in the squares opposite the names of the candidates for whom he votes in the order of his preference for them until he has indicated his vote for a number of candidates not less than the number of candidates required to be elected for the district:.

Repeal of ss. 114 and 115 and substitution of new section.

47. Sections 114 and 115 of the principal Act are repealed and the following section is substituted:

Adjournment of polling.

114. (1) If circumstances arise by virtue of which it is not practicable to proceed with polling at any polling place or polling places on polling day, the returning officer may (whether or not polling has commenced) adjourn the polling—

(*a*) at polling places generally;

or

(*b*) at any specified polling place or polling places,

for a period not exceeding twenty-one days.

(2) If circumstances arise by virtue of which—

(*a*) it is not practicable to proceed with polling at a polling place on polling day;

and

(*b*) it is not practicable for the presiding officer to communicate with the returning officer with a view to his adjourning the polling under subsection (1),

the presiding officer may (whether or not polling has commenced) adjourn the polling at that polling place for a period not exceeding twenty one days.

(3) Public notice of an adjournment under this section shall be given as soon as practicable after the adjournment takes effect.

Amendment of s. 118a—Compulsory voting for House of Assembly.

48. Section 118a of the principal Act is amended—

(*a*) by striking out from subsection (3) the passage "shall in all proceedings be *prima facie* evidence" and substituting the passage "shall, in the absence of proof to the contrary, be proof";

and

(*b*) by striking out from subsection (10) the passage "shall in all proceedings be *prima facia* evidence" and substituting the passage "shall, in the absence of proof to the contrary, be proof".

Amendment of s. 123—Informal ballot-papers.

49. Section 123 of the principal Act is amended—

(*a*) by striking out from subsection (1) the passage "(except as otherwise provided by the regulations relating to absent voting on polling day or to voting by post or to voting with an electoral visitor)";

(*b*) by striking out paragraph (*a*) of subsection (1) and substituting the following paragraph:

(*a*) it is not authenticated as required by this Act;;

(*c*) by striking out paragraphs (*b*) and (*c*) of subsection (1) and substituting the following paragraphs:

(*b*) in an election for a district for which two or more candidates are required to be elected, it does not indicate the voter's first preference for one candidate and consecutive

preferences for other candidates so that the number of candidates for whom preferences have been indicated is not less than the number of candidates required to be elected for the district (but where the ballot-paper does indicate the voter's first preference for one candidate, it shall not be informal by reason only of the fact that—

(i) the same preference (other than the first preference) has been recorded on it for more than one candidate, but in that case it shall be treated as if those preferences and any subsequent preferences had not been recorded on it;

or

(ii) there is a break in the order of his preferences, but in that case it shall be treated as if any subsequent preference had not been recorded on it);.

(*c*) in an election for a district in which one candidate only is required to be elected, it has no vote indicated on it, or does not indicate the voter's first preference for one candidate and consecutive preferences for all the remaining candidates;;

(*d*) by inserting after paragraph (*d*) the following paragraph:

(*e*) in the case of a ballot-paper required by this Act to be deposited in a ballot-box—the ballot-paper is not so deposited.;

and

(*e*) by inserting after subsection (1) the following subsection:

(1a) Where a voter has indicated preferences for all candidates except one, it shall be presumed that that candidate is the one least preferred by the voter and that the voter has accordingly indicated his preferences for all candidates.

Amendment of s. 125— Counting of votes.

50. Section 125 of the principal Act is amended—

(*a*) by striking out from subparagraph (*b*) of paragraph (1) the passage "or, as the case may be, the descriptions of the respective groups";

(*b*) by striking out from subparagraph (*b*) of paragraph (1) the passage "or group";

(*c*) by striking out from subparagraph (*c*) of paragraph (1) the passage "or group";

(*d*) by striking out from subparagraph (*d*) of paragraph (1) the passage "or group";

(*e*) by striking out from provision (i) of subparagraph (*f*) of paragraph (1) the passage "or group";

(*f*) by striking out from subparagraph (*b*) of paragraph (4) the passage "or, as the case may be, the descriptions of the respective groups";

(*g*) by striking out from subparagraph (*b*) of paragraph (4) the passage "or group";

(*h*) by striking out from subparagraph (*c*) of paragraph (4) the passage "or group";

(*i*) by striking out paragraphs (9), (10) and (11) and substituting the following paragraph:

(9) In an election for a district where two or more vacancies are to be filled those vacancies shall be filled in the following manner:

(*a*) The returning officer for the district shall determine a quota by dividing the total number of first preference votes cast at the election for the district by one more than the number of candidates required to be elected for the district and by increasing the quotient so obtained (disregarding any remainder) by one:

(*b*) Any candidate who has received a number of first preference votes equal to or greater than the quota so determined shall be elected:

(*c*) Where the number of first preference votes received by a candidate is equal to the quota, the whole of the ballot-papers containing those votes shall be set aside as finally dealt with:

(*d*) Unless all vacancies have been filled, the surplus votes of each elected candidate shall be transferred to the continuing candidates, in proportion to the voters' preferences, as follows:

(i) The returning officer shall divide the number of the elected candidate's surplus votes by the number of first preference votes (excluding any first preference votes indicated on ballot-papers which do not bear a next available preference for a continuing candidate) received by him and the resulting fraction shall, for the purposes of this clause, be the transfer value of that candidate's surplus votes:

(ii) The returning officer shall take all of the ballot-papers of the elected candidate on which a next available preference is indicated for a continuing candidate and arrange them in separate parcels for the continuing candidates according to the next available preference indicated on them:

(iii) The returning officer shall ascertain, from the parcel referred to in provision (ii) of this subparagraph in respect of each continuing candidate, the total number of ballot-papers of the elected candidate which bear the next available preference for that continuing candidate and shall, by multiplying that total by the transfer value of the elected candidate's surplus

votes, determine the number of votes to be transferred from the elected candidate to each continuing candidate:

(iv) If, as a result of the multiplication, any fraction results, so many of those fractions, taken in the order of their magnitude, beginning with the largest, as are necessary to ensure that the number of votes transferred equals the number of the elected candidate's surplus votes shall be reckoned as of the value of unity and the remaining fractions shall be ignored:

(v) The returning officer shall then determine the number of ballot-papers to be transferred from the elected candidate to each continuing candidate:

(vi) The returning officer shall then, in respect of each continuing candidate, forthwith take at random, from the parcel referred to in provision (ii) of this subparagraph containing the ballot-papers of the elected candidate which bear the next available preference for that continuing candidate, the number of ballot-papers determined under provision (v) of this subparagraph and transfer those ballot-papers to the continuing candidate:

(vii) The ballot-papers containing the first preference votes of the elected candidate which have not been transferred (that is, the ballot-papers containing the number of votes equal to the quota) shall be set aside as finally dealt with:

(*e*) When the surplus votes of all elected candidates have been transferred to the continuing candidates as provided by subparagraph (*d*) of this paragraph, any continuing candidate who has received a number of votes equal to or greater than the quota shall be elected:

(*f*) Unless all the vacancies have been filled the surplus votes of the elected candidate shall be transferred to the continuing candidates in accordance with the provisions of subparagraph (*d*) of this paragraph, but, in the application of those provisions, only those ballot-papers which have been transferred to the elected candidate from a candidate previously elected shall be taken into consideration:

(*g*) If, as a result of the transfer of the surplus votes of a candidate elected in pursuance of subparagraph

(*e*) of this paragraph or elected at a later stage of the scrutiny, a continuing candidate has received a number of votes equal to or greater than the quota, he shall be elected:

(*h*) Unless all the vacancies have been filled the surplus votes of the elected candidate shall be transferred to the continuing candidates in accordance with the provisions of subparagraph (*d*) of this paragraph, but, in the application of those provisions, only those ballot-papers which have been transferred to the elected candidate from the candidate or candidates elected at the last preceding count shall be taken into consideration:

(*i*) The ballot-papers containing the first preference votes of a candidate who has been elected in pursuance of the provisions of subparagraph (*e*) or (*g*) of this paragraph, together with the ballot-papers transferred to him from a candidate previously elected or excluded which have not been further transferred shall be set aside as finally dealt with:

(*j*) If, after the transfer of the surplus votes of the elected candidates, no candidate has, or less than the number of candidates required to be elected have, received a number of votes equal to the quota, the candidate who has the fewest votes shall be excluded and the whole of his ballot-papers shall be transferred to the continuing candidates next in order of the voters' available preferences:

(*k*) If thereupon, or as the result of the exclusion of a candidate at any subsequent stage of the scrutiny, a continuing candidate has received a number of votes equal to or greater than the quota, he shall be elected:

(*l*) Unless all the vacancies have then been filled, the the surplus votes of the elected candidate shall be transferred to the continuing candidates in accordance with the provisions of subparagraph (*d*) of this paragraph, but, in the application of those provisions, only those ballot-papers which have been transferred to the elected candidate from the candidate last excluded shall be taken into consideration:

(*m*) The ballot-papers containing the first preference votes of the elected candidate, together with the ballot-papers transferred to him from a candidate previously elected or excluded which have not been further transferred, shall be set aside as finally dealt with:

(*n*) If no continuing candidate has then received a number of votes equal to the quota, the process of excluding the candidate with the fewest votes and

the transferring of ballot-papers containing those votes to the continuing candidates shall be repeated until a continuing candidate has received a number of votes equal to the quota or, in respect of the last vacancy, a majority of the votes remaining in the count, but the process of excluding candidates shall not be repeated after the number of continuing candidates is equal to the number of unfilled vacancies:

(*o*) A ballot-paper that is, pursuant to the exclusion of a candidate, required to be transferred to a continuing candidate shall be set aside as finally dealt with if it does not indicate a next available preference for a continuing candidate:

(*p*) After all the candidates who have received a number of votes equal to the quota are elected—

(i) where there is one remaining unfilled vacancy—the candidate who has received a majority of the votes remaining in the count;

or

(ii) where the number of continuing candidates is equal to the number of remaining unfilled vacancies—those candidates,

shall be elected;

(*q*) Where, on the count of the first preference votes, or at the same time at any subsequent stage of the scrutiny, two or more candidates are elected by reason of their having received a number of votes equal to or greater than the quota, any transfer of the surplus votes of those candidates shall be carried out in the order, first of the candidate with the largest surplus, second of the candidate with the next largest surplus and so on:

(*r*) Notwithstanding anything contained in this paragraph, a transfer of the surplus votes of an elected candidate shall be deferred (but without affecting the order of that transfer) so long as the total number of those surplus votes and any other surplus votes not transferred is less than the difference between the total votes of the two continuing candidates with the fewest votes, and in such case unless all vacancies have been filled, the candidate with the fewest votes shall be first excluded and the ballot-papers containing his votes shall be transferred to the continuing candidates as provided in subparagraph (*j*) of this paragraph:

(*s*) If, on any count, two or more candidates have an equal number of votes, and one of them has to be excluded, the returning officer shall, by lot, determine which of those candidates is to be excluded:

(*t*) If, at the time of their election, two or more candidates have an equal number of votes that is more than the quota, the returning officer shall, for the purposes of subparagraph (*q*) of this paragraph, by lot, determine which of those candidates is to be deemed to have had the larger or largest surplus:

(*u*) If, on the final count for filling the last vacancy, two candidates have an equal number of votes, the returning officer shall, by lot, determine which of those candidates is to be elected.;

(*j*) by striking out from subparagraph (*a*) of paragraph (12) the passage "or, as the case may be, the number of first preference votes counted to each group";

(*k*) by striking out from paragraph (13) the definitions of "continuing group", "description" and "group";

and

(*l*) by inserting after paragraph (13) the following paragraph:

(13a) In this section a reference in relation to any stage of the scrutiny to the surplus votes of an elected candidate is a reference to the number at that stage by which the elected candidate's votes exceed the quota, reduced by the excess, if any, of the number at that stage of the elected candidate's votes on which a next available preference for a continuing candidate is not indicated over the quota.

Amendment of s. 127—Re-count.

51. Section 127 of the principal Act is amended by inserting after its present contents (now to be designated as subsection (1)) the following subsection:

(2) In the event of the validity of an election being disputed, the Court of Disputed Returns may, if satisfied that a re-count is justified, order a re-count of the ballot-papers contained in any parcel.

Repeal of s. 129 and substitution of new section.

52. Section 129 of the principal Act is repealed and the following section is substituted:

Reservation of doubtful or disputed ballot-papers.

129. (1) The officer conducting a re-count may, and at the request of a scrutineer shall, reserve any ballot-paper for decision under this section.

(2) Subject to subsection (3), where a ballot-paper has been reserved for decision under this section the Electoral Commissioner shall decide whether the ballot-paper is to be allowed and admitted, or disallowed and rejected.

(3) Where the re-count was ordered by the Court of Disputed Returns, the Court shall decide whether a ballot-paper reserved for decision under this section is to be allowed and admitted, or disallowed and rejected.

Repeal of s. 162.

53. Section 162 of the principal Act is repealed.

Amendment of s. 170—Requirements in relation to petition.

54. Section 170 of the principal Act is amended—

(*a*) by inserting after subsection (1) the following subsections:

(1a) If the Supreme Court is satisfied, upon application made before or after the expiration of the period prescribed by subsection (1) (*e*) for lodging a petition, that the period should be extended in order to prevent undue hardship to a petitioner, it may extend the period by not more than twenty-eight days.

(1b) Except as provided in subsection (1a), the time for lodging a petition shall not be extended.;

and

(*b*) by striking out subsection (3) and substituting the following subsection:

(3) The petitioner shall cause a notice of the lodging of the petition, and a copy of the petition, to be served on every other person who was a candidate in the disputed election.

Repeal of s. 181 and substitution of new section.

55. Section 181 of the principal Act is repealed and the following section is substituted:

Inquiries by the Court.

181. (1) Subject to subsection (2), the Court shall not inquire into—

(*a*) the qualification of a nominator or the sufficiency of a nomination;

(*b*) the correctness of any electoral roll;

(*c*) the qualifications of persons whose votes have been either accepted or rejected,

but the Court may inquire into the identity of voters and whether their votes were improperly accepted or rejected assuming the rolls to be correct.

(2) The Court may inquire into the qualification of a person permitted to vote under section 110a.

Amendment of s. 184—Court not bound by rules of evidence, etc.

56. Section 184 of the principal Act is amended by inserting after its present contents (now to be designated as subsection (1)) the following subsection:

(2) Notwithstanding the provisions of subsection (1), an onus shall, in every case, lie upon the petitioner to satisfy the Court on the balance of probabilities that proper grounds exist for granting the relief sought by the petitioner.

Repeal of s. 185 and substitution of new section.

57. Section 185 of the principal Act is repealed and the following section is substituted:

Certain errors not to constitute basis for avoiding election.

185. No election shall be declared void on account of—

(*a*) delay in the declaration of nominations, the polling or the return of the writ;

(*b*) an act or omission of an officer that was, in the circumstances, reasonable and in substantial conformity with this Act;

or

(*c*) an act or omission of an officer that is not proved to have affected the result of the election.

Amendment of s. 190— Effect of decision.

58. Section 190 of the principal Act is amended by inserting after its present contents (now to be designated as subsection (1)) the following subsections:

(2) Subject to subsection (3), where an election is declared void by the Court of Disputed Returns, then, subject to subsection (3) but notwithstanding any other provision of this Act, those electors, and only those electors who were entitled to vote at that election shall be entitled to vote at the new election held in pursuance of subsection (1) (*c*).

(3) Subsection (2) does not operate where more than six months intervenes between the dates on which writs for the elections referred to in that subsection were issued.

Amendment of s. 198— Regulations.

59. Section 198 of the principal Act is amended by inserting before paragraph (*a*) the following paragraph:

(*aa*) prescribing the method by which ballot-papers are to be taken at random by the returning officer in the counting of votes in any election for a district where two or more vacancies are to be filled;

Amendment of principal Act.

60. The provisions of the principal Act mentioned in the first column of the schedule are amended as shown in the second column.

THE SCHEDULE

First Column Provision Affected	Second Column How Amended
Section 61 (*c*)	By striking out "one hundred dollars" and substituting "two hundred dollars".
Section 82	By striking out "Four hundred dollars" and substituting "One thousand dollars".
Section 83	By striking out "Four hundred dollars" and substituting "One thousand dollars".
Section 84 (1)	By striking out "Two hundred dollars" and substituting "Five hundred dollars".
Section 84 (2)	By striking out "Two hundred dollars" and substituting "Five hundred dollars".
Section 85	By striking out "Four hundred dollars" and substituting "One thousand dollars".
Section 87e (3)	By striking out "Two hundred dollars" and substituting "Five hundred dollars".
Section 87e (4)	By striking out "Two hundred dollars" and substituting "Five hundred dollars".
Section 87h	By striking out "Four hundred dollars" and substituting "One thousand dollars".
Section 87i	By striking out "Four hundred dollars" and substituting "One thousand dollars".
Section 99 (1)	By striking out "Twenty dollars" and substituting "Forty dollars".
Section 118a (11)	By striking out "not less than two dollars and not more than eight dollars" and substituting "not less than four dollars and not more than twenty dollars".
Section 124	By striking out "Forty dollars" and substituting "One hundred dollars".
Section 145	By striking out "eight hundred dollars" and substituting "two thousand dollars".
Section 152 (*a*)	By striking out "eight hundred dollars" and substituting "two thousand dollars".
Section 152 (*b*)	By striking out "four hundred dollars" and inserting "one thousand dollars".

THE SCHEDULE—*Continued*

First Column Provision Affected	Second Column How Amended
Section 154	By striking out "Two Hundred Dollars" wherever it occurs and substituting in each case "Five hundred dollars". By striking out "Forty Dollars" and inserting "One hundred dollars". By striking out "Eight Dollars" and inserting "Fifty dollars". By striking out "Eighty Dollars" wherever it occurs and substituting in each case "Two hundred dollars".
.Section 155a	By striking out "Four hundred dollars" and substituting "One thousand dollars".
Section 155b (1)	By striking out "Four hundred dollars" and substituting "One thousand dollars".
Section 155b (2)	By striking out "Four hundred dollars" and substituting "One thousand dollars".
Section 156	By striking out "Two hundred dollars" and substituting "Five hundred dollars".
Section 198 (*a*)	By striking out "one hundred dollars" and substituting "two hundred dollars".

61. The fourth schedule to the principal Act is amended—

(*a*) by striking out Form D and substituting the following form:

FORM D

BALLOT-PAPER WHERE TWO OR MORE MEMBERS ARE REQUIRED TO BE ELECTED

STATE OF SOUTH AUSTRALIA

Election of [here insert number of candidates required to be elected] members of the Legislative Council.

Directions—The voter *must* vote for at least [here insert number of candidates required to be elected] candidates by placing consecutive numbers beginning with the number 1 in the squares opposite the names of [here insert number of candidates required to be elected] candidates in the order of his preference for them.

The voter *may*, if he wishes, vote for additional candidates by placing consecutive numbers beginning with the number [here insert one more than the number of candidates required to be elected] in the squares opposite the names of those additional candidates in the order of his preference for them

Group A	Group B	Group C	Group D	Group E
☐ Brown, William Clark	☐ Smith, James	☐ McPhee, Ian		
☐ Johnson, Anthony Francis	☐ Schmidt, Karl Otto	☐ Cowan, Mary	☐ Cole, David	☐ West, Reginald
☐ Lumsdaine, Alice		☐ Pagano, Vittore		
☐ Wong, Joseph		☐ Wood, Henry		
☐ Black, Robert Clive		☐ Taylor, George Ernest		
☐ Sykes, Michael		☐ Brown, Mark		
☐ Moss, Harold James		☐ Ilic, Petar		

and

(*b*) by striking out from Form E in that schedule the passage "*Council or*".

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

****

No. 36 of 1981

An Act to establish the History Trust of South Australia; to define its powers and functions; to repeal the Constitutional Museum Act, 1978; and for other purposes.

[*Assented to* 19 *March* 1981]

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 "History Trust of South Australia Act, 1981".

Commencement.

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

Arrangement of Act.

3. This Act is arranged as follows:

PART I—PRELIMINARY

PART II—THE HISTORY TRUST OF SOUTH AUSTRALIA

DIVISION I—CONSTITUTION OF THE TRUST

DIVISION II—FUNCTIONS AND POWERS OF THE TRUST

DIVISION III—THE CONSTITUTIONAL MUSEUM AND OTHER HISTORIC PREMISES

DIVISION IV—STAFF OF THE TRUST

DIVISION V—FINANCIAL PROVISIONS

PART III—MISCELLANEOUS

Interpretation.

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

"the constitutional museum" means the museum known at the commencement of this Act as the "Constitutional Museum of South Australia" and includes the land appurtenant to that museum:

"member" of the Trust includes the Chairman:

PART I

"museum" means premises in which objects illustrative of, or relevant to, the history of the State are cared for and exhibited (whether or not the premises are devoted exclusively to the care or exhibition of such objects):

"object" includes a document, picture, specimen or artifact (but does not include an item as defined in the South Australian Heritage Act, 1978-1980, or the Aboriginal Heritage Act, 1979):

"the Trust" means the History Trust of South Australia established under Part II of this Act.

Repeal and transitional provision.

5. (1) The Constitutional Museum Act, 1978, is repealed.

(2) The rights and liabilities of the Constitutional Museum Trust shall, upon the commencement of this Act, vest in the Trust.

(3) Any persons who were, immediately before the commencement of this Act, employees of the Constitutional Museum Trust shall, upon the commencement of this Act, become employees of the Trust without prejudice to their existing and accruing rights of employment.

This Act not to affect operation of certain other Acts.

6. This Act does not affect the operation of—

(*a*) the South Australian Museum Act, 1976-1980;

(*b*) the South Australian Heritage Act, 1978-1980;

or

(*c*) the Aboriginal Heritage Act, 1979.

PART II

PART II

THE HISTORY TRUST OF SOUTH AUSTRALIA

DIVISION I

DIVISION I—CONSTITUTION OF THE TRUST

Establishment of the Trust.

7. (1) There shall be a body entitled the "History Trust of South Australia".

(2) The Trust—

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

(*b*) shall be capable of suing and being sued;

(*c*) shall be capable in its corporate name of acquiring, holding and disposing of real and personal property;

(*d*) shall be capable of acquiring or incurring any other rights or liabilities;

and

(*e*) shall have the powers, authorities, duties and obligations prescribed by or under this Act.

(3) Where an apparently genuine document purports to bear the common seal of the Trust, it shall be presumed in any legal proceedings, in the absence of proof to the contrary, that the common seal of the Trust was duly affixed to that document.

(4) The Trust shall be subject to the control and direction of the Minister.

Membership of the Trust.

8. (1) The Trust shall consist of eight members appointed by the Governor.

(2) One of the members of the Trust shall be appointed by the Governor to be Chairman of the Trust.

(3) The Governor may appoint a suitable person to be a deputy of a member of the Trust and a person so appointed may act as a member of the Trust in the absence of the member of whom he has been appointed a deputy.

Conditions of membership.

9. (1) A member of the Trust shall be appointed—

(*a*) if he is one of the first members of the Trust—for a term of office not exceeding three years specified in the instrument of his appointment;

(*b*) in any other case—for a term of three years.

(2) A member of the Trust shall, upon the expiration of a term of appointment, be eligible for re-appointment but no member shall be appointed for more than three consecutive terms.

(3) The Governor may remove a member of the Trust from office for—

(*a*) mental or physical incapacity that prevents the member from satisfactorily carrying out his duties as such;

(*b*) neglect of duty;

or

(*c*) dishonourable conduct.

(4) The office of a member of the Trust becomes vacant if—

(*a*) he dies;

(*b*) his term of office expires;

(*c*) he resigns by written notice addressed to the Minister;

or

(*d*) he is removed by the Governor under subsection (3).

(5) Upon the office of a member of the Trust becoming vacant, a person shall be appointed in accordance with this Act to the vacant office, but where the office of a member becomes vacant before the expiration of the term for which he was appointed, a person appointed to the vacant office shall be appointed only for the balance of that term.

Disclosure of interest.

10. (1) A member of the Trust who is directly or indirectly interested in a contract, or proposed contract, made by, or in contemplation of the Trust—

(*a*) shall as soon as he becomes aware of the contract, or the proposal to make the contract, disclose the nature of his interest to the Trust;

and

(*b*) shall not take part in any deliberations or decision of the Trust with respect to that contract.

Penalty: One thousand dollars.

(2) Subsection (1) does not apply in respect of an interest that exists only by virtue of the fact that a member is an employee of the Trust.

(3) A disclosure made under this section shall be recorded in the minutes of the Trust.

(4) Where a member makes a disclosure of interest in respect of a contract or proposed contract in accordance with this section, or his interest in a contract or proposed contract is not such as need be disclosed under this section—

(*a*) the contract is not liable to be avoided by the Trust on any ground arising from the fiduciary relationship between the member and the Trust;

and

(*b*) the member is not liable to account to the Trust for profits derived from the contract.

Remuneration, allowances and expenses.

11. A member of the Trust shall, if the Minister thinks fit, be entitled to such remuneration, allowances and expenses as may be determined by the Minister.

Procedure at meetings of the Trust.

12. (1) Five members of the Trust shall constitute a quorum of the Trust.

(2) The Chairman shall preside at every meeting of the Trust at which he is present, and in the absence of the Chairman, a member chosen by the members present at the meeting shall preside.

(3) A decision carried by a majority of the votes of the members present at a meeting of the Trust shall be a decision of the Trust.

(4) Each member present at a meeting shall be entitled to one vote on any matter arising for decision at that meeting, and in the event of an equality of votes on any matter, the person presiding at the meeting shall have a second, or casting, vote.

(5) The Trust shall cause minutes to be kept of its proceedings at meetings.

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

Validity of acts of the Trust and immunity of its members.

13. (1) An Act or proceeding of the Trust shall not be invalid by reason only of a vacancy, or vacancies, in its membership.

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

DIVISION II

DIVISION II—FUNCTIONS AND POWERS OF THE TRUST.

General functions and powers of the Trust.

14. (1) The functions of the Trust are as follows:

(*a*) to carry out, or promote, research relevant to the history of the State;

(*b*) to accumulate and classify data on any subject of significance to the history of the State;

(*c*) to accumulate and care for objects of historical interest;

(*d*) to exhibit objects of historical or cultural interest;

(*e*) to maintain registers of objects of historical significance to the State;

(*f*) to manage and administer museums and other premises that are vested in, or placed under the care, control and management of the Trust;

(*g*) to provide facilities for light refreshment and other amenities in premises vested in or placed under the care, control and management of the Trust;

(*h*) to accredit or otherwise to evaluate museums, and to advise the Minister on the operation of museums and on the allocation of funds or other forms of assistance that may be available for the promotion or development of museums;

(*i*) to disseminate, or encourage the dissemination of, information relevant to the history of the State;

(*j*) to encourage the conservation of objects of historical significance to the State;

(*k*) to advise the Minister on the conservation of objects in the ownership or possession of the Crown that are of historical significance to the State;

and

(*l*) to perform any other functions assigned to the Trust by or under this Act.

(2) For the purpose, or in the course, of performing its functions, the Trust may—

(*a*) establish sub-committees (which may, but need not, consist of, or include, members of the Trust) to advise the Trust on any aspect of its functions;

(*b*) delegate any of its powers under this Act to a sub-committee, member of the Trust or other person;

(*c*) purchase, receive, take on hire or loan, or otherwise acquire objects of historical or cultural interest;

(*d*) sell, lend, or exchange objects of historical or cultural interest;

(*e*) purchase, receive, take on hire or loan, or otherwise acquire, hold, deal with or dispose of real or personal property;

(*f*) make charges for admission to any museum or premises vested in, or under the care, control and management of, the Trust;

(*g*) make charges for any services or amenities provided by the Trust;

(*h*) apply for, and hold, licences under the Licensing Act, 1967-1980;

(*i*) enter into any contract or arrangement relevant to the functions of the Trust.

(3) A delegation under subsection (2) (*b*) is revocable at will and does not derogate from the power of the Trust to act itself in any matter.

(4) A member of the Trust has no authority to act on behalf of the Trust except to the extent that such an authority is conferred on him by delegation or

PART II
DIVISION II

resolution of the Trust (but this subsection does not prevent the subsequent ratification by the Trust of an act of a member done purportedly on behalf of the Trust).

(5) The Trust is not obliged to accept or retain material that is not, in the opinion of the Trust, of sufficient historical or cultural interest to justify preservation under this Act.

(6) Where the Trust accepts a gift or bequest of an object of historical or cultural interest, it shall not, without the consent of the Minister, sell or dispose of that object.

DIVISION III

DIVISION III—THE CONSTITUTIONAL MUSEUM AND OTHER HISTORIC PREMISES

The constitutional museum and other historic premises.

15. (1) The constitutional museum shall be under the care, control and management of the Trust.

(2) Where—

(*a*) premises situated upon land of the Crown are, in the opinion of the Governor, of historical significance to the State;

or

(*b*) it would, in the opinion of the Governor, be otherwise expedient for land of the Crown to be placed under the care, control and management of the Trust,

the Governor may place that land under the care, control and management of the Trust.

(3) Land placed under the care, control and management of the Trust, by or under this section shall be administered by the Trust in accordance with the provisions of this Act.

DIVISION IV

DIVISION IV—STAFF OF THE TRUST

Officers and employees.

16. (1) The Governor may, subject to and in accordance with the Public Service Act, 1967-1978, appoint officers to assist the Trust in the administration of this Act.

(2) An officer so appointed shall hold office in accordance with the Public Service Act, 1967-1978.

(3) The Trust may, with the approval of the Minister, appoint officers and employees to assist the Trust in the administration of this Act.

(4) The Public Service Act, 1967-1978, shall not apply to officers or employees of the Trust appointed under subsection (3).

DIVISION V

DIVISION V—FINANCIAL PROVISIONS

Dealings with moneys of the Trust.

17. (1) All moneys received by the Trust shall be paid into a banking account established by the Trust.

(2) A banking account established by the Trust shall be operated by cheque signed and countersigned by such persons as the Trust may appoint for the purpose.

(3) Any moneys of the Trust that are not immediately required for the purposes of the Trust may be invested in such manner as the Treasurer may approve.

(4) Except as authorized by the Minister, no moneys shall be expended by the Trust except in accordance with a budget approved by the Minister.

Borrowing of moneys.

18. (1) The Trust may, for the purposes of this Act, borrow moneys from the Treasurer, or, with the consent of the Treasurer, from any other person.

(2) A liability incurred by the Trust under subsection (1) with the consent of the Treasurer is guaranteed by the Treasurer.

(3) A liability of the Treasurer under a guarantee arising by virtue of subsection (2) shall be satisfied out of the General Revenue of the State, which is appropriated by this section to the necessary extent.

Accounts and audit.

19. (1) The Trust shall cause proper accounts to be kept of its financial affairs.

(2) The Auditor-General may at any time, and shall at least once in every year, audit the accounts of the Trust.

(3) For the purpose of an audit under subsection (2), the Auditor-General may exercise in relation to the accounts of the Trust, and the officers and employees of the Trust, the powers that are vested in the Auditor-General by the Audit Act, 1921-1975, in respect of public accounts and accounting officers.

PART III

MISCELLANEOUS

Report.

20. (1) The Trust shall, on or before the thirtieth day of September in each year, deliver to the Minister a report upon the administration of this Act during the period of twelve months that ended on the preceding thirtieth day of June.

(2) The report must incorporate the audited statement of accounts for the Trust in relation to the relevant period.

(3) The Minister shall cause a copy of the report to be laid before each House of Parliament.

Stamp duty not payable on instruments of conveyance to the Trust.

21. No stamp duty is payable on any instrument by virtue of which real or personal property is assured to, or vested in, the Trust.

Damage, etc., to property of the Trust.

22. (1) A person who, without the authority of the Trust—

(*a*) damages or destroys any property of the Trust;

or

(*b*) removes any property of the Trust from the possession or control of the Trust,

shall be guilty of an offence and liable to a penalty not exceeding two thousand dollars or imprisonment for three months.

(2) The court before which a person is convicted of an offence under subsection (1) may order the convicted person to pay to the Trust compensation for loss suffered by the Trust in consequence of the commission of the offence.

(3) Any compensation awarded under subsection (2) may be recovered in the same manner as a fine.

(4) This section does not derogate from criminal liability to which a person may, apart from this section, be subject.

Proceedings.

23. Proceedings for an offence against this Act shall be disposed of summarily.

Regulations.

24. (1) The Governor may, upon the recommendation of the Trust, make such regulations as are necessary or expedient for the purposes of this Act.

(2) Without limiting the generality of subsection (1), the regulations may require the owner, or the person who has possession or control, of an object registered by the Trust to inform the Trust of any proposal to sell, dispose of, or destroy the registered object.

(3) Any regulation under this section may prescribe a penalty not exceeding five hundred dollars for breach of, or non-compliance with, the regulation.

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

***

Governor may extend time for holding election, etc.

3. Within twenty days before or after the date fixed for the polling, the Governor may, by proclamation—

(*a*) extend the time for holding the election;

(*b*) extend the time for returning the writ;

(*c*) provide for meeting any difficulty that might otherwise interfere with the due course of the election.

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

****

No. 38 of 1981

An Act to discharge trusts affecting the Temperance Hall and certain other land at Kangarilla; to make other provision in relation to the Temperance Hall and that other land; and for other purposes.

[*Assented to* 19 *March* 1981]

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 "Kangarilla Temperance Hall (Discharge of Trusts) Act, 1981".

Interpretation.

2. In this Act—

"the adjacent land" means the land comprised in Certificate of Title Register Book Volume 4116 Folio 833:

"the Council" means the District Council of Meadows:

"the Hall" means the land comprised in Certificate of Title Register Book Volume 4116 Folio 834 together with the improvements to that land:

"the land" means the Hall and the adjacent land.

Discharge of trusts, etc.

3. (1) The land is vested in the Council for an estate in fee simple and is freed and discharged from—

(*a*) any trusts affecting the land immediately before the commencement of this Act;

and

(*b*) any rights, interests or claims (other than those of the Council) affecting the land immediately before the commencement of this Act.

(2) The Council shall maintain and administer the Hall in perpetuity for the public benefit.

(3) The Council may sell the adjacent land.

(4) The moneys realized by the Council from the sale of the adjacent land shall be applied towards the maintenance and improvement of the Hall.

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

****

No. 39 of 1981

An Act to amend the Police Offences Act, 1953-1980.

[*Assented to* 19 *March* 1981]

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, 1981".

(2) The Police Offences Act, 1953-1980, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Police Offences Act, 1953-1981".

Commencement.

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

Insertion of heading and new s. 64.

3. The following heading and section are inserted after section 63 of the principal Act:

Expiation of Traffic Offences

Expiation of prescribed traffic offences.

64. (1) In this section—

"prescribed expiation fee", in relation to a prescribed offence, means the expiation fee fixed by regulation for that offence:

"prescribed offence" means an offence under the Road Traffic Act, 1961-1980, or the Motor Vehicles Act, 1959-1980, designated by regulation as a prescribed offence for the purposes of this section:

"traffic infringement notice" means a notice given under subsection (2).

(2) If a member of the police force believes on reasonable grounds that a person has committed a prescribed offence, or a number of prescribed offences arising out of the same incident, he may, subject to this section, give that person a written notice to the effect that the offence, or each offence specified in the notice, may be expiated by payment of the

prescribed expiation fee, or fees, to the Commissioner of Police within the period of twenty-eight days from the day on which the notice is issued.

(3) For the purposes of this section, two or more offences arise out of the same incident if they are committed contemporaneously, or in succession, one following immediately upon another.

(4) A traffic infringement notice—

(*a*) must be in a form approved by the Minister;

(*b*) may relate to no more than three offences;

(*c*) may not be given to a person who was under the age of sixteen years at the time of the commission of the offence, or offences;

(*d*) need not, where a vehicle is involved in the commission of the offence, or offences, and is found unattended, identify the person alleged to have committed the offence, or offences; and

(*e*) may be given to a person personally, or by post addressed to his last known place of residence or business, or, where a vehicle is involved in the commission of the offence, or offences, and is found unattended, by affixing or placing the notice on that vehicle.

(5) Where a traffic infringement notice has been given to a person in respect of an offence, or a number of offences, no further such notice may be given to him in respect of any other offences arising out of the same incident.

(6) Where the offence, or each of the offences, to which a traffic infringement notice relates is expiated in accordance with the terms of the notice, no person shall, subject to subsection (10), be prosecuted in any court for that offence, or those offences, or for any other prescribed offence arising out of the same incident.

(7) Where a traffic infringement notice relates to more than one offence, none of those offences shall be regarded as having been expiated unless the total amount of the expiation fees specified in the notice is paid within the specified period.

(8) The Commissioner of Police may withdraw a traffic infringement notice if he believes that the notice was improperly given.

(9) The withdrawal of a traffic infringement notice under subsection (8) may be effected notwithstanding the payment of an expiation fee under the notice, or the expiry of the period for payment under the notice.

(10) Notwithstanding that the offence, or offences, to which a traffic infringement notice relates have been expiated, the Commissioner of Police may decide that the recipient of the notice is to be prosecuted for that offence, those offences, or any one or more of them, or for any other prescribed offence arising out of the same incident, and for that purpose may withdraw the notice.

(11) The Commissioner of Police shall not exercise his powers under subsection (10) except within the period of sixty days from the day on which the traffic infringement notice was issued.

(12) The withdrawal of a traffic infringement notice under subsection (8) or (10) shall be effected by giving written notice, personally or by post, to the recipient of the notice.

(13) Upon withdrawing a traffic infringement notice, the Commissioner of Police shall refund any expiation fees paid under the notice.

(14) Where a traffic infringement notice is withdrawn, a prosecution for an offence to which the notice related may be commenced, but in any such prosecution, the fact that the defendant paid an expiation fee shall not be admissible in evidence against him.

(15) The payment of an expiation fee by a person shall not be regarded by a court in any civil proceedings against that person as constituting an admission, or as establishing, or tending to establish, any civil liability.

(16) All moneys received by way of expiation fees under this section shall be paid into the General Revenue of the State.

(17) The Commissioner of Police may delegate to the Deputy Commissioner of Police, or to any commissioned officer of the police force, any of his powers, functions or duties under this section.

(18) A delegation under subsection (17) is revocable at will and does not prevent the exercise or performance of any power, function or duty by the Commissioner of Police.

(19) The Governor may make such regulations as are necessary or expedient for the purposes of this section.

(20) The expiation fee fixed by regulation in relation to an offence may vary according to—

(*a*) any circumstances of or surrounding the offence;

or

(*b*) any other factor,

specified in the regulations.

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

****

No. 40 of 1981

An Act to amend the Motor Vehicles Act, 1959-1980.

[*Assented to* 19 *March* 1981]

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 "Motor Vehicles Act Amendment Act, 1981".

(2) The Motor Vehicles Act, 1959-1980, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Motor Vehicles Act, 1959-1981".

Commencement.

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

Amendment of s. 81b—Cancellation of learner's permits and driver's licences for breach of probationary conditions, etc.

3. Section 81b of the principal Act is amended—

(*a*) by striking out from paragraph (*a*) of subsection (2) the passage "is convicted of" and substituting the word "commits";

(*b*) by striking out from paragraph (*b*) of subsection (2) the passage "is convicted of" and substituting the word "commits";

and

(*c*) by inserting in subsection (2) after the passage "the Registrar shall" the passage ", upon receiving notice under section 93 of the conviction, or the expiation, of the offence,".

Amendment of s. 82—Obligation upon Registrar to deal with learner's permits and driver's licences pursuant to recommendations of the consultative committee.

4. Section 82 of the principal Act is amended by inserting after subsection (1) the following subsection:

(1aa) Where a person expiates, in accordance with the Police Offences Act, 1953-1981, an offence that attracts demerit points under this Act, he shall, for the purposes of subsection (1) (*c*), be deemed to have been convicted of that offence.

Amendment of s. 93— Notice to be given to Registrar.

5. Section 93 of the principal Act is amended by inserting after subsection (3) the following subsections:

(3a) Where a person expiates an offence to which a traffic infringement notice given under the Police Offences Act, 1953-1981, relates, and that offence—

(*a*) attracts demerit points under this Act;

or

(*b*) is an offence of contravening a probationary condition of a learner's permit or driver's licence,

the Commissioner of Police shall send to the Registrar notice in writing of the expiation.

(3b) Where the Commissioner of Police withdraws a traffic infringement notice in relation to which he has given notice under subsection (3a), he shall, by further notice in writing, advise the Registrar forthwith of the withdrawal and the grounds upon which the withdrawal was made.

Amendment of s. 98b— Points demerit scheme.

6. Section 98b of the principal Act is amended—

(*a*) by inserting after subsection (1) the following subsection:

(1a) Where a person expiates an offence to which a traffic infringement notice given under the Police Offences Act, 1953-1981, relates, he shall, for the purposes of this section, be deemed to have been convicted of that offence on the day upon which he expiated the offence.;

and

(*b*) by striking out from subsection (10) the passage "If a court is satisfied by evidence given on oath forthwith upon conviction that an offence" and substituting the passage "If a court by which a person is convicted of an offence is satisfied by evidence given on oath forthwith upon conviction that the offence".

Amendment of s. 98f— Cancellation or suspension of certificate.

7. Section 98f of the principal Act is amended by inserting after subsection (2) the following subsection:

(2a) Where a person expiates, in accordance with the Police Offences Act, 1953-1981, an offence that attracts demerit points under this Act, he shall, for the purposes of subsections (1) (*b*) and (2), be deemed to have been convicted of that offence.

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

****

No. 41 of 1981

An Act to amend the Building Societies Act, 1975-1976.

[*Assented to* 19 *March* 1981]

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 "Building Societies Act Amendment Act, 1981".

(2) The Building Societies Act, 1975-1976, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Building Societies Act, 1975-1981".

Commencement.

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

Amendment of s. 5—Interpretation.

3. Section 5 of the principal Act is amended by inserting after the definition of "the repealed Act" the following definition:

"restricted loan" means a loan that is, in terms of section 33, a restricted loan:.

Amendment of s. 6—Registrar and Deputy Registrars.

4. Section 6 of the principal Act is amended by striking out paragraph (*a*) of subsection (1) and substituting the following paragraph:

(*a*) a Registrar of Building Societies;.

Amendment of s. 12—Registration and incorporation.

5. Section 12 of the principal Act is amended by striking out from subsection (3) the passage "five hundred thousand dollars of which not less than one hundred thousand dollars" and substituting the passage "two million dollars of which not less than one million dollars".

Repeal of ss. 21, 22 and 23 and substitution of new sections.

6. Sections 21, 22 and 23 of the principal Act are repealed and the following sections are substituted:

Amalgamation.

21. Two or more societies may be amalgamated either upon application, or by direction of the Minister, under this Division.

Application for amalgamation.

22. (1) An application for amalgamation may be made to the Registrar upon the authority of a special resolution of each of the societies concerned in the proposed amalgamation.

(2) An application under subsection (1)—

(*a*) must be made jointly by the societies concerned in the proposed amalgamation;

(*b*) must contain such information as may be prescribed;

and

(*c*) must be accompanied by a copy of the proposed rules of the society to be formed by the amalgamation.

(3) A society that proposes to join in an application for amalgamation with one or more other societies shall send to each of its members a statement the contents of which have been approved by the Registrar concerning—

(*a*) the financial position of the society and any other society or societies with which it proposes to amalgamate;

(*b*) any interest that the officers of the society or of any other society concerned in the amalgamation may have in the amalgamation;

(*c*) any compensation or other consideration proposed to be paid to the officers of the society and of the other society or societies concerned;

(*d*) the payments (if any) to be made to members of the society and of the other society or societies concerned in consideration of the amalgamation;

and

(*e*) such other matters as the Registrar may direct.

(4) A statement under subsection (3) shall be sent so that it will in the ordinary course of post reach each member not later than the time at which he would receive notice of the meeting called to pass the special resolution authorizing the application for amalgamation.

(5) If three days before the day on which the meeting called to pass the special resolution is to be held, a society has received written notices of objection from ten per centum or more of its members to the proposed amalgamation, the motion for the special resolution shall not be placed before the meeting.

(6) The Registrar may, on the application of a society, authorize the society to join in an application under this section—

(*a*) notwithstanding that the application is not authorized by a special resolution of the society;

or

(*b*) notwithstanding that any other requirement of this section has not been complied with.

(7) The Registrar may give such notice (if any) of an application under subsection (6) as he thinks appropriate and may, before granting or refusing the application, hear any person who has, in the opinion of the Registrar, a proper interest in the matter.

Amalgamation by direction of the Minister.

23. (1) Where—

(*a*) a society is insolvent or the financial position of a society is such that it is, in the opinion of the Minister, in danger of becoming insolvent;

and

(*b*) another society agrees, by special resolution, to amalgamate with the society referred to in paragraph (*a*),

the Minister may direct the society referred to in paragraph (*a*) to amalgamate with the society referred to in paragraph (*b*).

(2) Before calling a meeting to pass a special resolution referred to in subsection (1) (*b*), a society shall send to each of its members a statement the contents of which have been approved by the Registrar concerning—

(*a*) the financial position of the society and the society with which it is proposed that it amalgamate;

(*b*) any interest that the officers of the society may have in the amalgamation;

(*c*) any compensation or other consideration proposed to be paid to the officers of the society;

(*d*) the payments (if any) to be made to members of the society in consideration of the amalgamation;

and

(*e*) such other matters as the Registrar may direct.

(3) A statement under subsection (2) shall be sent so that it will in the ordinary course of post reach each member not later than the time at which he would receive notice of the meeting called to pass the special resolution agreeing to the amalgamation.

(4) If three days before the day on which the meeting called to pass the special resolution is to be held, the society has received written notices of objection from ten per centum or more of its members to the proposed amalgamation, the motion for the special resolution shall not be placed before the meeting.

(5) The Registrar may, on the application of a society, authorize the society to agree, by special resolution, to an amalgamation under this section notwithstanding that a requirement of this section has not been complied with.

(6) The Registrar may give such notice (if any) of an application under subsection (5) as he thinks appropriate and may, before granting or refusing the application, hear any person who has, in the opinion of the Registrar, a proper interest in the matter.

(7) The first rules of the society to be formed by the amalgamation of societies in pursuance of a direction of the Minister under this section shall be as determined by the Minister.

Amalgamation.

23a. (1) Where—

(*a*) due application for the amalgamation of two or more societies is made under this Division;

or

(*b*) the Minister directs the amalgamation of societies in pursuance of this Division,

the Registrar shall, subject to subsection (2)—

(*c*) register the society formed by the amalgamation and shall register the rules of the society and shall issue a certificate of incorporation in the prescribed form in respect of the society;

and

(*d*) shall cancel the registration of the societies that were parties to the amalgamation.

(2) A society shall not be registered under subsection (1) unless the requirements of section 12 (3) and (4) (other than paragraph (*a*) of section 12 (4)) are complied with.

(3) Section 12 (5) applies to a society in respect of which a certificate of incorporation has been issued under subsection (1).

(4) The amalgamation shall not prejudice any right of a creditor of any society that is a party to the amalgamation.

(5) Upon the issue of the certificate of incorporation the property of each society that was a party to the amalgamation shall on and from the date of the certificate and by virtue of this Act without any conveyance, transfer or assignment, vest in the society formed by the amalgamation.

(6) For the purposes of this section the property of the societies that are parties to the amalgamation shall include all estates and interests in property, whether real or personal, vested or contingent.

(7) Upon production of the certificate of the Registrar, and of the appropriate certificates of title (if any) the Registrar-General shall make such entries or notations upon existing certificates of title, or shall issue such new certificates of title as are necessary to evidence the vesting of any estate or interest in land in a society formed by amalgamation under this section.

(8) Any property vested in, or transferred to, a society by virtue of or in pursuance of this section shall be subject to any debt, liability or obligation affecting that property.

(9) All debts and liabilities, whether certain or contingent, and whether then existing or capable of arising at a future time, to or with which any society that is a party to the amalgamation is, immediately before the issue of the certificate of incorporation, liable or charged, shall by virtue of this Act become and be the debts and liabilities of the society formed by the amalgamation.

Repeal of s. 27 and substitution of new section.

7. Section 27 of the principal Act is repealed and the following section is substituted:

Rates of interest.

27. (1) The Minister may, by notice published in the *Gazette*—

(*a*) fix a maximum rate of interest generally applicable to loans made by societies;

(*b*) fix a maximum rate of interest in relation to any class of loans made by societies;

and

(*c*) vary or revoke a rate of interest fixed under this subsection.

(2) Subject to this Act, a society shall not charge interest upon a loan at a rate exceeding a maximum fixed under subsection (1) that is applicable to the loan.

(3) This section does not apply in respect of—

(*a*) a restricted loan;

or

(*b*) a loan that was lawfully made before the commencement of this Act.

Amendment of s. 41— Power to raise funds.

8. Section 41 of the principal Act is amended by striking out subsection (1) and substituting the following subsection:

(1) A society may, subject to this Act, and the rules of the society, raise funds—

(*a*) by accepting deposits;

(*b*) by borrowing money;

or

(*c*) in any other manner authorized by regulation.

Amendment of s. 47— Share capital.

9. Section 47 of the principal Act is amended by striking out from subsection (6) the passage "five hundred thousand dollars" and substituting the passage "two million dollars".

Repeal of s. 50 and substitution of new section.

10. Section 50 of the principal Act is repealed and the following section is substituted:

Charitable contributions.

50. (1) A society may, subject to this section and the rules of the society, make contributions out of its funds—

(*a*) for charitable purposes;

or

(*b*) for the purpose of establishing or maintaining a charitable foundation.

(2) Unless the Registrar otherwise determines a contribution shall not be made under subsection (1) unless—

(*a*) the society achieved a surplus in each of the three financial years last preceding the making of the contribution;

and

(*b*) the aggregate of that contribution and any previous contributions made in the same financial year does not exceed—

(i) five per centum of the average annual surplus achieved in the three financial years last preceding the making of that contribution;

or

(ii) such other proportion of that average annual surplus as may be prescribed.

(3) A contribution shall not be made under subsection (1) for the purpose of establishing a charitable foundation unless the Minister has first given his approval in writing.

(4) For the purposes of this section, the extent (if at all) to which a society has achieved a surplus shall be determined in accordance with the provisions of section 37.

(5) In this section—

"charitable foundation" means a foundation or trust that exists, or is to be established, only for charitable purposes.

11. The following Division is inserted after section 64 of the principal Act: Insertion of new Division V.

DIVISION V—MANAGEMENT CONTRACTS

64a. (1) A society shall not enter into a management contract without first obtaining the written approval of the Registrar. Management contracts.

(2) In this section "management contract" means an agreement or arrangement under which—

(*a*) a society agrees to perform the whole or any part of its functions—

(i) in a particular manner;

(ii) in accordance with the directions of any person;

or

(iii) subject to specified restrictions or conditions;

or

(*b*) a person who is not an officer or an employee of the society agrees to perform the whole, or a substantial part, of the functions of the society.

12. Section 74 of the principal Act is amended by striking out from paragraph (*b*) of subsection (1) the passage "five hundred thousand dollars" and substituting the passage "two million dollars". Amendment of s. 74—Too few members, etc.

13. The following section is inserted after section 89 of the principal Act: Insertion of new s. 90.

90. (1) There shall be a Committee entitled the "Building Societies Advisory Committee". The Advisory Committee.

(2) The Committee shall consist of six persons appointed by the Minister of whom—

(*a*) one shall be the Registrar;

(*b*) one shall be a nominee of the Treasurer;

(*c*) one shall be a nominee of the Minister of Housing;

and

(*d*) three shall be persons who are, in the opinion of the Minister, suitably qualified to represent the interests of societies.

(3) Subject to subsection (4) the Minister may appoint a suitable person to be a deputy of a member of the Committee, and such a person may, in the absence of the member of whom he has been appointed a deputy, act as a member of the Committee.

(4) The Minister shall not appoint a person as the deputy of a member who was appointed under subsection (2) (*b*) or (2) (*c*) unless that person has first been nominated by the Treasurer or the Minister of Housing respectively.

(5) A member of the Committee shall hold office at the pleasure of the Minister.

(6) The functions of the Committee are as follows:

(*a*) to make recommendations to the Minister on the more effective operation of societies;

(*b*) to make recommendations to the Minister in relation to regulations and model rules under this Act;

(*c*) to make recommendations to the Minister in relation to maximum rates of interest applicable to loans made by societies;

(*d*) to keep legislation relevant to the operation of societies under review and, where appropriate, to recommend amendments;

(*e*) to advise the Minister or the Registrar upon matters referred to the Committee for advice;

and

(*f*) to advise the Minister generally on the operation of societies and matters relevant to the administration of this Act.

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

****

No. 42 of 1981

An Act relating to the interpretation of certain provisions relating to corporations and the securities industry and for certain other matters.

[*Assented to* 19 *March* 1981]

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 "Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Act, 1981."

Commencement.

2. This Act shall come into operation on the day on which the National Companies and Securities Commission (State Provisions) Act, 1981, comes into operation.

Interpretation.

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

"Agreement" means the agreement made on the twenty-second day of December, 1978, between the Commonwealth and the States in relation to a proposed scheme for the co-operative regulation of companies and the securities industry or, if that agreement is or has been amended or affected by another agreement, that agreement as so amended or affected:

"Code" means the provisions of an Act passed by the Parliament of the Commonwealth pursuant to the Agreement as in force for the time being, being provisions applying, by reason of an Act passed by the Parliament of South Australia pursuant to the Agreement, as laws of South Australia:

"Ministerial Council" means the Ministerial Council for Companies and Securities established by the Agreement:

"the Commonwealth Act" means the *Companies and Securities (Interpretation and Miscellaneous Provisions) Act* 1980 of the Commonwealth as amended and in force for the time being.

Relevant Codes.

4. (1) For the purposes of this Act, each of the following Codes is a relevant Code:—

(*a*) the *Companies and Securities (Interpretation and Miscellaneous Provisions) (South Australia) Code*;

(*b*) the *Companies (Acquisition of Shares) (South Australia) Code*;

and

(*c*) any Code to which this Act applies by reason of a relevant application provision in an Act.

(2) For the purposes of subsection (1) of this section a provision in an Act is a relevant application provision in relation to a Code if the provision states that this Act applies to the Code concerned.

National Companies and Securities Commission (State Provisions) Act, 1981.

5. For the purposes of this Act, a reference to a relevant Code includes a reference to the provisions of the National Companies and Securities Commission (State Provisions) Act, 1981, other than sections 1, 2, 3, 4, 20 and 21.

Act to bind Crown.

6. This Act binds the Crown.

Interpretation of relevant Codes.

7. Except in relation to matters expressly provided for by this Act and subject to any express provision contained in a relevant Code, the laws in force in the Australian Capital Territory at the commencement of the Commonwealth Act that relate to the interpretation of Ordinances of the Australian Capital Territory—

(*a*) apply for the purposes of the interpretation of each relevant Code as if the relevant Code were an Ordinance of the Australian Capital Territory;

and

(*b*) apply for the purposes of the interpretation of any instrument (including rules, regulations or by-laws) made, granted or issued under or, in the case of regulations, applying as regulations made under, a relevant Code as if the instrument were made, granted or issued under such an Ordinance.

Application of interpretation law.

8. The provisions of the Commonwealth Act (other than sections 1, 2, 3, 4 and 5) apply—

(*a*) as if amended as set out in schedule 1 of this Act;

and

(*b*) subject to and in accordance with this Act,

as laws of South Australia.

Publication of Companies and Securities (Interpretation and Miscellaneous Provisions) (South Australia) Code.

9. (1) The Minister may from time to time authorize the publication by the Government Printer of the provisions of the Commonwealth Act (other than sections 1, 2, 3, 4 and 5), amended as set out in schedule 1 of this Act and in operation, or to come into operation, in South Australia.

(2) A document published under subsection (1) of this section—

(*a*) shall include the headings and sections set out in schedule 2 of this Act;

(*b*) shall include a notification of the date, or dates, on which the several provisions set out in the document came, or come, into operation in South Australia;

(*c*) shall include a statement of the date on which the Minister authorized the publication;

and

(*d*) may be cited as the *Companies and Securities (Interpretation and Miscellaneous Provisions) (South Australia) Code.*

(3) A document that is or purports to be a copy of the *Companies and Securities (Interpretation and Miscellaneous Provisions) (South Australia) Code* that has been, or purports to have been, published in accordance with this section is *prima facie* evidence of the provisions of the Commonwealth Act applying by reason of section 8 of this Act as in operation, or to come into operation, in South Australia as notified in the document in accordance with paragraph (*b*) of subsection (2) of this section.

Publication of provisions of amended Code.

10. (1) The Minister may from time to time authorize the publication by the Government Printer of a document setting out provisions that by reason of—

(*a*) the enactment of an Act of the Commonwealth amending the Commonwealth Act;

and

(*b*) the operation of section 8 (including the operation, if applicable, of schedule 1),

apply, or will apply, as laws of South Australia.

(2) A document published under subsection (1) shall include a notification of the date, or dates, on which the provisions set out in the document came, or come, into operation in South Australia.

(3) A document that has been or purports to have been published in accordance with this section is *prima facie* evidence of provisions referred to in subsection (1) set out in the document.

Interpretation of references to the applied provisions.

11. (1) Unless the contrary intention appears, in this or any other Act or in a regulation or other instrument made under any other Act or in any other document made by or under the authority of, or for the purposes of, a law of South Australia—

(*a*) a reference to the *Companies and Securities (Interpretation and Miscellaneous Provisions) (South Australia) Code* is a reference to the provisions of the Commonwealth Act applying by reason of section 8 of this Act;

and

(*b*) a reference to a provision of that Code is a reference to the corresponding provision of the Commonwealth Act as so applying.

(2) In subsection (1) of this section, "provision" includes Part, Division, section, subsection, paragraph, subparagraph, schedule, form, regulation, subclause or other division.

Amendment of certain provisions in accordance with approval of Ministerial Council.

12. Where, under the Agreement, the Ministerial Council—

(*a*) approves a proposed amendment of the Commonwealth Act;

and

(*b*) approves proposed regulations to be made under this Act in connection with the operation of the proposed amendment,

the Governor may make regulations amending schedule 1 of this Act, in accordance with that approval, and that schedule as so amended shall be schedule 1 of this Act.

Application of certain sections of Acts Interpretation Act, 1915-1978, to relevant Codes.

13. Unless the contrary intention appears and notwithstanding any other provision of this Act section 29, sections 42 to 47 inclusive and sections 50 and 51 of the Acts Interpretation Act, 1915-1978, apply in relation to each relevant Code as if that Code were an Act.

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

K. D. SEAMAN, Governor

SCHEDULES

Section 8.

SCHEDULE 1

The provisions of the Commonwealth Act apply as if—

1. Unless inconsistent with another provision of this schedule
   (*a*) for the words "relevant Act" or "relevant Acts" in the Commonwealth Act (wherever occurring) there were substituted the words "relevant Code" or "relevant Codes" respectively;
   (*b*) for the words "the Territory" in the Commonwealth Act (wherever occurring) there were substituted the words "South Australia";
   and
   (*c*) for the words "law of a State or of another Territory" in the Commonwealth Act (wherever occurring) there were substituted the words "law of a State other than South Australia or of a Territory".

2. In section 8 of the Commonwealth Act—
   (*a*) for paragraph (*c*) there were substituted the following paragraph:
   (*c*) an Act—
   (i) of the Parliament of the Commonwealth may be cited by a reference to the Commonwealth;
   and
   (ii) of another State or of a Territory may be cited by a reference to the State or Territory by the Parliament or legislature of which the Act was passed—
   together with such mode of reference as is sufficient in Acts passed by that Parliament or legislature;;
   (*b*) in paragraphs (*d*) and (*f*) for the words "an Ordinance" there were substituted the words "an Ordinance of a Territory";
   and
   (*c*) in paragraph (*e*) for the words "State Act" there were substituted the words "Act of another State or of a Territory".

3. In section 9 of the Commonwealth Act—
   (*a*) in the definition of "Agreement" for the expression "*Act* 1979" there were substituted the expression "(State Provisions) Act, 1981";
   (*b*) the definition of "another Territory" were repealed;
   (*c*) after the definition of "calendar year" there were inserted the following definition:—
   "Code" means the provisions of an Act passed by the Parliament of the Commonwealth pursuant to the Agreement as in force for the time being, being provisions applying, by reason of an Act passed by the Parliament of South Australia pursuant to the Agreement, as laws of South Australia;;
   (*d*) in the definition of "commencement" the words "or Ordinance" (three times occurring) were repealed;
   (*e*) for the definition of "committed for trial" there were substituted the following definition:—
   "committed for trial", in relation to a person, means committed to prison to await his trial or granted bail to appear at his trial;;
   (*f*) for the definition of "Consolidated Revenue Fund" there were substituted the following definition:—
   "Consolidated Account" means the General Revenue and Loan Fund Account of South Australia;;
   (*g*) in paragraph (*b*) of the definition of "constituent documents" for the expression "(other than the Companies Ordinance 1962 or the corresponding law of a State or another Territory or of another country)" there were substituted the expression "(other than the Companies Act, 1962-1980, or the corresponding law of another State or of a Territory or of another country)";
   (*h*) for the definitions of "Court" and "court of summary jurisdiction" there were substituted the following definitions:—
   "Court" means the Supreme Court of South Australia or a judge of that Court;
   "court of summary jurisdiction" means a Magistrates' Court of South Australia;;
   (*i*) for the definition of "Crown" there were substituted the following definition:—
   "Crown" means the Crown in right of South Australia;;
   (*j*) the definition of "Executive Council" were repealed;
   (*k*) for the definition of "external Territory" there were substituted the following definition:—
   "external Territory" means a Territory not being an internal Territory, for the government of which as such a Territory, provision is made by an Act of the Commonwealth;;
   (*l*) in the definition of "financial year" for the words "Consolidated Revenue Fund" there were substituted the words "Consolidated Account";
   (*m*) after the definition of "Gazette" there were inserted the following definition:—
   "*Government Gazette*" means the South Australian *Government Gazette*;;

SCHEDULE 1—*continued*

(*n*) for the definition of "Jervis Bay Territory" there were substituted the following definition:—

"Jervis Bay Territory" means the Territory accepted by the Commonwealth pursuant to the Jervis Bay Territory Acceptance Act 1915 of the Commonwealth as amended and in force for the time being and described in the agreement set out in the schedule to that Act;;

(*o*) the definition of "Judge" were repealed;

(*p*) for the definition of "law of the Territory" or "law of the Australian Capital Territory" there were substituted the following definition:—

"law of the Australian Capital Territory" includes a law of New South Wales as applying in that Territory;;

(*q*) for the definition of "magistrate" there were substituted the following definition:—

"magistrate" means—

(*a*) a magistrate in respect of whose office an annual salary is payable; and

(*b*) a special magistrate appointed under the Justices Act, 1921-1980;;

(*r*) for the definition of "Minister" there were substituted the following definition:—

"Minister" means a Minister of State for South Australia;;

(*s*) after the definition of "Northern Territory" there were inserted the following definition:—

"Order in Council" means an Order in Council made by the Governor in Council, published in the *Government Gazette*;;

(*t*) in the definition of "Ordinance" before the word "Territory" there were inserted the words "Australian Capital";

(*u*) for the definition of "Parliament" there were substituted the following definition:—

"Parliament" means the Parliament of South Australia;;

(*v*) for the definitions of "participating State" and "participating Territory" there were substituted the following definitions:—

"participating State" means a State other than South Australia that is a party to the Agreement;

"participating Territory" means—

(*a*) the Australian Capital Territory;

(*b*) if the Northern Territory is a party to the Agreement—that Territory; and

(*c*) any external Territory to which the Agreement applies pursuant to clause 50 of the Agreement;;

(*w*) for the definition of "prescribed" there were substituted the following definition:—

"prescribed" means prescribed by the relevant Code or by regulations applying under the relevant Code;;

(*x*) for the definition of "Proclamation" there were substituted the following definition:—

"proclamation" means proclamation by the Governor in Council published in the *Government Gazette*;;

(*y*) for the definition of "regulations" there were substituted the following definitions:—

"regulations" means regulations applying under the relevant Code;

"relevant Code" means a Code that is a relevant Code within the meaning of the Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Act, 1981;;

(*z*) the definition of "State Act" were repealed;

(*za*) for the definition of "the Minister" there were substituted the following definition:—

"the Minister" means the Minister for the time being administering the Act by reason of which the provisions of the relevant Code apply as laws of South Australia or, if, for the time being, different Ministers are administering that Act in different respects, each of those Ministers to the extent that he is administering that Act in the relevant respect;;

(*zb*) the definition of "the Territory" or "the Australian Capital Territory" were repealed; and

(*zc*) for the definition of "this Act" there were substituted the following definition:—

"this Code" includes regulations applying under the relevant Code;.

4. In section 11 of the Commonwealth Act—

(*a*) for the words "law of a State or of another Territory" (twice occurring) there were substituted the words "law of a State other than South Australia or of a Territory";

(*b*) for the words "another Act" there were substituted the words "another law"; and

(*c*) for the words "other Act" there were substituted the words "other law".

SCHEDULE 1—*continued*

5. For section 12 of the Commonwealth Act there were substituted the following section:—

12. Where in any relevant Code—

(*a*) a Minister is referred to, the reference shall, unless the contrary intention appears, be deemed to include a reference to any Minister for the time being acting for or on behalf of the Minister so referred to;

and

(*b*) a Commonwealth Minister is referred to, the reference shall, unless the contrary intention appears, be deemed to include a reference to any Commonwealth Minister or member of the Federal Executive Council for the time being acting for or on behalf of the Commonwealth Minister so referred to.

6. In section 14 of the Commonwealth Act for the words "office of the Corporate Affairs Commission for the Territory" (three times occurring) there were substituted the words "office of the Corporate Affairs Commission for South Australia".

7. For section 17 of the Commonwealth Act there were substituted the following section:—

17. In any relevant Code, unless the contrary intention appears, a reference to the Crown shall be construed as a reference to the Sovereign for the time being.

8. For section 19 of the Commonwealth Act there were substituted the following section:—

19. In any relevant Code, unless the contrary intention appears—

(*a*) a reference to an officer or office shall be construed as a reference to such an officer or office in and for South Australia;

and

(*b*) a reference to a locality, jurisdiction or other matter or thing shall be construed as a reference to such locality, jurisdiction or other matter or thing in and of South Australia.

9. In section 24 (1) of the Commonwealth Act after the words "any Act" (twice occurring) there were inserted the words "or Code".

10. For sections 28, 29, 30, 31 and 32 of the Commonwealth Act there were substituted the following sections:—

28. (1) The repeal of the provisions of a relevant Commonwealth Act by which the provisions of a previous relevant Commonwealth Act were repealed does not have the effect of reviving the provisions of the previous relevant Commonwealth Act without express words.

(2) In this section and in sections 29, 30, 31 and 32 a reference to provisions, or a provision, of a relevant Commonwealth Act is a reference to provisions, or a provision, of—

(*a*) the *Companies and Securities (Interpretation and Miscellaneous Provisions) Act* 1980 of the Commonwealth;

(*b*) the *Companies (Acquisition of Shares) Act* 1980 of the Commonwealth;

or

(*c*) any other Act of the Commonwealth,

which, by reason of—

(*d*) the Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Act, 1981;

(*e*) the Companies (Acquisition of Shares) (Application of Laws) Act, 1981;

or

(*f*) an Act containing a relevant application provision,

apply as, or, applies as a law of South Australia, or, in the case of a repealed provision, has applied as a law of South Australia.

(3) For the purposes of subsection (2), a provision in an Act is a relevant application provision if the provision contains a statement to the effect that the provisions of an Act of the Commonwealth apply (whether with or without qualification) as laws of South Australia.

29. Where a provision of a relevant Commonwealth Act repeals a provision of a former relevant Commonwealth Act then, unless the contrary intention appears, the repeal does not—

(*a*) revive anything not in force or existing at the time when the repeal takes effect;

(*b*) affect the previous operation of the provision of the relevant Commonwealth Act so repealed, or anything duly done or suffered under the provision of the relevant Commonwealth Act so repealed;

(*c*) affect a right, privilege, obligation or liability acquired, accrued or incurred under the provision of the relevant Commonwealth Act so repealed, or an investigation, legal proceeding or remedy in respect of that right, privilege, obligation or liability;

or

(*d*) affect a penalty, forfeiture or punishment incurred in respect of an offence committed against the provision of the relevant Commonwealth Act so repealed, or an investigation, legal proceeding or remedy in respect of that penalty, forfeiture or punishment,

and the investigation, legal proceeding or remedy may be instituted, continued or enforced, and a penalty, forfeiture or punishment may be imposed as if the repealing provision of the relevant Commonwealth Act had not been enacted.

SCHEDULE 1—*continued*

30. Where a provision of a relevant Commonwealth Act repeals a provision of a former relevant Commonwealth Act and substitutes a provision in lieu of the repealed provision, the repealed provision remains in force until the substituted provision comes into operation.

31. A provision of a relevant Commonwealth Act amending a provision of another relevant Commonwealth Act shall, unless the contrary intention appears, be construed with the provisions of the relevant Commonwealth Act being amended and as part of them.

32. The expiration of a provision of a relevant Commonwealth Act does not affect any civil proceedings previously commenced under the relevant Commonwealth Act and the civil proceedings may be continued, and everything in relation to the civil proceedings may be done, in all respects as if the provision of the relevant Commonwealth Act continued in force.

11. In section 33 of the Commonwealth Act—

(*a*) the expression "(1)" were repealed

(*b*) for the words "another Act" (twice occurring) there were substituted the words "an Act";

(*c*) for the words "that other Act" (twice occurring) there were substituted the words "that Act";

and

(*d*) subsection (2) were repealed.

12. For paragraph (*b*) of section 37 of the Commonwealth Act there were substituted the following paragraph:—

(*b*) under another law of South Australia or a law of another State or of a Territory;.

13. For subsection (3) of section 38 of the Commonwealth Act there were substituted the following subsection:—

(3) Nothing in this section shall be taken to affect the application in relation to any relevant Code of the provisions (other than section 269) of the Criminal Law Consolidation Act, 1935-1980.

14. In the heading of Part IV of the Commonwealth Act for the word "ACT" there were substituted the words "(STATE PROVISIONS) ACT".

15. In section 39 of the Commonwealth Act for the expression "*Act* 1979" (wherever occurring) there were substituted the expression "(*State Provisions*) *Act*, 1981".

16. In subsection (1) of section 40 of the Commonwealth Act for the words "This Act" there were substituted the words "This Code".

Section 9.

SCHEDULE 2

The following headings and sections shall be included in the publication of the provisions of the Commonwealth Act under section 9 of this Act:—

COMPANIES AND SECURITIES (INTERPRETATION AND MISCELLANEOUS PROVISIONS) (SOUTH AUSTRALIA) CODE

RELATING TO THE INTERPRETATION OF CERTAIN PROVISIONS RELATING TO CORPORATIONS AND THE SECURITIES INDUSTRY, AND FOR CERTAIN OTHER MATTERS

PART 1.—PRELIMINARY

1. This Code may be cited as the "*Companies and Securities* (*Interpretation and Miscellaneous Provisions*) (*South Australia*) *Code*".

2. This Code comes into operation on the day on which the Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Act, 1981, comes into operation.

3. For the purposes of this Code, each of the following Codes is a relevant Code:—

(*a*) this Code;

(*b*) the *Companies* (*Acquisition of Shares*) (*South Australia*) *Code*;

and

(*c*) any Code to which the Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Act, 1981, applies by reason of a relevant application provision in an Act.

4. For the purposes of paragraph (*c*) of section 3, a provision in an Act is a relevant application provision in relation to a Code if the provision states that the Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Act, 1981, applies to the Code concerned.

5. For the purposes of this Code, a reference to a relevant Code includes a reference to the provisions of the National Companies and Securities Commission (State Provisions) Act, 1981, other than sections 1, 2, 3, 4, 20 and 21.

COMPANIES AND SECURITIES (INTERPRETATION AND MISCELLANEOUS PROVISIONS) (SOUTH AUSTRALIA) CODE

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PART I

PART I

PRELIMINARY

Short title.

1. This Code may be cited as the "*Companies and Securities (Interpretation and Miscellaneous Provisions) (South Australia) Code*".

Commencement.

2. This Code comes into operation on the day on which the Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Act, 1981, comes into operation.

Relevant Codes.

3. For the purposes of this Code, each of the following Codes is a relevant Code:

(*a*) this Code;

(*b*) the *Companies (Acquisition of Shares) (South Australia) Code;*

and

(*c*) any Code to which the Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Act, 1981, applies by reason of a relevant application provision in an Act.

Relevant application provision.

4. For the purposes of paragraph (*c*) of section 3, a provision in an Act is a relevant application provision in relation to a Code if the provision states that the Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Act, 1981, applies to the Code concerned.

National Companies and Securities Commission (State Provisions) Act, 1981.

5. For the purposes of this Code, a reference to a relevant Code includes a reference to the provisions of the National Companies and Securities Commission (State Provisions) Act, 1981, other than sections 1, 2, 3, 4, 20 and 21.

PART II

PART II

INTERPRETATION

DIVISION 1—GENERAL

DIVISION 1

Every section to be a substantive enactment.

6. Every section of a relevant Code has effect as a substantive enactment without introductory words.

Headings, schedules, marginal notes and footnotes.

7. (1) The headings of the Parts, Divisions and Subdivisions into which a relevant Code is divided form part of the relevant Code.

(2) A schedule to a relevant Code forms part of the relevant Code.

(3) No marginal note or footnote to a relevant Code, and no heading to a section of a relevant Code, shall be taken to be part of the relevant Code.

The publication of this document was authorized by the Attorney-General in accordance with section 9 of the Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Act, 1981, on the 25th June, 1981.

The several provisions set out in this document come into operation in South Australia on the day on which the Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Act, 1981, comes into operation.

PART II
DIVISION 1

Citation.

8. In any relevant Code—

(*a*) an Act may be cited by its short title or by reference to the calendar year in which it was passed and its number;

(*b*) an Imperial Act may be cited by its short title (if any) or in such other manner as is sufficient in an Imperial Act;

(*c*) an Act—

(i) of the Parliament of the Commonwealth may be cited by a reference to the Commonwealth;

and

(ii) of another State or of a Territory may be cited by a reference to the State or Territory by the Parliament or legislature of which the Act was passed,

together with such mode of reference as is sufficient in Acts passed by that Parliament or legislature;

(*d*) an Ordinance of a Territory may be cited by its short title or by reference to the calendar year in which it was made and its number;

(*e*) an enactment may be cited by reference to the part, section, subsection or other division of the Act, Imperial Act or Act of another State or of a Territory in which the enactment is contained;

and

(*f*) a provision of an Ordinance of a Territory may be cited by reference to the part, section, subsection or other division of the Ordinance in which the provision is contained.

DIVISION 2

DIVISION 2—WORDS AND REFERENCES

Definitions.

9. In any relevant Code, unless the contrary intention appears—

"Act" means an Act passed by the Parliament;

"Agreement" means the Agreement made on 22 December 1978 between the Commonwealth and the States a copy of which is set out in the Schedule to the National Companies and Securities Commission (State Provisions) Act, 1981, or, if that Agreement is, or has been, amended or affected by another agreement, that Agreement as so amended or affected;

"Australia" or "the Commonwealth" means the Commonwealth of Australia and, when used in a geographical sense, does not include an external Territory;

"calendar year" means a period of 12 months commencing on 1st January;

"Code" means the provisions of an Act passed by the Parliament of the Commonwealth pursuant to the Agreement as in force for the time being, being provisions applying, by reason of an Act passed by the Parliament of South Australia pursuant to the Agreement, as laws of South Australia;

"commencement", in relation to an Act or a provision of an Act, means the time when the Act or the provision, as the case may be, comes into operation;

"Commission" means the National Companies and Securities Commission;

"committed for trial", in relation to a person, means committed to prison to await his trial or granted bail to appear at his trial;

"Consolidated Account" means the General Revenue and Loan Fund Account of South Australia;

"constituent documents", in relation to a body, whether corporate or unincorporate, means—

(*a*) the charter, memorandum or memorandum and articles of the body;

and

(*b*) any other instrument or law (other than the Companies Act, 1962-1980, or the corresponding law of another State or of a Territory or of another country) constituting, or defining the constitution of, the body or governing activities or conduct of the body or of its members;

"Constitution" means the Constitution of the Commonwealth;

"Court" means the Supreme Court of South Australia or a judge of that Court;

"court of summary jurisdiction" means a Magistrates' Court of South Australia;

"Crown" means the Crown in right of South Australia;

"external Territory" means a Territory not being an internal Territory, for the government of which as such a Territory, provision is made by an Act of the Commonwealth;

"financial year", in relation to matters relating to the Consolidated Account or moneys provided by the Parliament or to public taxes or finance, means the 12 months ending on 30th June;

"*Gazette*" means the *Commonwealth of Australia Gazette*;

"*Government Gazette*" means the South Australian *Government Gazette*;

"High Court" means the High Court of Australia;

"Imperial Act" means an Act passed by the Parliament of the United Kingdom;

"indictment" includes information;

"internal Territory" means the Australian Capital Territory, the Jervis Bay Territory or the Northern Territory;

"Jervis Bay Territory" means the Territory accepted by the Commonwealth pursuant to the *Jervis Bay Territory Acceptance Act* 1915 of the Commonwealth as amended and in force for the time being and described in the agreement set out in the schedule to that Act;

"land" includes messuages, tenements and hereditaments, corporeal or incorporeal, of any tenure or description, whatever may be the estate or interest therein;

"law of the Australian Capital Territory" includes a law of New South Wales as applying in that Territory;

"magistrate" means—

(*a*) a magistrate in respect of whose office an annual salary is payable;

and

(*b*) a special magistrate appointed under the Justices Act, 1921-1980;

"Ministerial Council" means the Ministerial Council for Companies and Securities established by the Agreement;

"Minister" means a Minister of State for South Australia;

"month" means calendar month;

"Northern Territory" means the Northern Territory of Australia;

"Order in Council" means an Order in Council made by the Governor in Council, published in the *Government Gazette*;

"Ordinance" means an Ordinance of the Australian Capital Territory;

"Parliament" means the Parliament of South Australia;

"participating State" means a State other than South Australia that is a party to the Agreement;

"participating Territory" means—

(*a*) the Australian Capital Territory;

(*b*) if the Northern Territory is a party to the Agreement—that Territory;

and

(*c*) any external Territory to which the Agreement applies pursuant to clause 50 of the Agreement;

"person" and "party" include a body politic or corporate as well as a natural person;

"prescribed" means prescribed by the relevant Code or by regulations applying under the relevant Code;

"Proclamation" means Proclamation by the Governor in Council published in the *Government Gazette*;

"property" means any legal or equitable estate or interest (whether present or future and whether vested or contingent) in real or personal property of any description and includes things in action;

"regulations" means regulations applying under the relevant Code;

"relevant Code" means a Code that is a relevant Code within the meaning of the Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Act, 1981;

"State" means a State of the Commonwealth;

"Territory" means a Territory referred to in section 122 of the Constitution;

"United Kingdom" means the United Kingdom of Great Britain and Northern Ireland;

"the Minister" means the Minister for the time being administering the Act by reason of which the provisions of the relevant Code apply as laws of South Australia or, if, for the time being, different Ministers are administering that Act in different respects, each of those Ministers to the extent that he is administering that Act in the relevant respect;

"this Code" includes regulations applying under the relevant Code.

Parts of speech and grammatical forms.

10. In any relevant Code, unless the contrary intention appears, where a word or phrase is given a particular meaning, other parts of speech and grammatical forms of that word or phrase have corresponding meanings.

Reference to corresponding laws.

11. In any relevant Code, unless the contrary intention appears—

(*a*) a reference to the corresponding law of a State other than South Australia or of a Territory shall, in the case of a participating State or participating Territory, be construed as a reference to the provisions of that relevant Code as they apply, with any additions, exceptions or modifications, as part of the law of that State or Territory by virtue of a law of that State or Territory enacted or made in accordance with the Agreement;

and

(*b*) a reference to a provision of a law of a State other than South Australia or of a Territory that corresponds with a particular provision of that relevant Code or of another law shall, in the case of a participating State or participating Territory, be construed as a reference to that provision of that relevant Code or of that other law, as the case may be, as it applies, with any additions, exceptions or modifications, as part of the law of that State or Territory by virtue of a law of that State or Territory enacted or made in accordance with the Agreement.

References to a Minister.

12. Where in any relevant Code—

(*a*) a Minister is referred to, the reference shall, unless the contrary intention appears, be deemed to include a reference to any Minister for the time being acting for or on behalf of the Minister so referred to;

and

(*b*) a Commonwealth Minister is referred to, the reference shall, unless the contrary intention appears, be deemed to include a reference to any Commonwealth Minister or member of the Federal Executive Council for the time being acting for or on behalf of the Commonwealth Minister so referred to.

References to writing, printing and documents.

13. In any relevant Code, unless the contrary intention appears—

(*a*) a reference to writing shall be construed as including a reference to any mode of representing or reproducing words, figures or symbols in a visible form;

(*b*) "printed" includes type-written, lithographed or reproduced by any mechanical means;

and

(*c*) "document" includes—

(i) any paper or other material on which there is writing or printing, or on which there are marks, symbols or perforations having a meaning for persons qualified to interpret them;

and

(ii) a disc, tape or other article from which sounds, images or messages are capable of being reproduced,

and without limiting the generality of the foregoing, includes any summons, order and other legal process and any notice.

PART II
DIVISION 2

Lodging of documents and references to office of Commission.

14. (1) A document that is required by a relevant Code to be lodged with the Commission shall be lodged at the office of the Corporate Affairs Commission for South Australia and any such document that is lodged, or submitted for lodgment, at that office shall be deemed to be lodged, or submitted for lodgment, as the case may be, with the Commission.

(2) Any application to the Commission for the issuing of a document or the doing of any other act or thing by the Commission under a relevant Code shall be in writing and shall be delivered to the office of the Corporate Affairs Commission for South Australia and any such application that is delivered to that office shall be deemed to have been made to the Commission.

(3) A reference in a relevant Code to the office of the Commission shall be construed as a reference to the office of the Corporate Affairs Commission for South Australia.

Service by post.

15. Where a relevant Code authorizes or requires a document to be served by post, whether the expression "serve" or the expression "give" or "send" or any other expression is used, then, unless the contrary intention appears, the service shall be deemed to be effected by properly addressing and posting (under prepaid post) the document as a letter to the last-known address of the person to be served, and unless the contrary is proved, to have been effected at the time when the letter would have been delivered in the ordinary course of post.

Gender and number.

16. In any relevant Code, unless the contrary intention appears—

(*a*) words importing the masculine gender include females, and words importing the femine gender include males;

and

(*b*) words in the singular include the plural, and words in the plural include the singular.

References to the Crown.

17. In any relevant Code, unless the contrary intention appears, a reference to the Crown shall be construed as a reference to the Sovereign for the time being.

Corporations liable to and may sue for penalties.

18. (1) Every provision of a relevant Code relating to offences punishable on indictment or summary conviction shall, unless the contrary intention appears, be deemed to refer to bodies corporate as well as to natural persons.

(2) Where under a relevant Code a forfeiture or penalty is payable to a party aggrieved, it is payable to a body corporate where the body corporate is the party aggrieved.

References to officers, localities, etc.

19. In any relevant Code, unless the contrary intention appears—

(*a*) a reference to an officer or office shall be construed as a reference to such an officer or office in and for South Australia;

and

(*b*) a reference to a locality, jurisdiction or other matter or thing shall be construed as a reference to such locality, jurisdiction or other matter or thing in and of South Australia.

Mention of officer in general terms.

20. Where in a relevant Code a person holding or occupying a particular office or position is referred to in general terms, the reference shall, unless the contrary intention appears, be deemed to include a reference to all persons who at any time occupy that office or position for the time being.

DIVISION 3—POWERS AND DUTIES

Exercise of powers and duties.

21. (1) Where a relevant Code confers a power or imposes a duty, then, unless the contrary intention appears, the power may be exercised and the duty shall be performed from time to time as occasion requires.

(2) Where a relevant Code confers a power or imposes a duty on the holder of an office as such, then, unless the contrary intention appears, the power may be exercised and the duty shall be performed by the holder for the time being of the office.

Power to make, grant or issue an instrument includes power to repeal or amend the instrument.

22. Where a relevant Code confers on a person or authority the power to make, grant or issue any instrument (including rules, regulations or by-laws), the power shall, unless the contrary intention appears, be construed as including a power, exercisable in the like manner and subject to the like conditions (if any), to repeal, rescind, revoke, amend or vary such an instrument.

Power to appoint includes power to remove or suspend.

23. (1) Subject to subsection (2), where a relevant Code confers upon a person or authority a power to make appointments to an office or position, the power shall, unless the contrary intention appears, be construed as including a power to remove or suspend a person appointed, and to appoint another person temporarily in the place of a person so removed or suspended or in place of a sick or absent holder of the office or position.

(2) Where the power of a person or authority to make appointments is exercisable only upon the recommendation, or subject to the approval or consent, of some other person or authority, the power of removal or suspension is, unless the contrary intention appears, exercisable only upon the recommendation, or subject to the approval or consent, of that other person or authority.

Exercise of certain powers, duties and functions by a delegate or person authorized by a delegate.

24. (1) Where, under any relevant Code, the exercise of a power or duty or the performance of a function by a person is dependent upon the opinion, belief or state of mind of that person in relation to a matter—

(*a*) if that power, duty or function has been delegated pursuant to any Act or Code—that power or duty may be exercised or that function may be performed by the delegate upon the opinion, belief or state of mind of the delegate in relation to that matter;

and

(*b*) if a person to whom that power, duty or function has been so delegated has, pursuant to any Act or Code, authorized another person to exercise that power or duty or to perform that function—that power or duty may be exercised or that function may be performed by the authorized person upon the opinion, belief or state of mind of the authorized person in relation to that matter.

PART II
DIVISION 3

(2) For the purpose of the exercise of a power or duty or the performance of a function under a relevant Code by—

(*a*) a person to whom that power, duty or function has been delegated by the Commission;

or

(*b*) a person authorized by a delegate of the Commission to exercise that power or duty or to perform that function,

any reference to the Commission in a provision of that relevant Code relating to the exercise of that power or duty or the performance of that function shall be construed as including a reference to the delegate or the person authorized by the delegate, as the case may be.

DIVISION 4

DIVISION 4—DISTANCE AND TIME

Measurement of distance.

25. In the measurement of any distance for the purposes of any relevant Code, that distance shall, unless the contrary intention appears, be measured in a straight line on a horizontal plane.

Reckoning of time.

26. (1) Where, in a relevant Code, a period of time, dating from a given day, act or event, is prescribed or allowed for any purpose, the time shall, unless the contrary intention appears, be reckoned exclusive of that day or of the day of that act or event.

(2) Where the last day of a period prescribed or allowed by a relevant Code for the doing of anything falls on a Saturday, on a Sunday or on a day that is a public holiday or a bank holiday in the place in which the thing is to be or may be done, the thing may be done on the first day following that is not a Saturday, a Sunday or a public holiday or bank holiday in that place.

Expressions of time.

27. Where, in a relevant Code, a reference to time occurs, the reference shall, unless the contrary intention appears, be deemed in relation to the doing of an act or thing in a State or Territory to be a reference to the legal time in that State or Territory.

DIVISION 5

DIVISION 5—EFFECT OF REPEAL, AMENDMENT OR EXPIRATION

Effect of repeal.

28. (1) The repeal of the provisions of a relevant Commonwealth Act by which the provisions of a previous relevant Commonwealth Act were repealed does not have the effect of reviving the provisions of the previous relevant Commonwealth Act without express words.

(2) In this section and in sections 29, 30, 31 and 32 a reference to provisions, or a provision, of a relevant Commonwealth Act is a reference to provisions, or a provision, of—

(*a*) the *Companies and Securities (Interpretation and Miscellaneous Provisions) Act* 1980 of the Commonwealth;

(*b*) the *Companies (Acquisition of Shares) Act* 1980 of the Commonwealth;

or

(*c*) any other Act of the Commonwealth,

which, by reason of—

(*d*) the Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Act, 1981;

(*e*) the Companies (Acquisition of Shares) (Application of Laws) Act, 1981;

or

(*f*) an Act containing a relevant application provision,

apply as, or, applies as a law of South Australia, or, in the case of a repealed provision, has applied as a law of South Australia.

(3) For the purposes of subsection (2), a provision in an Act is a relevant application provision if the provision contains a statement to the effect that the provisions of an Act of the Commonwealth apply (whether with or without qualification) as laws of South Australia.

Saving.

29. Where a provision of a relevant Commonwealth Act repeals a provision of a former relevant Commonwealth Act then, unless the contrary intention appears, the repeal does not—

(*a*) revive anything not in force or existing at the time when the repeal takes effect;

(*b*) affect the previous operation of the provision of the relevant Commonwealth Act so repealed, or anything duly done or suffered under the provision of the relevant Commonwealth Act so repealed;

(*c*) affect a right, privilege, obligation or liability acquired, accrued or incurred under the provision of the relevant Commonwealth Act so repealed, or an investigation, legal proceeding or remedy in respect of that right, privilege, obligation or liability;

or

(*d*) affect a penalty, forfeiture or punishment incurred in respect of an offence committed against the provision of the relevant Commonwealth Act so repealed, or an investigation, legal proceeding or remedy in respect of that penalty, forfeiture or punishment,

and the investigation, legal proceeding or remedy may be instituted, continued or enforced, and a penalty, forfeiture or punishment may be imposed as if the repealing provision of the relevant Commonwealth Act had not been enacted.

Repealed provisions continue in force until substituted provisions operate.

30. Where a provision of a relevant Commonwealth Act repeals a provision of a former relevant Commonwealth Act and substitutes a provision in lieu of the repealed provision, the repealed provision remains in force until the substituted provision comes into operation.

Amending Act to be construed with amended Act.

31. A provision of a relevant Commonwealth Act amending a provision of another relevant Commonwealth Act shall, unless the contrary intention appears, be construed with the provisions of the relevant Commonwealth Act being amended and as part of them.

Expiration of Acts.

32. The expiration of a provision of a relevant Commonwealth Act does not affect any civil proceedings previously commenced under the relevant Commonwealth Act and the civil proceedings may be continued, and everything

in relation to the civil proceedings may be done, in all respects as if the provision of the relevant Commonwealth Act continued in force.

References to amended or re-enacted laws.

33. Where a relevant Code contains a reference to a short title that is or was provided by law for the citation of an Act as originally enacted, or of an Act as amended, then, except so far as the contrary intention appears—

(*a*) the reference shall be construed as a reference to that Act as originally enacted and as amended from time to time;

and

(*b*) where that Act has been repealed and re-enacted, with or without modifications, the reference shall be construed as including a reference to the re-enacted Act as originally enacted and as amended from time to time and, where, in connection with that reference, particular provisions of the repealed Act are referred to, being provisions to which provisions of the re-enacted Act correspond, the reference to those particular provisions shall be construed as including a reference to those corresponding provisions.

PART III

OFFENCES AND PENALTIES

Time for instituting criminal proceedings.

34. Notwithstanding anything in any other law, proceedings for an offence against a relevant Code may be instituted within the period of 5 years after the act or omission alleged to constitute the offence or, with the consent of the Ministerial Council, at any later time.

Indictable offences and summary offences.

35. (1) An offence against a relevant Code that is not punishable by imprisonment or is punishable by imprisonment for a period not exceeding 6 months is, unless the contrary intention appears, punishable summarily.

(2) An offence against a relevant Code that is punishable by imprisonment for a period exceeding 6 months is, subject to subsection (3), punishable on indictment.

(3) Where—

(*a*) proceedings for an offence against a relevant Code that is punishable by imprisonment for a period exceeding 6 months are brought in a court of summary jurisdiction;

and

(*b*) the prosecutor requests the court to hear and determine the proceedings,

the offence is punishable summarily and the court shall hear and determine the proceedings.

(4) A court of summary jurisdiction may not—

(*a*) impose, in respect of any one offence against a relevant Code, a period of imprisonment exceeding 2 years;

or

(*b*) impose, in respect of offences against a relevant Code or relevant Codes, cumulative periods of imprisonment that, in the aggregate, exceed 5 years.

(5) Nothing in this section renders a person liable to be punished more than once in respect of the same offence.

PART III

Proceedings how and when taken.

36. (1) Except where provision is otherwise made in the relevant Code concerned, in any proceedings for an offence against a provision of a relevant Code any information, charge, complaint or application may be laid or made only—

(*a*) by the Commission;

(*b*) by a person to whom the Commission has delegated the power to institute the proceedings;

(*c*) by a person authorized by a person referred to in paragraph (*b*) to institute the proceedings;

or

(*d*) by another person authorized in writing by the Ministerial Council to institute the proceedings.

(2) A delegation for the purposes of paragraph (1) (*b*) or an authorization for the purposes of paragraph (1) (*c*) or (*d*) may relate to all offences against relevant Codes, to all offences against a particular relevant Code or particular relevant Codes, to a particular offence or particular offences against a relevant Code, to any offences against, or constituted by any contravention of, or failure to comply with, a particular provision or particular provisions of a relevant Code or to a class of offences against a relevant Code.

Double jeopardy.

37. Where an act or omission constitutes an offence—

(*a*) under a relevant Code;

and

(*b*) under another law of South Australia or a law of another State or of a Territory,

and the offender has been punished in respect of the offence under a law referred to in paragraph (*b*), he is not liable to be punished in respect of the offence under the relevant Code.

Aiding and abetting, attempts, etc.

38. (1) A person who aids, abets, counsels or procures, or by act or omission is in any way directly or indirectly knowingly concerned in or party to, the commission of an offence against any relevant Code shall be deemed to have committed that offence and is punishable accordingly.

(2) A person who attempts to commit an offence against any relevant Code is guilty of an offence and is punishable as if the attempted offence had been committed.

(3) Nothing in this section shall be taken to affect the application in relation to any relevant Code of the provisions (other than section 269) of the Criminal Law Consolidation Act, 1935-1980.

PART IV

PART IV

OFFENCES UNDER NATIONAL COMPANIES AND SECURITIES COMMISSION (STATE PROVISIONS) ACT

Penalties at foot of sections or subsections.

39. (1) Subject to subsection (2), the penalty, pecuniary or other, set out—

(*a*) at the foot of a section of the National Companies and Securities Commission (State Provisions) Act, 1981;

or

PART IV

(*b*) at the foot of a subsection of a section of the National Companies and Securities Commission (State Provisions) Act, 1981, but not at the foot of the section,

indicates that a contravention of the section or the subsection, respectively, whether by act or omission, is an offence against that Act, punishable upon conviction by a penalty not exceeding the penalty so set out.

(2) Where a penalty set out at the foot of a section, or subsection of a section, of the National Companies and Securities Commission (State Provisions) Act, 1981, is expressed to apply to a part only of the section or subsection, it applies to that part only.

PART V

PART V

INSTRUMENTS UNDER RELEVANT CODES

Application of Code to instruments under relevant Codes.

40. (1) This Code applies to and in relation to an instrument (including regulations, rules and by-laws) made, granted or issued under a relevant Code as if the instrument were a relevant Code and as if each regulation, rule or by-law were a section of a relevant Code.

(2) Unless the contrary intention appears, expressions used in such an instrument have the same meanings as in the relevant Code under which the instrument was made, granted or issued.

PART VI

PART VI

EVIDENCE OF CORRESPONDING LAWS

Evidence of laws of other States and of Territories.

41. Where a Provision of a law of a State other than South Australia or of a Territory, being a law by reason of which provisions of a relevant Code or regulations in force for the time being under a relevant Code apply as laws of that State or Territory, provides that a document published in accordance with that provision is *prima facie* evidence of the provisions of that relevant Code or those regulations as so applying on a particular date, a document that is, or purports to be, a copy of a document so published is *prima facie* evidence of the provisions of that relevant Code or those regulations as so applying on that date.

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

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No. 43 of 1981

An Act to make provision for the operation of the National Companies and Securities Commission in the State.

[*Assented to* 19 *March* 1981]

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 "National Companies and Securities Commission (State Provisions) Act, 1981".

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—

"Agreement" means the agreement made on the twenty-second day of December, 1978, between the Commonwealth and the States a copy of which is set out in the schedule to this Act or, if that agreement is or has been amended or affected by another agreement, that agreement as so amended or affected:

"Commission" means the National Companies and Securities Commission established by the *National Companies and Securities Commission Act* 1979 of the Commonwealth:

"Commission Act" means the *National Companies and Securities Commission Act* 1979 of the Commonwealth as amended and in force for the time being:

"deal" has the same meaning as in the Commission Act:

"functions" includes duties:

"investment contract" has the same meaning as in the Commission Act:

"Ministerial Council" means the body known as the Ministerial Council for Companies and Securities that is established by the Agreement:

"power" includes an authority:

"securities" has the same meaning as in the Commission Act.

(2) In this Act—

(*a*) a reference to an Act includes a reference to this Act and includes a reference to a regulation or other instrument made under, or by virtue of, an Act;

(*b*) a reference to a Commonwealth Act includes a reference to a regulation or other instrument made under, or by virtue of, a Commonwealth Act;

and

(*c*) a reference to an Act of another State includes a reference to—

(i) a regulation or other instrument made under, or by virtue of, an Act of another State;

(ii) an enactment of the Australian Capital Territory, the Northern Territory or an external Territory to which the operation of the Agreement extends;

and

(iii) a regulation or other instrument made under, or by virtue of, an enactment referred to in subparagraph (ii) of this paragraph.

(3) A reference in this Act to a member of the staff of the Commission shall be read as a reference to—

(*a*) an employee of the Commission;

(*b*) a person whose services are available to the Commission by virtue of arrangements made under subsection (1) or (2) of section 24 of the Commission Act;

or

(*c*) a person engaged under subsection (1) of section 25 of the Commission Act.

(4) In this Act, unless the contrary intention appears, where a word or phrase is given a particular meaning, other parts of speech and grammatical forms of that word or phrase have corresponding meanings.

(5) This Act, other than sections 1, 2, 3, 4, 20 and 21, is a relevant code within the meaning of the Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Act, 1981.

Commission acting under State Act represents Crown.

4. (1) In the performance of a function or the exercise of a power under an Act, the Commission represents the Crown in right of the State of South Australia.

(2) The Commission shall perform the functions and exercise the powers conferred or expressed to be conferred on it by or under an Act in accordance with the Agreement and shall comply in all respects with the provisions of the Agreement that are applicable to it in the performance of such functions and the exercise of such powers.

(3) Anything done by the Commission which could have been validly done by the Commission if it were a body established by the law of the State with the powers and functions conferred or expressed to be conferred on the Commission by laws of the State, or if it were a delegate of such a body, shall be valid and effective for the purposes of the law of the State.

(4) No proceedings lie against the Commission to restrain it from acting beyond its capacity or powers if the act or proposed act to which the proceedings relate is one to which subsection (3) of this section applies or would apply.

Judicial notice.

5. (1) Every court shall take judicial notice of the common seal of the Commission affixed to a document and, unless the contrary is established, shall presume that it was duly affixed.

(2) Every court shall take judicial notice of—

(*a*) the official signature of any person who holds or has held, or is acting or has acted in, the office of Chairman, Deputy Chairman or other member of the Commission;

and

(*b*) the fact that that person holds or has held or is acting or has acted in that office,

if a signature purporting to be the signature of that person appears on any official document.

(3) In this section, a reference to a court shall be construed as including a reference to—

(*a*) a judge of a court;

and

(*b*) any other person authorized by law or by consent of parties to receive evidence,

and in relation to a person referred to in paragraph (*b*) of this subsection, the reference to taking judicial notice shall be construed as a reference to taking the like notice as would be taken by a court.

Protection of members, etc.

6. (1) A member or an acting member of the Commission has, in the performance of his functions or the exercise of his powers as such a member or acting member in relation to a hearing before the Commission held for the purposes of the performance of a function or the exercise of a power conferred or expressed to be conferred on it by or under an Act, the same protection and immunity as a Justice of the High Court of Australia.

(2) A barrister, solicitor or other person appearing on behalf of a person at a hearing referred to in subsection (1) of this section has the same protection and immunity as a barrister has in appearing for a party in proceedings in the High Court of Australia.

(3) Subject to this Act, a person summoned to attend, or appearing before, the Commission at a hearing referred to in subsection (1) of this section as a witness has the same protection as a witness in proceedings in the High Court of Australia.

(4) The Commission, a person appointed for the purposes of a prescribed Act, the Commission Act, or any Commonwealth Act that is a prescribed Act for the purposes of subsection (4) of section 41 of the Commission Act, a member of the staff of the Commission or a person authorized to perform or exercise any function or power of the Commission or any function or power on behalf of the Commission is not liable to an action or other proceeding for damages for or in relation to an act done or omitted to be done in good faith in performance or purported performance of any function, or in exercise or purported exercise of any power conferred or expressed to be conferred by or under an Act.

(5) A member of the Ministerial Council is not liable to an action, suit or proceeding for or in relation to an act done or omitted to be done by the

Ministerial Council in good faith in performance or purported performance of any function, or in exercise or purported exercise of any power, conferred on that Council by or under an Act.

(6) A member of the Ministerial Council is not liable to an action, suit or proceeding for or in relation to an act done or omitted to be done by the member in the exercise of a discretion under an Act that the Ministerial Council has, pursuant to clause 25 of the Agreement, authorized him to exercise.

Hearings before Commission.

7. (1) The Commission may hold hearings for the purpose of the performance of a function or the exercise of a power conferred or expressed to be conferred on it by or under an Act.

(2) Subject to this section, where the Commission is required or decides to hold a hearing, the Commission may either direct that the hearing take place in public or direct that the hearing take place in private.

(3) Subject to subsections (4) and (6) of this section, if a person who is entitled under an Act to be afforded the opportunity by the Commission to appear at a hearing before the Commission requests that the hearing take place in public, the Commission shall direct that the hearing take place in public.

(4) Where the Commission holds a hearing under a provision of an Act that requires the hearing to take place in private, the Commission shall direct that the hearing take place in private.

(5) Where the Commission directs that a hearing to be held by it take place in private, the Commission may give directions as to the persons who may be present at the hearing.

(6) Where, at a hearing by the Commission that is held in public, the Commission is satisfied that it is desirable to do so by reason of the confidential nature of any evidence or matter or for any other reason, the Commission may—

(*a*) direct that the hearing or a part of the hearing take place in private and give directions as to the persons who may be present;

or

(*b*) give directions preventing or restricting the publication of evidence given before the Commission or of matters contained in documents lodged with the Commission.

(7) Nothing in any direction given by the Commission under subsection (5) of this section or paragraph (*a*) of subsection (6) of this section prevents the presence at a hearing of—

(*a*) a person who is entitled under an Act to be afforded the opportunity to appear at that hearing;

(*b*) a person representing, pursuant to subsection (2) of section 9 of this Act, a person referred to in paragraph (*a*) of this subsection;

or

(*c*) a person representing, pursuant to subsection (2) of section 9 of this Act, a person who, by reason of a direction given by the Commission under subsection (5) of this section or paragraph (*a*) of subsection (6) of this section, is entitled to be present at the hearing.

(8) Where the Commission directs that a hearing or part of a hearing before the Commission take place in private, a person (other than a member or an acting member of the Commission, or a member of the staff of the

Commission approved by the Commission) shall not be present at the hearing unless he is entitled to be present by virtue of the direction or by virtue of subsection (7) of this section.

Penalty: One thousand dollars or imprisonment for three months.

(9) Where the Commission is required by an Act to afford a person an opportunity to appear at a hearing before the Commission and to make submissions and give evidence to the Commission, the Commission shall appoint a date, time and place for the hearing and cause notice in writing of the date, time and place to be given to the person.

(10) Where a person referred to in subsection (9) of this section does not wish to appear before the Commission, he may, before the date of the hearing, lodge with the Commission in writing any submissions that he wishes the Commission to take into account in relation to the matter.

(11) The Commission shall take into account any submission made or lodged or evidence given to the Commission when making any decision on the matter to which the submission or evidence relates.

Power to summon witnesses and take evidence.

8. (1) A member or an acting member of the Commission may summon a person to appear before the Commission at a hearing held for the purpose of the performance of a function or the exercise of a power conferred on it by or under an Act to give evidence and to produce such documents (if any) as are referred to in the summons.

(2) The Commission may, at a hearing referred to in subsection (1) of this section, take evidence on oath or affirmation and for that purpose a member or an acting member of the Commission may—

(*a*) require a person appearing at the hearing to give evidence either to take an oath or make an affirmation;

and

(*b*) administer an oath or affirmation to a person so appearing at the hearing.

(3) The oath or affirmation to be taken or made by a person for the purposes of this section is an oath or affirmation that the answers he will give to the questions asked him will be true.

(4) The preceding provisions of this section have effect notwithstanding anything to the contrary in the Evidence Act, 1929-1979.

Proceedings at hearings.

9. (1) At a hearing before the Commission held for the purpose of the performance of a function or the exercise of a power conferred on it by or under an Act—

(*a*) the proceedings shall be conducted with as little formality and technicality, and with as much expedition, as the requirements of that Act and a proper consideration of the matters before the Commission permit;

(*b*) the Commission is not bound by the rules of evidence;

(*c*) the Commission may, upon such conditions as it thinks fit, permit a person to intervene in the proceedings;

(*d*) the Commission shall observe the rules of natural justice;

and

(*e*) the proceedings shall so far as applicable be conducted as if the hearing were a meeting of the Commission.

(2) At a hearing before the Commission referred to in subsection (1) of this section—

(*a*) a natural person may appear in person or may be represented by an employee of the person approved by the Commission;

(*b*) a body corporate may be represented by an employee, or by a director or other officer, of the body corporate approved by the Commission;

(*c*) an unincorporated association of persons or a member of an unincorporated association of persons may be represented by a member or officer of the association approved by the Commission;

and

(*d*) any person may be represented by a barrister or solicitor of the Supreme Court or of the Supreme Court of another State or of a Territory or of the High Court.

(3) A person who attends at a hearing before the Commission pursuant to a summons issued under section 8 of this Act is entitled to be paid—

(*a*) in the case where the summons was issued at the request of a person—by that person;

or

(*b*) in any other case—by the Commission,

such allowances and expenses as are provided for by the regulations.

(4) The Commission may permit a person appearing as a witness before the Commission to give evidence by tendering and, if the Commission thinks fit, verifying by oath or affirmation, a written statement.

Failure of witnesses to attend and answer questions.

10. (1) A person served, as prescribed, with a summons to appear as a witness at a hearing before the Commission held for the purpose of the performance of a function or the exercise of a power conferred on it by or under an Act shall not, without reasonable excuse—

(*a*) fail to attend as required by the summons;

or

(*b*) fail to attend from day to day unless excused, or released from further attendance, by a member or an acting member of the Commission.

(2) A person appearing as a witness at a hearing referred to in subsection (1) of this section shall not, without reasonable excuse—

(*a*) when required pursuant to section 8 of this Act either to take an oath or make an affirmation—refuse or fail to comply with the requirement;

(*b*) refuse or fail to answer a question that he is required to answer by the member or acting member of the Commission presiding at the hearing;

or

(*c*) refuse or fail to produce a document that he was required to produce by a summons served on him as prescribed.

(3) A person shall not, at a hearing referred to in subsection (1) of this section, give evidence that is false or misleading.

(4) Where—

(*a*) a duly qualified legal practitioner is required to answer a question or produce a document at a hearing referred to in subsection (1) of this section;

and

(*b*) the answer to the question would disclose, or the document contains, a privileged communication made by or to the legal practitioner in his capacity as a legal practitioner,

the legal practitioner is entitled to refuse to comply with the requirement unless the person to whom or by whom the communication was made agrees to the legal practitioner complying with the requirement but, where the legal practitioner refuses to comply with the requirement he shall, if so required by the member or acting member of the Commission presiding at the hearing, and if he knows the name and address of the person to whom or by whom the communication was made, forthwith furnish that name and address in writing to the Commission.

(5) It is not a reasonable excuse for the purposes of subsection (2) of this section for a person to refuse or fail to answer a question put to him that the answer might tend to incriminate him but, where the person claims, before answering the question, that the answer might tend to incriminate him, neither the question nor the answer is admissible in evidence against him in criminal proceedings other than proceedings for a contravention of subsection (3) of this section or proceedings in relation to a charge of perjury in respect of the answer.

(6) A person who contravenes subsection (1), (2), (3) or (4) of this section is guilty of an offence and is punishable upon conviction, by a fine not exceeding one thousand dollars, or imprisonment for a period not exceeding three months.

(7) Where the Commission is satisfied that—

(*a*) a person served, as prescribed, with a summons to appear as a witness at a hearing referred to in subsection (1) of this section has, without reasonable excuse, failed to attend as required by paragraph (*a*) or (*b*) of subsection (1) of this section;

or

(*b*) a person appearing as a witness at a hearing referred to in subsection (1) of this section has, without reasonable excuse—

(i) when required pursuant to section 8 of this Act either to take an oath or make an affirmation;

(ii) when required by the member or acting member of the Commission presiding at the hearing to answer a question;

or

(iii) when required to produce a document by a summons served on him as prescribed,

refused or failed to comply with the requirement,

a member or acting member of the Commission may, by instrument in writing, certify the failure to attend or the refusal or failure to comply with the requirement, as the case may be, to the Supreme Court.

(8) Where a certificate is given under subsection (7) of this section, the Supreme Court may inquire into the case and, if it is satisfied that the person to whom the certificate relates has, without reasonable excuse, failed to attend or refused or failed to comply with a requirement as mentioned in the certificate—

(*a*) may order the person to attend, or to comply with the requirement at a hearing before the Commission to be held at a time and place specified in the order;

or

(*b*) may punish the person in the same manner as if he had been guilty of contempt of the Court and, if it thinks fit, also make an order under paragraph (*a*) of this subsection.

Contempt of Commission.

11. A person shall not—

(*a*) insult a member or an acting member of the Commission in the performance of his functions or the exercise of his powers as such a member or acting member at a hearing before the Commission held for the purposes of the performance of a function or the exercise of a power conferred on it by or under an Act;

(*b*) interrupt such a hearing;

(*c*) create a disturbance or take part in creating or continuing a disturbance, in or near a place where the Commission is holding such a hearing;

or

(*d*) do any other act that would, if the Commission were a court of record, constitute contempt of that court.

Penalty: One thousand dollars or imprisonment for three months.

Delegation by Commission.

12. (1) The Commission may, either generally or as otherwise provided by the instrument of delegation, by writing under its common seal, delegate to any person, being an authority of any State, the Australian Capital Territory, the Northern Territory or an external Territory to which the operation of the Agreement extends or an officer of any State, the Australian Capital Territory, the Northern Territory or such an external Territory or of such an authority, any functions or powers that are conferred or expressed to be conferred on the Commission by or under any Act (other than functions or powers the delegation of which is prohibited by the Act).

(2) The Commission may delegate under subsection (1) of this section a function or power of the Ministerial Council that the Commission is authorized by that Council to perform or exercise other than a function or power that the Ministerial Council has directed the Commission not to delegate.

(3) A delegation under subsection (1) of this section may be to—

(*a*) a specified person (whether a natural person or a body corporate);

or

(*b*) the person for the time being holding a specified office under an Act, an Act of another State or a Commonwealth Act.

(4) A person to whom a function or power has been delegated under subsection (1) of this section may—

(*a*) in the case of a natural person—by writing under his hand;

or

(*b*) in the case of a body corporate—by writing under its common or official seal,

authorize another person to perform the function or exercise the power so delegated.

(5) An authority under subsection (4) of this section may be given to—

(*a*) a specified person;

or

(*b*) a person for the time being holding a specified office under an Act, an Act of another State or a Commonwealth Act.

(6) Any act or thing done in the performance of a function or the exercise of a power by a person to whom that function or that power has been delegated by the Commission under subsection (1) of this section or by a person authorized by a delegate of the Commission under subsection (4) of this section to perform that function or exercise that power has the same force and effect as if it had been done by the Commission.

(7) Where, under any Act that confers or is expressed to confer functions or powers on the Commission, the performance of a function or the exercise of a power by the Commission is dependent upon the opinion, belief or state of mind of the Commission in relation to a matter and that function or power has been delegated under subsection (1) of this section, that function or power may be performed or exercised by the delegate or by a person authorized by the delegate under subsection (4) of this section upon the opinion, belief or state of mind of the delegate or of the authorized person, as the case may be, in relation to that matter.

(8) A delegation under subsection (1) of this section does not prevent the performance of a function or the exercise of a power by the Commission.

(9) The giving of an authority under subsection (4) of this section does not prevent the performance of a function or the exercise of a power by the person by whom the authority was given.

(10) Where a person purports to perform a function or exercise a power conferred or expressed to be conferred on the Commission by or under an Act, an Act of another State or a Commonwealth Act, it shall be presumed, unless the contrary is established, that the person is duly authorized as a delegate of the Commission or as a person duly authorized by such a delegate to perform the function or exercise the power.

(11) A document purporting to be signed by a person as a delegate of the Commission shall be deemed, unless the contrary is established, to have been signed by such a delegate and to have been so signed pursuant to the performance of a function or the exercise of a power duly delegated to the person by the Commission.

(12) A document purporting to be signed by a person authorized by a delegate of the Commission to sign the document shall be deemed, unless the contrary is established, to have been signed by a person so authorized and to have been so signed pursuant to the performance of a function or the exercise of a power that he is duly authorized by such a delegate to perform or exercise.

(13) Where a function or power of the Commission is, or is to be, performed or exercised by a person to whom the Commission has delegated the function or power under subsection (1) of this section or by a person authorized by such a delegate under subsection (4) of this section to perform the function or exercise the power—

(*a*) the provisions of sections 6 to 11 of this Act (other than paragraph (*e*) of subsection (1) of section 9 of this Act) apply for the purpose of the performance of the function or the exercise of the power by the person in like manner as they would apply if the function were being performed or the power were being exercised by the Commission;

and

(*b*) for the purpose of the application of the provisions of those sections in accordance with paragraph (*a*) of this subsection, references in those provisions to the Commission or to a member or acting member other than—

(i) the references to the Commission first and second occurring in subsection (3) of section 7 of this Act and first, second and third occurring in subsection (9) of section 7 of this Act;

(ii) the reference to the Commission in paragraph (*b*) of subsection (3) of section 9 of this Act,

shall be construed as references to the person.

Authority, etc. of State may act as delegate.

13. A person, being an authority of the State or an officer of the State or of such an authority, may perform or exercise any functions or powers that are conferred or expressed to be conferred on the Commission by or under any Act, an Act of another State or a Commonwealth Act, being functions or powers—

(*a*) that are delegated to that person pursuant to this Act, an Act of another State or the Commission Act;

or

(*b*) which, pursuant to this Act, an Act of another State or the Commission Act, he is authorized by a delegate to perform or exercise,

and may perform or exercise those functions or powers in addition to carrying out his duties as an authority of the State or as an officer of the State or of such an authority.

Directions by Commission.

14. Where the Commission has delegated a function or power to a person under section 12 of this Act—

(*a*) the Commission may give directions to the delegate with respect to the performance of that function or the exercise of that power;

and

(*b*) if the delegate has under subsection (4) of section 12 of the Act, authorized another person to perform that function or exercise that power, the delegate—

(i) shall, if the Commission has given a direction to the delegate under paragraph (*a*) of this section with

respect to the performance of that function or the exercise of that power, give a corresponding direction to the other person;

and

(ii) may, subject to any direction given to the delegate by the Commission under paragraph (*a*) of this section, give directions to the other person with respect to the performance of that function or the exercise of that power.

Secrecy.

15. (1) Subject to this section, a person who is, or has at any time been appointed for the purposes of a prescribed Act or authorized to perform or exercise any function or power of the Commission conferred or expressed to be conferred upon the Commission by an Act or a relevant Act or any such function or power on behalf of the Commission shall not, except to the extent necessary to perform his official duties, or to perform or exercise such a function or power, either directly or indirectly, make a record of, or divulge or communicate to any person, any information that is or was acquired by him by reason of his being or having been so appointed or authorized, or make use of any such information, for any purpose other than the performance of his official duties or the performance or exercise of that function or power.

Penalty: Five thousand dollars or imprisonment for one year, or both.

(2) Nothing in subsection (1) of this section precludes a person from—

(*a*) producing a document to a court in the course of criminal proceedings or in the course of any proceedings under any prescribed Act or relevant Act;

(*b*) divulging or communicating to a court in the course of any proceedings referred to in paragraph (*a*) of this subsection any matter or thing coming under his notice in the performance of his official duties or in the performance of a function or the exercise of a power referred to in that subsection;

(*c*) producing a document or divulging or communicating information to a person to whom, in the opinion of the Commission, it is in the public interest that the document be produced or the information be divulged or communicated;

or

(*d*) producing a document or divulging or communicating information that is required or permitted by any Act, Commonwealth Act or Act of another State to be produced, divulged or communicated, as the case may be.

(3) In this section, "relevant Act" means the Commission Act, any Commonwealth Act that is a prescribed Act for the purposes of subsection (2) of section 47 of the Commission Act, or any Act of another State that is a prescribed Act for the purposes of a provision of an Act or enactment of the relevant State or Territory that corresponds to this section.

Restrictions on dealings in securities.

16. (1) A person who is, or has at any time been, appointed for the purposes of a prescribed Act or authorized to perform or exercise any function or power of the Commission conferred or expressed to be conferred on the

Commission by an Act the Commission Act, any Commonwealth Act that is a prescribed Act for the purposes of subsection (2) of section 47 of the Commission Act, or any Act of another State that is a prescribed Act for the purposes of a provision of an Act or enactment of the relevant State or Territory that corresponds to section 15 of this Act or any such function or power on behalf of the Commission and has, by reason that he is, or has at any time been, so appointed or authorized, information that is not generally available but, if it were, would be likely materially to affect the price of any securities, shall not deal in, or cause or procure any other person to deal in, those securities.

Penalty: Twenty thousand dollars or imprisonment for five years.

(2) Where a person to whom subsection (1) of this section applies has information as mentioned in that subsection and deals in any securities in contravention of that subsection, he is liable to compensate any other party to the transaction for any loss sustained by that party by reason of any difference between the price at which the securities were dealt in in that transaction and the price at which they would be likely to have been dealt in in such a transaction at the time when the firstmentioned transaction took place if the information had been generally available.

(3) The amount of compensation for which a person is liable under subsection (2) of this section is—

(*a*) in a case to which paragraph (*b*) of this subsection does not apply—the amount of the loss sustained by the person claiming the compensation;

or

(*b*) if the firstmentioned person has been found by a court to be liable to pay an amount or amounts to any other person or persons under subsection (2) of this section or under any other Act or an Act of another State or a Commonwealth Act by reason of the same act or transaction—the amount of that loss less the amount or the sum of the amounts that the firstmentioned person has been so found to be liable to pay.

(4) For the purposes of subsection (3) of this section, the onus of proving that the liability of a person to pay an amount to another person arose from the same act or transaction from which another liability arose lies on the person liable to pay the amount.

(5) An action under this section for recovery of compensation for a loss shall not be commenced after the expiration of two years after the date of completion of the transaction in which the loss occurred.

(6) The Commission may, if the Commission considers it to be in the public interest to do so, bring an action in the name of and for the benefit of a person for recovery of compensation for a loss referred to in subsection (2) of this section.

(7) Nothing in subsection (2) of this section affects any liability that a person may incur under any other law.

Notification of interests.

17. (1) A person who is appointed for the purposes of a prescribed Act or is authorized to perform or exercise any function or power of the Commission conferred or expressed to be conferred on the Commission by an Act the Commission Act, any Commonwealth Act that is a prescribed Act for the purposes of subsection (2) of section 47 of the Commission Act, or any Act of

another State that is a prescribed Act for the purposes of a provision of an Act or enactment of the relevant State or Territory that corresponds to section 15 of this Act or any such function or power on behalf of the Commission and who, in the course of his official duties or the performance or exercise of the function or power, is required to consider any matter relating to—

(*a*) a body corporate in securities of which he has a relevant interest;

(*b*) securities in which he has a relevant interest;

(*c*) securities of the same class as securities in which he has a relevant interest;

(*d*) a person or body—

(i) by whom or by which he is employed or has been employed at any time during the immediately preceding three years;

or

(ii) with whom or with which he is associated;

or

(*e*) a body corporate that is related to a body corporate by which he is employed or has been employed at any time during the immediately preceding three years,

shall forthwith so inform the Commission in writing.

(2) It is a defence to a prosecution for an offence against this section in respect of a failure by a person to inform the Commission that he is required to consider a matter relating to a particular body corporate, a particular person or particular securities if the person establishes that, at the time when he was required to consider the matter, he was not aware of a fact or matter the existence of which obliged him to inform the Commission that he was required to consider the firstmentioned matter.

(3) The questions whether a person has a relevant interest in securities, whether a person is associated with a person or body and whether two bodies corporate are related to each other for the purposes of this section shall be determined as prescribed under the Commission Act for the purposes of subsection (4) of section 49 of that Act.

Penalty: Five thousand dollars or imprisonment for one year, or both.

Provisions relating to Ministerial Council.

18. (1) A certificate purporting to be signed by a member of the Ministerial Council, or by a person authorized by the Ministerial Council to sign certificates for the purposes of subsection (1) of section 51 of the Commission Act or of this subsection, stating that the Ministerial Council has made any nomination, appointment or recommendation, given any consent or direction, passed any resolution, done any other act or formed any opinion is, upon mere production, receivable as *prima facie* evidence of that fact.

(2) A certificate purporting to be signed by a member of the Ministerial Council stating that a specified person is authorized by the Ministerial Council to sign certificates for the purposes of subsection (1) of section 51 of the Commission Act or of subsection (1) of this section is, upon mere production, receivable as *prima facie* evidence that the person is so authorized.

(3) A function or power conferred by an Act on the Ministerial Council may, if the Ministerial Council has authorized a member of the Ministerial Council, or has authorized the Commission, to perform or exercise that function or power, be performed or exercised by that member or by the Commission, as the case may be.

Annual report and financial statements of Commission to be tabled in Parliament.

19. The Minister shall cause—

(*a*) copies of the report and financial statements of the Commission prepared by the Commission in each year pursuant to subsection (1) of section 52 of the Commission Act;

and

(*b*) a copy of the report of the Auditor-General for the Commonwealth on those financial statements,

submitted to the Minister by the Commission pursuant to subsection (3) of section 52 of the Commission Act, to be laid before each House of the Parliament within 15 sitting days of that House after their receipt by him.

Supreme Court may make rules relating to contempt proceedings.

20. Subject to the Supreme Court Act, 1935-1980, the judges of the Supreme Court may make rules for or with respect to inquiries held by the Court under subsection (8) of section 10 of this Act or under subsection (8) of section 39 of the Commission Act.

Regulations.

21. (1) The Governor may make regulations, not inconsistent with this Act, prescribing all matters required or permitted by this Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) Regulations providing for allowances and expenses for the purposes of subsection (3) of section 9 of this Act may provide for those allowances and expenses by reference to a scale of expenses as in force for the time being for witnesses who attend before a court specified in the regulations, being a federal court or the Supreme Court or the Supreme Court of another State or of a Territory.

(3) The regulations may be of general or specially limited application or may differ according to differences in time, place or circumstance.

(4) Regulations prescribing matters for the purposes of this Act may prescribe those matters by reference to regulations for the time being in force under the Commission Act.

(5) The power of the Governor to make regulations shall be exercised only in accordance with advice that is consistent with resolutions of the Ministerial Council.

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

K. D. SEAMAN, Governor

SCHEDULE

S. 3 (1).

AN AGREEMENT made the twenty-second day of December, One thousand nine hundred and seventy-eight, between—

THE COMMONWEALTH OF AUSTRALIA of the first part,

THE STATE OF NEW SOUTH WALES of the second part,

THE STATE OF VICTORIA of the third part,

THE STATE OF QUEENSLAND of the fourth part,

THE STATE OF SOUTH AUSTRALIA of the fifth part,

THE STATE OF WESTERN AUSTRALIA of the sixth part and

THE STATE OF TASMANIA of the seventh part.

WHEREAS—

(A) it is generally acknowledged in the interests of the public and of persons and authorities concerned with the administration of the laws relating to—

(*a*) companies;

and

(*b*) the regulation of the securities industry,

that there should be uniformity both in those laws and in their administration in the States and Territories of Australia in order to promote commercial certainty and bring about a reduction in business costs and greater efficiency of the capital markets and that the confidence of investors in the securities market should be maintained through suitable provisions for investor protection;

(B) the Governments of the Commonwealth and of the States of Australia are agreed that such uniformity will be achieved by establishing and implementing a co-operative scheme the objectives of which are to ensure that—

(*a*) the legislation relating to the scheme is, and continues to be, uniform throughout Australia at all times;

(*b*) the legislation is administered on a uniform basis;

(*c*) the Commonwealth and the States are able to co-operate with each other in regard to the matters to be provided in the legislation and the way in which the legislation is administered;

(*d*) the legislation is capable of effective administration throughout Australia with the minimum of procedural requirements and is so administered;

and

(*e*) changes in the legislation are proposed for consideration as appropriate from time to time and amendments made when the need for reform arises;

(C) as the result of conferences between their respective Ministers the Governments have reached agreement on a scheme to achieve those objectives;

(D) the essential element of the scheme is an agreement between the Commonwealth and the States to provide for the introduction of legislation, the establishment and operation of a Ministerial Council and of a National Companies and Securities Commission and for matters relating to the functioning of the scheme as hereinafter appears;

and

(E) the funds and other resources required for the administration of each State or Territory to carry out its functions in accordance with the scheme are to be provided by the respective parties to that agreement:

NOW IT IS HEREBY AGREED as follows:—

PART I—INTERPRETATION

1. In this agreement, except where a contrary intention appears—

(*a*) "the Commonwealth" means the Commonwealth of Australia as a party to this agreement;

(*b*) "State" means a State of the Commonwealth of Australia that is at the relevant time a party to this agreement;

(*c*) "the States" means all the States that are for the time being parties to this agreement;

and

(*d*) "Territory" includes, in addition to a mainland Territory, and external Territory of the Commonwealth to which the operation of this agreement is at any time and for the time being extended in accordance with clause 50 and "Australia" extends to any such Territory.

2. In this agreement, unless the contrary intention appears or the context otherwise requires—

"financial year" means a period of twelve months ending on a thirtieth day of June and, where the relevant provision of this agreement is applicable during part only of any such period, means the portion of the period during which the provision so applies;

"the Commonwealth Acts" means the legislation of the Parliament of the Commonwealth that is provided for by this agreement as amended from time to time consistently with this agreement;

"the Interstate Corporate Affairs Agreement" means the agreement so named made 18th February, 1974, between the States of New South Wales, Victoria and Queensland to which the State of Western Australia has become a party;

"the Ministerial Council" means the Ministerial Council for Companies and Securities established by Part VII;

"the National Commission" means the National Companies and Securities Commission to be established by the Commonwealth Acts;

and

"the State Acts" means legislation of the Parliament of a State that is provided for by this agreement as amended from time to time consistently with this agreement.

3. In this agreement, unless a contrary intention appears—

(*a*) a reference to a Part is a reference to the relevant Part of this agreement;

(*b*) a reference to a clause is a reference to the relevant clause of this agreement;

and

(*c*) a reference to a subclause is a reference to the relevant subclause of the clause in which the reference appears or of such other clause as the reference indicates.

PART II—OPERATION OF AGREEMENT

4. (1) This agreement shall come into force when it has been executed by all of the parties hereinbefore designated.

(2) This agreement may, after its coming into force, be amended only by the unanimous decision of all parties for the time being with representatives in the Ministerial Council with a right to vote in proceedings of that Council.

5. In the event that a State, including a State which has become a party pursuant to clause 48, ceases to be a party, this agreement shall nevertheless continue in force with respect to the Commonwealth and the States which are parties when the cessation takes effect.

6. A State shall cease to be a party to this agreement if—

(*a*) the State, within a period of six months from the passage of the Commonwealth legislation referred to in clause 8, or within such extension or extensions of that period as may be unanimously approved by the Ministerial Council, fails to secure the passage of the legislation of that State provided for by clause 9;

or

(*b*) the State withdraws from this agreement pursuant to Part XVI.

PART III—ESTABLISHMENT OF SCHEME

7. The Commonwealth and the States will take such action as is provided for by this agreement and is otherwise requisite on their respective parts to achieve the objectives set out in recital (B) by initiating and operating the scheme of legislative and administrative acts and procedures that is contemplated by this agreement.

PART IV—INITIAL LEGISLATION

8. (1) The Commonwealth will—

(*a*) submit to the Commonwealth Parliament legislation which has been unanimously approved by the Ministerial Council to form the basis of the scheme and take such steps as are appropriate to secure the passage of the legislation;

and

(*b*) submit to the Federal Executive Council for making by the Governor-General regulations under that legislation which have been unanimously approved by the Ministerial Council.

(2) The legislation and regulations provided for by subclause (1) shall—

(*a*) constitute the substantive law relating to companies and the regulation of the securities industry that will apply to the Australian Capital Territory and, subject to clause 49 and as contemplated by clause 50, to other Territories;

(*b*) except to the extent that amendments are agreed upon by the Ministerial Council or are required to give effect to Parts V and VI, be substantially in conformity with the provisions of the Companies Acts, Securities Industry Acts and Marketable Securities Acts in force at the date of this agreement in the States which are the parties to the Interstate Corporate Affairs Agreement;

(*c*) confer on the Ministerial Council such powers as may appropriately be so conferred to give effect to its functions under and in accordance with this agreement;

(*d*) establish the National Commission and make provision for and in relation to its members;

(*e*) confer on the National Commission such functions and powers as, in conjunction with functions and powers which are conferred on it by the State Acts, will enable it to carry out its functions under and in accordance with this agreement;

(*f*) make provision for and in relation to the staff of the National Commission;

and

(*g*) include provisions relating to the financial management, proceedings, reports and records of the National Commission and for matters that are necessary or incidental to the performance of its functions.

9. Each State will as soon as practicable after the passage of the Commonwealth Acts submit to the Parliament of the State and take such steps as are appropriate to secure the passage of legislation which has been unanimously approved by the Ministerial Council and which—

(*a*) to the extent necessary for the purposes of this agreement, repeals, amends or modifies the operation of the legislation of the State relating to companies and to the regulation of the securities industry referred to in the Second Schedule and any regulations made under that legislation;

(*b*) as from the coming into force of that legislation, applies, in place of the legislation so repealed, amended or modified in operation, the legislation relating to companies and to the regulation of the securities industry enacted by the Parliament of the Commonwealth as provided in paragraph (*a*) of subclause 8 (1) and, as from the respective dates of that coming into force, any legislation from time to time enacted in accordance with this agreement which amends, supplements or is substituted for that legislation;

applies, as from the coming into force of the legislation, the regulations referred to in paragraph (*b*) of subclause 8 (1) and any further regulations that amend or supplement or are substituted for those regulations;

(*d*) authorizes such action as is requisite for the State to take under clause 7;

and

(*e*) in the case of the States which are parties to the Interstate Corporate Affairs Agreement, terminates the operation of that agreement.

10. (1) As at the date of execution of this agreement, the question of the application, in respect of the scheme contemplated by this agreement, of Commonwealth and State laws relating to the review of administrative decisions, freedom of information and archives has not been resolved.

(2) This question will be the subject of further inquiry and subsequent agreement between the parties.

PART V—NAMES AND REGISTRATION

11. The legislation of the Commonwealth and of the States provided for by Part IV (in this Part referred to as "the Commonwealth and State legislation") shall include provisions under which except with the consent of the Ministerial Council—

(*a*) a company shall not be incorporated in any State or Territory under a name which is undesirable or is a name of a kind which the Ministerial Council has directed to be unacceptable;

(*b*) a body formed outside Australia shall not be registered as a foreign company in any State or Territory under a name which is undesirable or is a name or a name of a kind which the Ministerial Council has directed to be unacceptable;

and

(*c*) a body formed within Australia other than a company shall not be entitled to be registered as a foreign company in any State or Territory under a name which is undesirable or is a name or a name of a kind which the Ministerial Council has directed to be unacceptable.

12. The Commonwealth and State legislation shall include provisions under which—

(*a*) a body which immediately before the legislation provided for by clauses 8 and 9 comes into force is—

(i) a company incorporated in a State or Territory;

(ii) a body formed outside Australia and registered as a foreign company in a State or Territory;

(iii) a body formed within Australia other than a company and registered as a foreign company in any State or Territory—

may carry on business or establish a place of business under the name by which, and in any State or Territory, in which, it is so incorporated or is registered as a foreign company or in which it is a recognized company and has reserved that name;

(*b*) a company incorporated in any State or Territory and a body formed outside Australia which is registered as a foreign company in any State or Territory may reserve its name in any other State or Territory if its name is, in that other State or Territory, not undesirable and not a name of a kind which the Ministerial Council has directed to be unacceptable;

(*c*) a company or body which has reserved its name in a State or Territory other than the State or Territory of its incorporation or formation will not be required—

(i) to register in that other State or Territory in order to carry on business or establish a place of business in that other State or Territory;

or

(ii) to lodge any documents in that other State or Territory for the purpose of carrying on business or establishing a place of business in that other State or Territory;

and

(*d*) a body formed within Australia other than a company shall not be entitled to carry on business or establish a place of business in any State or Territory other than the State or Territory in which it is formed unless it is registered in that other State or Territory as a foreign company.

13. The Commonwealth and State legislation shall include provisions by virtue of which—

(*a*) a company incorporated in a State or Territory;

(*b*) a body formed outside Australia and registered as a foreign company in any State or Territory;

(*c*) a body formed within Australia other than a company and registered as a foreign company in any State or Territory,

shall not, except with the consent of the Ministerial Council, change its name to a name which, in any State or Territory in which it is incorporated or in which its name is reserved, as a recognized company, is undesirable or is a name or a name of a kind which the Ministerial Council has directed to be unacceptable.

14. (1) The National Commission shall examine proposals that are from time to time made for an alternative version of the provisions of the Commonwealth and State legislation referred to in this Part, whether or not those provisions have been enacted, or which have been included in the Commonwealth and State legislation pursuant to those clauses and furnish a report to the Ministerial Council on the proposals.

(2) A report by the National Commission on any proposal under subclause (1) shall be furnished to the Ministerial Council within two years after the proposal was made.

(3) The Ministerial Council shall give due consideration to a report by the National Commission under subclauses (1) and (2) and may modify any provision of the Commonwealth and State legislation or, if the legislation has been enacted, approve an amendment thereof, having regard to the modification proposed.

15. In this Part—

(*a*) "company" means a company incorporated under the Companies Act or Companies Ordinance of a State or Territory and does not include a Co-operative Company to which the *Companies (Co-operative) Act* 1943-1976 of the State of Western Australia (or that Act as subsequently amended) applies;

(*b*) "body" includes a company except where a body other than a company is referred to in which case the reference is to a corporation (other than a company) or unincorporated organization which, if it is or were not formed within a State or Territory, is or would be capable of registration in the State or Territory as a foreign company.

PART VI—SPECIAL INVESTIGATIONS

16. The principles that will be adopted in the legislation of the Commonwealth and of the States with respect to special investigations shall be—

(*a*) that the power to order special investigations shall be exercisable exclusively by the members of the Ministerial Council either collectively as the Ministerial Council or individually;

and

(*b*) that the National Commission shall have responsibility for the appointment of inspectors and for the direction and co-ordination of investigatory activities.

17. The principles in respect of special investigations shall be applied by the legislation to the following effect:

(*a*) the Minister responsible for the administration of the State Acts in respect of a State or the Commonwealth Acts in respect of a Territory shall be empowered to order a special investigation where it appears to that Minister in the public interest in respect of the State or the Territory to do so;

(*b*) the Minister responsible for the administration of the Commonwealth Acts shall be empowered to order a special investigation where it appears to the Minister to be in the national interest to do so;

(*c*) the Ministerial Council shall be empowered to order a special investigation where in the circumstances it thinks fit;

(*d*) the National Commission, in performing its function as appointing authority either where it will undertake the special investigation or will appoint an inspector to do so, will be required—

(i) where the special investigation has been ordered by a Minister without any request by the National Commission for the Minister to do so, to act in accordance with the wishes of that Minister as to the identity of the inspector and the terms and conditions of the appointment;

(ii) in any other case, to have regard to the views of the individual Minister or of the Ministerial Council, as the authority by which the special investigation was ordered, as to the identity of the inspector and the terms and conditions of the appointment;

and

(iii) in the event of a disagreement with the Minister or the Ministerial Council on a matter coming within subparagraph (ii), to accept the decision of the Ministerial Council in the relevant respect;

(*e*) the National Commission shall be entitled to request an individual Minister or the Ministerial Council, as the appropriate authority, to order a special investigation;

(*f*) the power to publish the report of an inspector shall reside—

(i) in a case where the costs of the investigation are to be met by the National Commission—in the Ministerial Council;

(ii) in any other case—in the Minister who ordered the investigation,

but, where an opinion of the relevant Law Officer of the Commonwealth or of a State advising that the publication of the report would be prejudicial to the administration of justice in a Territory or the State has been made available to the Ministerial Council or the Minister having the power to publish the report as the case may be, the power shall not be exercised until a further opinion by the relevant law officer is similarly made available to the effect that publication would be no longer prejudicial to that administration of justice;

(*g*) where a special investigation has been ordered by a Minister without any request by the National Commission for the Minister to do so, that Minister, not the National Commission, shall, unless and until the Ministerial Council subsequently approves the investigation, have in relation to that investigation those powers and functions of "the Minister" presently expressed in Part VIA of the *Companies Act* 1961 or Division 2 of Part II of the *Securities Industry Act* 1975 of the State of New South Wales, whichever is relevant, which are referred to in Part 2 of the First Schedule.

18. (1) The cost and expenses of and in connection with the carrying out of a special investigation shall be borne—

(*a*) where the investigation was ordered by—

(i) the Ministerial Council;

(ii) an individual Minister at the request of the National Commission;

or

(iii) an individual Minister but subsequently approved by the Ministerial Council, by the National Commission;

(*b*) in all other cases—by the party to this agreement whose Minister ordered the investigation.

(2) Moneys which are recovered in respect of the costs and expenses of a special investigation shall be paid or credited to the National Commission or to the party to this agreement according to the allocation under subclause (1) of responsibility for those costs and expenses.

PART VII—ESTABLISHMENT OF MINISTERIAL COUNCIL

19. For the purposes of the scheme there shall be a Council of Commonwealth and State Ministers to be known as the Ministerial Council for Companies and Securities.

20. (1) The Ministerial Council shall consist of a member representing each party for the time being to this agreement who, subject to subclause (2), shall be the Minister of State of that party who is for the time being responsible for administering the law relating to companies and the regulation of the securities industry.

(2) A member of the Ministerial Council for the time being representing a party to this agreement—

(*a*) may appoint a delegate who is another Minister of State of that party to attend a meeting of the Ministerial Council in place of the member;

or

(*b*) shall, while a Minister of State of the party is for the time being acting as the Minister who is referred to in subclause (1), be the Minister who is so acting,

and references in this agreement (other than in this clause) to a member of the Ministerial Council shall include a delegate in respect of attendance at any such meeting or a Minister who is so acting.

PART VIII—FUNCTIONS OF MINISTERIAL COUNCIL

21. (1) The functions of the Ministerial Council shall be—

(*a*) to consider and to keep under review the formulation and operation of the legislation and regulations provided for by this agreement;

and

(*b*) to exercise general oversight and control over the implementation and operation of the scheme.

(2) To assist the Ministerial Council in discharging its functions under paragraph (*a*) of the previous subclause, there shall be a Companies and Securities Law Review Committee—

(*a*) to carry out research into and advise on law reform in relation to the legislation and regulations referred to in that paragraph;

(*b*) the number of the members of which is to be determined from time to time by the Ministerial Council;

(*c*) the members of which are to be appointed and may be removed by the Ministerial Council and will be engaged on terms and conditions determined by the Ministerial Council.

22. (1) Without prejudice to the generality of clause 21, the functions of the Ministerial Council shall include—

(*a*) consideration and approval of the Bills which will comprise the Commonwealth legislation referred to in clause 8 and of the regulations under that legislation;

(*b*) consideration and approval of the Bills of each State which will comprise the State legislation referred to in clause 9 and of any regulations under that legislation;

(*c*) consideration and approval of any amendments of, or of any legislation proposed to supplement or be substituted for, the Commonwealth Acts and the regulations for the time being in force thereunder;

(*d*) consideration and approval of any amendments of, or of any legislation proposed to supplement or be substituted for, the State Acts and any regulations for the time being in force thereunder;

(*e*) general oversight including budgetary control, over the functioning of the National Commission;

and

(*f*) giving directions to the National Commission in respect of any policy or matter that comes within the functions of the National Commission under the Commonwealth Acts or the State Acts.

(2) Subject to Part VI and clause 39, the functions of the Ministerial Council under paragraph (*f*) of subclause (1) shall be an exclusive function and the National Commission shall not be required to recognize or acknowledge any other person or authority as empowered to give directions to it in that respect.

23. The Ministerial Council shall be entitled to require the National Commission to furnish a report to the Ministerial Council in relation to—

(*a*) any policy which the National Commission is pursuing, or proposes to pursue, including a report of the estimated financial effect on State and Territory administrations of any policy or change in policy which the National Commission proposes to pursue;

and

(*b*) any other matter within the functions of the Ministerial Council or of the National Commission.

24. The functions of the Ministerial Council shall not, except as provided in clause 25, to be able to be, and shall not be, delegated to any Minister or to any other person or authority.

25. The Ministerial Council may itself exercise and, without derogation from its power in that respect at any time, may from time to time and for such time as it may determine, authorize any one or more of its members or the National Commission to exercise a discretion arising out of or relating to a matter or to matters specified in, and subject to, Part 1 of the First Schedule to this agreement.

PART IX—PROCEEDINGS OF MINISTERIAL COUNCIL

26. (1) Ordinary meetings of the Ministerial Council (in this Part called "Council") shall be held at such times and places as are from time to time decided by Council but not less than four shall be held in each calendar year.

(2) A special meeting of Council may be convened by any member by notice of fourteen days or for such other period as may be accepted by all members for the purpose of the meeting.

(3) A special meeting shall not, except with the agreement of all members of Council, consider a matter which has not been specified in or at the time of the notice of the meeting.

27. The quorum for a meeting of Council shall be five members.

28. (1) The Chairman of a meeting of Council shall be decided by Council prior to or, if not previously decided, at the meeting.

(2) At a meeting of Council the Chairman shall have a deliberative but not a casting vote.

29. (1) Except as otherwise provided in this clause, in paragraph (*a*) of clause 6 and in clauses 8, 9 and 30, a resolution will be carried by Council by a simple majority of members present and voting on the resolution.

(2) A unanimous vote of all members of Council shall be required for the passage of resolution which—

(*a*) nominates a person for appointment as a member of the National Commission;

(*b*) approves amendments of the Commonwealth Acts which will change the number of members of the National Commission;

or

(*c*) cancels the approval of any stock exchange in Australia.

30. A resolution which, without being considered at a meeting of Council, is referred to all members of Council and of which a majority of the members, or, if a unanimous vote is required for the passage of the resolution, all the members indicate by telephone, teleprinter message or other mode of communication to the National Commission that they are in favour shall be as valid and effectual as if it had been passed at a meeting of Council duly convened and held.

31. Subject to the foregoing provisions of this Part, Council may determine its own procedure and for that purpose may make rules of procedure, including rules relating to notices of meetings and conduct of business at meetings and to voting by members under clause 30, and may from time to time alter such rules.

PART X—NATIONAL COMPANIES AND SECURITIES COMMISSION

32. (1) Subject to this agreement, the functions of the National Commission to be established by the Commonwealth Acts shall be to have and to exercise, subject only to directions from time to time of the Ministerial Council, responsibility for the entire area of policy and administration with respect to company law and the regulation of the securities industry.

(2) The National Commission shall be required by the Commonwealth Acts to comply with directions that are from time to time given to it by the Ministerial Council in accordance with the agreement or by a Minister pursuant to subparagraph (*d*) (i) of clause 17, and in conformity with the Commonwealth Acts and the State Acts.

(3) Without prejudice to the generality of subclause (1), the functions of the National Commission shall, subject to paragraph 17 (*g*), include the exercise of discretions in respect of the matters specified in Part 2 of the First Schedule for the purposes of the operation of the provisions by which those discretions are conferred.

33. (1) The National Commission shall be a body corporate under the name National Companies and Securities Commission and shall consist of not less than three and not more than five members (who shall be known as members) and at least three members shall be full-time members.

(2) The members shall be appointed by the Governor-General of the Commonwealth on the nomination of the Ministerial Council.

(3) A Chairman and a Deputy Chairman of the National Commission shall be appointed by the Governor-General from the full-time members for the time being on the nomination of the Ministerial Council.

(4) In the event of a vacancy in the office of Chairman or the absence of the Chairman from duty or from Australia the Deputy Chairman shall act as Chairman and in the event of a vacancy in the office of Deputy Chairman or a like absence of the Deputy Chairman a member who has been nominated by the Ministerial Council to act as Chairman in that event may so act.

(5) The qualifications of a person for appointment as member shall include suitable experience in business, commerce, law, economics, accounting or public administration.

(6) A member shall, subject to the provisions of the Commonwealth Acts, hold office for such period not exceeding five years as is specified upon appointment and shall be eligible for re-appointment.

34. (1) The affairs of the National Commission shall be conducted at meetings of members and in such other manner as is provided by the Commonwealth Acts.

(2) The quorum for a meeting of the National Commission shall be three members unless at the time the Commission consists of three members only, in which case the quorum shall be two members.

(3) The Chairman of the National Commission or, in the absence of the Chairman, the Deputy Chairman or Acting Deputy Chairman for the time being will preside at meetings.

(4) The person presiding at a meeting shall have a deliberative but not a casting vote.

35. (1) The National Commission shall have power to delegate any of its functions, including the functions referred to in subclause 32 (3), to an administration, or to an officer of an administration, of a State or of a Territory.

(2) In performing its functions and exercising its powers, including the power of delegation, the National Commission shall have regard to the principle of the maximum development of decentralised capacity to interpret and promulgate the uniform policy and administration of the scheme.

36. (1) The staff of the Commission shall consist of such persons as are employed by it in accordance with the Commonwealth Acts and may include persons who, by arrangement between the Commonwealth and a State in accordance with the Commonwealth Acts and the State Acts, are provided for the performance of services for the National Commission.

(2) The National Commission shall be empowered to arrange with the Commonwealth or a State for the services of members of its staff to be made available for the administration by the Commonwealth or the State of company law or the regulation of the securities industry.

PART XI—STATE AND TERRITORY ADMINISTRATIONS

37. (1) The administration of company law and the regulation of the securities industry within each State and Territory in accordance with the scheme established under this agreement shall, to the maximum extent practicable, be carried out by the entities and personnel of the State or Territory administration but those entities and personnel shall in the performance of those functions be subject to direction by the National Commission.

(2) The power of the National Commission to give directions to a State or Territory administration shall not apply to functions which that administration performs under legislation or regulations other than that of the Commonwealth and of the States provided for by clause 8 and by paragraphs (*b*) and (*c*) of clause 9 respectively.

38. (1) The policy direction and general control over the administration of company law and the regulation of the securities industry throughout Australia by the Ministerial Council and by the Commission in accordance with this agreement shall, subject to Part VI and to clause 25 and to subclause (2), be exercised to the exclusion of individual Ministerial direction and control by the responsible Minister of the Commonwealth or of the State.

(2) The exercise of direction and control by the Ministerial Council or by the National Commission referred to in subclause (1) shall not extend to matters relating to the Australian Public Service or the public service of a State or to the management and provision of facilities and services of the State or Territory administration or to any functions of that administration that are not included within the scope of operation of the scheme established under this agreement.

39. The Minister of the Commonwealth or of a State who has administrative responsibility for company law and regulation of the securities industries in a State or Territory shall be entitled to be notified of, and to be given information concerning, any matter being dealt with by the National Commission or the administration of the State or the Territory and shall have the right to refer to any matter arising out of or in connection with the Minister's responsibilities directly to the National Commission or to the Ministerial Council for consideration.

40. Each party to this agreement will provide the funds and other resources necessary for its State or Territory administration to carry out the functions of that administration in accordance with the scheme established under this agreement.

PART XII—FUNDING OF NATIONAL COMMISSION

41. (1) The funds required for the establishment and functioning of the National Commission shall be provided in equal shares by the Commonwealth as to one part and the States jointly as to the other part.

(2) The share of the States of the funds required during a financial year shall be apportioned between the States in accordance with the same proportions as the estimated population of each State on 31st December in the financial year as determined by the Australian Statistician under section 9 of the States (Personal Income Tax Sharing) Act 1976 of the Commonwealth Parliament bears to the total of the estimated populations of all the States on that date as so determined,

(3) If the Northern Territory becomes a party to this agreement under clause 49, the proportion of the share of the States which that Territory is to provide for the purposes of subclause (2) shall be calculated according to the population of that Territory as determined from time to time by the Australian Statistician.

42. (1) The parties will, on or before a date to be agreed between them, enter into an agreement relating to the sharing of relevant fees among the parties in appropriate terms similar to those contained in the agreement dated 15th January, 1976, between the States of New South Wales, Victoria, Queensland and Western Australia relating to the sharing of fees for the purposes of the Interstate Corporate Affairs Agreement.

(2) The agreement entered into pursuant to the previous subclause shall provide that it may be amended by the unanimous decision of the Ministerial Council.

PART XIII—REPORTS AND STATEMENTS

43. (1) The National Commission shall be required by the Commonwealth Acts to prepare, as soon as practicable after each financial year and not later than 31st October after the financial year, an annual report and financial statements in respect of that year in such form as is approved from time to time by the Ministerial Council.

(2) The report and financial statements in respect of each financial year shall be submitted to—

(*a*) the responsible Minister of the Commonwealth for presentation to the Commonwealth Parliament;

(*b*) each responsible Minister of a State for presentation to the State Parliament;

and

(*c*) the Ministerial Council.

PART XIV—AMENDMENT OF LEGISLATION

44. The following provisions shall apply with respect to the amendment of the legislation of the Commonwealth and of the States provided for by this agreement:—

(*a*) the National Commission or any party to this agreement may at any time submit to the Ministerial Council for consideration, or the Ministerial Council may at any time of its own motion consider, a proposal for the amendment of the Commonwealth Acts;

(*b*) in the event that any Bill to amend the Commonwealth Acts is approved by the Ministerial Council, the Commonwealth will submit that Bill to the Commonwealth Parliament and will take such steps as are appropriate to secure the passage of the Bill;

(*c*) if a Bill has not been passed by the Commonwealth Parliament within six months from the date on which it was approved by the Ministerial Council, any State may submit to its Parliament and secure the passage of separate legislation which amends the State Acts of that State in such a manner as to give effect to the amendment which that Bill would have made to the Commonwealth Acts.

45. (1) The National Commission or any party to this agreement may at any time submit to the Ministerial Council for consideration, or the Ministerial Council may at any time of its own motion consider, a proposal for the amendment of the regulations made under the Commonwealth Acts.

(2) In the event that any draft regulation to amend the Commonwealth regulations to give effect to such a proposal is approved by the Ministerial Council, the Commonwealth will submit the draft regulation to the Executive Council for making by the Governor-General and will take such steps as are appropriate to secure the making of that amending regulation.

(3) If upon the expiration of six months from the date on which any such amending regulation was approved by the Ministerial Council the amending regulation has not been made or, having been made, is subject to disallowance or has ceased to be in force by disallowance or for any other reason, any State may cause a regulation to be made which amends the regulations made under the State Act of the State in accordance with the amending regulation that was approved by the Ministerial Council.

46. The Commonwealth will not—

(*a*) submit to the Commonwealth Parliament any Bill to amend the Commonwealth Acts;

or

(*b*) cause to be made any regulation which amends the regulations made under the Commonwealth Acts,

unless the amendment which will be made by the Bill or by the regulations, as the case may be, has been approved by the Ministerial Council.

47. (1) The Commonwealth will not submit to its Parliament legislation or take action for the making of regulations which will, upon coming into force, negative the operation of the legislation referred to in paragraph (*a*) of subclause 8 (1) or the regulations referred to in paragraph (*b*) of that subclause or that legislation or those regulations as amended from time to time in accordance with this agreement.

(2) Subject to paragraph (*c*) of clause 44 and to subclause 45 (3), a State will not submit to its Parliament legislation or take action for the making of regulations which will, upon coming into force, negative the operation of the legislation of the State which applies—

(*a*) the legislation referred to in paragraph (*b*) of clause 9;

or

(*b*) the regulations referrred to in paragraph (*c*) of clause 9.

PART XV—ACCESSION OF NEW STATES AND TERRITORIES

48. (1) A new State of the Commonwealth of Australia may become a party to this agreement by signature on its behalf of a copy of this agreement and notifying each party to this agreement in writing of the signature and the date of signature and shall be deemed to have become a party as from that date.

(2) Subject to subclause (3), the provisions of this agreement shall apply to a new State which becomes a party as if it were named as a party to this agreement.

(3) Paragraph (*a*) of clause 6 shall apply to a new State which becomes a party as if the period of six months referred to therein was expressed as commencing on the date that State becomes a party to this agreement.

49. (1) If administrative responsibility for company law and the regulation of the securities industry in respect of the Northern Territory has become vested in a Minister or Executive Officer who is responsible to the Legislative Assembly of the Territory, the Northern Territory shall be entitled to become a party to this agreement on the basis set out in this clause.

(2) If the Northern Territory becomes a party pursuant to the previous subclause—

(*a*) the appropriate Northern Territory representative shall be entitled to participate in the proceedings of the Ministerial Council but, subject to paragraph (*c*), shall not be entitled to vote as a member of the Ministerial Council;

(*b*) subject to the previous paragraph, the provisions of this agreement shall apply to the Northern Territory so far as is practicable as if the Territory were a State and, to such extent as is appropriate, the provisions of this agreement shall be read and construed and, if necessary, modified to achieve that result;

and

(*c*) the other parties to this agreement may unanimously agree that the representative referred to in paragraph (*a*) shall be entitled to vote as a member of the Ministerial Council.

(3) For the purposes of paragraph (*b*) of the previous subclause, references in this agreement to the Parliament of a State shall be read as references to the legislature of the Northern Territory and the expression "the State Acts" shall include the legislation of or for the Northern Territory which corresponds to the legislation of a State that is provided for by this agreement.

(4) If the Northern Territory is, at the time when it becomes a State, a party to this agreement, it shall continue as a party as though it had become a party pursuant to clause 48.

50. If the Minister of State of the Commonwealth responsible for the administration of company law and the regulation of the securities industry considers that the operation of this agreement should be extended to the administration of company law and the regulation of the securities industry in an external Territory of the Commonwealth he may notify the Ministerial Council in writing to that effect and, subject to the passage by the Commonwealth Parliament of such legislation and the making of such regulations as are necessary to achieve that result, the provisions of this agreement shall apply to that Territory in the same manner and to the same effect as they apply to the Australian Capital Territory.

PART XVI—WITHDRAWAL OF A PARTY

51. (1) A party to this agreement may at any time by notice in writing to the Ministerial Council withdraw from this agreement and shall cease to be a party when the notice of withdrawal takes effect.

(2) Subject to subclause (3), a notice of withdrawal under this clause shall take effect on a date to be specified in the notice which is not less than one year from the date on which the notice is given.

(3) If the Commonwealth acts in breach of clause 46, a State may withdraw from this agreement under subclause (1) by giving a notice of withdrawal which refers to that breach and which takes effect forthwith.

FIRST SCHEDULE

PART 1

Clause 25

The matters for which immediately before the date of its repeal provision was made by—

(*a*) sections 22, 69A and 353 and subsections 178 (4), 381 (1) and 381 (2) of the *Companies Act* 1961 of the State of New South Wales;

and

(*b*) section 29 and subsections 21 (4), 127 (1) and 127 (2) of the *Securities Industry Act* 1975 of the State of New South Wales.

The National Commission shall not be authorized to exercise the discretion arising from section 29 of the said *Securities Industry Act* 1975.

PART 2

Clause 32 (3)

The matters for which immediately before the date of its repeal provision was made by—

(*a*) sections 24, 79, 179, 179B, 180, 180V, 186, 374D and 374E, subsections 44 (3), 80 (1A), 88 (1), 176 (5), 178 (1), 178 (1A), 178 (2), 178 (3), 178 (5), 178 (6), 178 (7), 178 (8), 178 (9), 178 (10), 224 (3), 334 (2) and 374 (2) and paragraphs 38 (7) (*b*), 74 (1) (*e*), 171 (1) (*b*) and 339 (*b*) of the *Companies Act* 1961 of the State of New South Wales;

and

(*b*) sections 21 (other than subsection (4)) 22, 24, 26 and 129, subsection 19 (5) and paragraph 17 (2) (*a*) of the *Securities Industry Act* 1975 of the State of New South Wales.

SECOND SCHEDULE

STATE LEGISLATION

Clause 9 (*a*)

New South Wales	*Companies Act* 1961, *Marketable Securities Act* 1970, *Securities Industry Act* 1975
Queensland	*Companies Act* 1961-1975, *Marketable Securities Act* 1966, *Securities Industry Act* 1975
South Australia	*Companies Act* 1962-1974, *Marketable Securities Transfer Act* 1967, *Sharebrokers Act* 1945
Tasmania	*Companies Act* 1962, *Marketable Securities Act* 1971
Victoria	*Companies Act* 1961, *Marketable Securities Act* 1970, *Securities Industry Act* 1975
Western Australia	*Companies Act* 1961-1975, *Marketable Securities Transfer Act* 1970, *Securities Industry Act* 1975

IN WITNESS WHEREOF this Agreement has been respectively signed for and on behalf of the parties as at the day and year first above written.

SIGNED by the Right Honourable JOHN MALCOLM FRASER, Prime Minister of the Commonwealth of Australia, in the presence of— } MALCOLM FRASER

WAL FIFE

SIGNED by the Honourable NEVILLE KENNETH WRAN, Premier of the State of New South Wales, in the presence of— } NEVILLE WRAN

B. DALE

SIGNED by the Honourable RUPERT JAMES HAMER, Premier of the State of Victoria, in the presence of— } R. J. HAMER

K. D. GREEN

SIGNED by the Honourable JOHANNES BJELKE-PETERSEN, Premier of the State of Queensland, in the presence of— } JOH BJELKE-PETERSEN

H. J. TRELOAR

SIGNED by the Honourable DONALD ALLAN DUNSTAN, Premier of the State of South Australia, in the presence of— } DON DUNSTAN

BRUCE GUERIN

SIGNED by the Honourable SIR CHARLES WALTER MICHAEL COURT, Premier of the State of Western Australia, in the presence of— } CHARLES COURT

BRIAN V. JOHNSON

SIGNED by the Honourable DOUGLAS ACKLEY LOWE, Premier of the State of Tasmania, in the presence of— } D. A. LOWE

D. EWART

SECURITIES INDUSTRY (SOUTH AUSTRALIA) CODE

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RELATING TO THE SECURITIES INDUSTRY IN SOUTH AUSTRALIA

PART I

PRELIMINARY

Short title.

1. This Code may be cited as the *Securities Industry (South Australia) Code*.

Commencement.

2. This Code comes into operation on the day on which the Securities Industry (Application of Laws) Act, 1981, comes into operation.

Agreement, etc.

3. This Code shall be read and construed together with the agreement made on the twenty-second day of December, 1978, between the Commonwealth and the States in relation to a proposed scheme for the co-operative regulation of companies and the securities industry or, if that agreement is or has been amended or affected by another agreement, that agreement as so amended or affected and has effect subject to and in accordance with—

(*a*) the Securities Industry (Application of Laws) Act, 1981;

and

(*b*) the Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Act, 1981.

Interpretation.

4. (1) In this Code, unless the contrary intention appears—

"accounting records" includes invoices, receipts, orders for the payment of money, bills of exchange, cheques, promissory notes, vouchers and other documents of prime entry and also includes such working papers and other documents as are necessary to explain the methods and calculations by which accounts are made up;

"arbitrage transaction" means a purchase or sale of securities effected in the ordinary course of trading on a stock market together with an offsetting sale or purchase of those securities effected at the same time, or at as nearly the same time as practicable, in the ordinary course of trading on another stock market for the purpose of obtaining a profit from the difference between the prices of those securities in the 2 stock markets;

"banker's books" means—

(*a*) books of a banking corporation, including any documents used in the ordinary business of a banking corporation;

(*b*) cheques, orders for the payment of money, bills of exchange and promissory notes in the possession or under the control of a banking corporation;

and

(*c*) securities or documents of title to securities in the possession or under the control of a banking corporation whether by way of pledge or otherwise;

The publication of this document was authorized by the Attorney-General in accordance with section 10 of the Securities Industry (Application of Laws) Act, 1981, on the 25th June, 1981.

The several provisions set out in this document come into operation in South Australia on the day on which the Securities Industry (Application of Laws) Act, 1981, comes into operation.

"*Banking Act* 1959" means the *Banking Act* 1959 of the Commonwealth as amended and in force for the time being;

"banking corporation" means—

(*a*) a bank as defined in section 5 of the *Banking Act* 1959;

(*b*) the Primary Industry Bank of Australia;

or

(*c*) a bank constituted under a law of a State or Territory;

"*Bankruptcy Act* 1966" means the *Bankruptcy Act* 1966 of the Commonwealth as amended and in force for the time being;

"books" includes any register or other record of information and any accounts or accounting records, however compiled, recorded or stored, and also includes any document;

"business rules", in relation to a body corporate that maintains or provides, or proposes to maintain or provide, a stock market, means the provisions of the constituent documents of the body corporate and any other rules, regulations or by-laws made by the body corporate but does not include rules, regulations or by-laws that are listing rules of the body corporate;

"committee", in relation to a stock exchange, means the committee of management, board of directors or other governing authority of the stock exchange;

"Commonwealth Minister" means the Minister of State for the Commonwealth for the time being administering the *Securities Industry Act* 1980 of the Commonwealth as amended and in force for the time being;

"dealer" means—

(*a*) a person who carries on a business of dealing in securities;

or

(*b*) 2 or more persons who together carry on a business of dealing in securities,

whether or not that business is part of, or is carried on in conjunction with, any other business;

"dealer's licence" means a dealer's licence granted under Part IV;

"dealer's representative" means a person who is employed by, or acts for or by arrangement with, a dealer, other than an exempt dealer, in connection with a business of dealing in securities carried on by the dealer;

"dealer's representatives licence" means a dealer's representatives licence granted under Part IV;

"dealing", in relation to securities, means (whether as principal or agent) acquiring, disposing of, subscribing for or underwriting the securities, or making or offering to make, or inducing or attempting to induce a person to make or to offer to make, an agreement—

(*a*) for or with respect to acquiring, disposing of, subscribing for or underwriting the securities;

or

(*b*) the purpose or purported purpose of which is to secure a profit or gain to a person who acquires, disposes of, subscribes for or underwrites the securities or to any of the parties to the agreement in relation to the securities;

"director", in relation to a body corporate, includes—

(*a*) any person occupying or acting in the position of director of the body corporate, by whatever name called and whether or not validly appointed to occupy or duly authorized to act in the position;

and

(*b*) any person in accordance with whose directions or instructions the directors of the body corporate are accustomed to act;

"executive officer", in relation to a body corporate, means any person, by whatever name called and whether or not he is a director of the body corporate, who is concerned, or takes part, in the management of the body corporate;

"exempt dealer" means—

(*a*) a corporation that is declared, pursuant to paragraph 38 (7) (*b*) of the Companies Act, 1962-1980, to be an authorized dealer in the short term money market;

(*b*) a body corporate that is incorporated within Australia and is a public authority or an instrumentality or agency of the Crown in right of the Commonwealth, of a State or of a Territory;

(*c*) subject to subsection (2), a person who does not carry on a business of dealing in securities except—

(i) in his capacity as an official receiver or trustee within the meaning of the *Bankruptcy Act* 1966;

(ii) in his capacity as a receiver, as a receiver and manager, or as another person appointed by a court to carry on the business concerned;

(iii) in his capacity as a personal representative of a deceased dealer;

or

(iv) in such other capacity as is prescribed or in such other circumstances as are prescribed;

(*d*) a body corporate that carries on, or holds itself out as carrying on, a business of dealing in debentures of that body corporate but does not carry on a business of dealing in any other securities;

or

(*e*) a person who, as Public Trustee, carries on a business of dealing in securities by reason of his powers under the Administration and Probate Act, 1919-1980;

"function" includes a duty;

"investment adviser" means a person who carries on, or 2 or more persons who together carry on, a business of advising other persons concerning securities (whether or not that business is part of, or is carried on in conjunction with, any other business), or a person who issues or publishes, or 2 or more persons who together issue or publish, in the course of a business carried on by him or them either alone or together with another person or other persons, analyses or reports concerning securities, but does not include—

(*a*) a bank as defined in section 5 of the *Banking Act* 1959, the Primary Industry Bank of Australia or a bank constituted under a law of a State or Territory;

(*b*) a body corporate authorized by a law of a State or Territory to take in its own name a grant of probate of the will of a deceased person or of letters of administration of the estate of a deceased person;

(*c*) a body corporate registered under the *Life Insurance Act* 1945;

(*d*) a solicitor or accountant in public practice as such whose carrying on of that business is solely incidental to the practice of his profession;

or

(*e*) a person who is the proprietor or publisher of a newspaper or periodical that is generally available to the public otherwise than only on subscription who, only in such a newspaper or periodical of which he is the proprietor or publisher, advises other persons concerning securities or issues or publishes analyses or reports concerning securities, not being the proprietor or publisher of a newspaper or periodical whose principal or only object is to advise other persons concerning securities or to issue or publish analyses or reports concerning securities;

"investment advisers licence" means an investment advisers licence granted under Part IV;

"investment contract" means any contract, scheme or arrangement that, in substance and irrespective of the form of the contract, scheme or arrangement, involves the investment of money in or under such circumstances that the investor acquires or may acquire an interest in or right in respect of property, whether in South Australia or elsewhere, that, under, or in accordance with the terms of investment will, or may at the option of the investor, be used or employed in common with any other interest in or right in respect of property, whether in South Australia or elsewhere, acquired in or under like circumstances;

"investment representative" means a person who is employed by, or acts for or by arrangement with, an investment adviser, other than an investment adviser who is the holder of a dealer's licence or is an exempt dealer, in connection with a business that is carried on by the investment adviser of advising other persons, or in the course of which analyses or reports are issued or published, concerning securities;

"investment representatives licence" means an investment representatives licence granted under Part IV;

"licence" means—

(*a*) a dealer's licence;

(*b*) a dealer's representatives licence;

(*c*) an investment advisers licence;

or

(*d*) an investment representatives licence;

"*Life Insurance Act* 1945" means the *Life Insurance Act* 1945 of the Commonwealth as amended and in force for the time being;

"listing rules", in relation to a body corporate that maintains or provides, or proposes to maintain or provide, a stock market, means rules, regulations or by-laws governing or relating to—

(*a*) the admission to, or removal from, the official list of the body corporate of bodies corporate, governments, unincorporate bodies or other persons for the purpose of the quotation on the stock market of the body corporate of securities of, or made available by, bodies corporate, governments, unincorporate bodies or other persons and for other purposes;

or

(*b*) the activities or conduct of bodies corporate, governments, unincorporate bodies and other persons who are admitted to that list,

whether those rules, regulations or by-laws—

(*c*) are made by the body corporate or are contained in any of the constituent documents of the body corporate;

or

(*d*) are made by another person and adopted by the body corporate;

"marketable parcel", in relation to securities that are listed for quotation on the stock market of a stock exchange, means a marketable parcel of those securities within the meaning of the relevant business rules or listing rules of that stock exchange;

"member", in relation to a stock exchange, means—

(*a*) a member of the stock exchange who carries on a business of dealing in securities on his own account and not in partnership;

or

(*b*) a partner in a member firm of the stock exchange;

"member firm", in relation to a stock exchange, means a partnership that carries on a business of dealing in securities and is recognized by the stock exchange as a member firm;

"Minister" means the Minister of State for South Australia for the time being administering the Securities Industry (Application of Laws) Act, 1981;

"*National Companies and Securities Commission Act* 1979" means the *National Companies and Securities Commission Act* 1979 of the Commonwealth as amended and in force for the time being;

"officer", in relation to a body corporate, includes—

(*a*) a director, secretary, executive officer or employee of the body corporate;

(*b*) a receiver and manager of the property or any part of the property of the body corporate appointed under a power contained in an instrument;

(*c*) an official manager or deputy official manager of the body corporate;

(*d*) a liquidator of the body corporate appointed in a voluntary winding up of the body corporate;

and

(*e*) a trustee or other person administering a compromise or arrangement made between the body corporate and another person or other persons,

but does not include—

(*f*) a receiver who is not also a manager;

(*g*) a receiver and manager appointed by a court;

or

(*h*) a liquidator appointed by a court;

"prescribed interest" means any right to participate or any interest, whether enforceable or not and whether actual, prospective or contingent—

(*a*) in any profits, assets or realization of any financial or business undertaking or scheme whether in South Australia or elsewhere;

(*b*) in any common enterprise, whether in South Australia or elsewhere, in relation to which the holder of the right or interest is led to expect profits, rent or interest from the efforts of the promoter of the enterprise or a third party;

or

(*c*) in any investment contract,

whether or not the right or interest is evidenced by a formal document and whether or not the right or interest relates to a physical asset, but does not include—

(*d*) any share in, or debenture of, a corporation;

(*e*) any interest in, or arising out of, a policy of life insurance;

(*f*) an interest in a partnership agreement, unless the agreement or proposed agreement—

(i) relates to an undertaking, scheme, enterprise or investment contract promoted by or on behalf of a person whose ordinary business is or includes the promotion of similar undertakings, schemes,

enterprises or investment contracts, whether or not that person is, or is to become, a party to the agreement or proposed agreement;

or

(ii) is or would be an agreement, or is or would be within a class of agreements, prescribed by the regulations for the purposes of this paragraph;

or

(*g*) a right or interest, or a right or interest included in a class or kind of rights or interests, declared by the regulations to be an exempt right or interest, or a class or kind of exempt rights or interests;

"quarter day" means 31st March, 30th June, 30th September or 31st December;

"recognized dealer" means, subject to subsection (3), a person who is the holder of a dealer's licence under the provisions of the law of a participating State or participating Territory that correspond with Part IV;

"recognized dealer's representative" means, subject to subsection (4), a person who is the holder of a dealer's representatives licence under the provisions of the law of a participating State or participating Territory that correspond with Part IV;

"recognized investment adviser" means, subject to subsection (3), a person who is the holder of an investment advisers licence under the provisions of the law of a participating State or participating Territory that correspond with Part IV;

"recognized investment representative" means, subject to subsection (4), a person who is the holder of an investment representatives licence under the provisions of the law of a participating State or participating Territory that correspond with Part IV;

"recognized licensee" means, subject to subsections (3) and (4), a person who is a recognized dealer, recognized dealer's representative, recognized investment adviser or recognized investment representative;

"registered company auditor" has the same meaning as in the Companies Act, 1962-1980;

"regulations" means the provisions applying as regulations made under this Code by reason of section 7 of the Securities Industry (Application of Laws) Act, 1981;

"representatives licence" means a dealer's representatives licence or an investment representatives licence;

"securities" means—

(*a*) debentures, stocks or bonds issued or proposed to be issued by a government;

(*b*) debentures, stocks, shares, bonds or notes issued or proposed to be issued by a body corporate or unincorporate;

(*c*) any right or option in respect of any such debentures, stocks, shares, bonds or notes;

or

(*d*) a prescribed interest,

but does not include—

(*e*) bills of exchange;

(*f*) promissory notes;

or

(*g*) certificates of deposit issued by a bank;

"*Securities Industry* (*South Australia*) *Code*" or "Code" means the provisions applying by reason of section 6 of the Securities Industry (Application of Laws) Act, 1981;

"share" means share in the share capital of a body corporate, and includes stock except where a distinction between stock and shares is expressed or implied;

"sole trader" means a member of a stock exchange who carries on a business of dealing in securities on his own account and not in partnership;

"stock exchange" means the Stock Exchange of Adelaide Limited or any other body corporate that is approved by the Ministerial Council under section 38;

"stock market" means a market, exchange or other place at which, or a facility by means of which, securities are regularly offered for sale, purchase or exchange;

"trust account" means a trust account opened and maintained under section 73 of this Code, or under section 59 of the Securities Industry Act, 1979-1980, or under a corresponding previous enactment;

"underwrite" includes sub-underwrite;

"voting share", in relation to a body corporate, means an issued share in the body corporate that confers a right to vote, not being a right to vote that is exercisable only in one or more of the following circumstances:

(*a*) during a period during which a dividend (or part of a dividend) in respect of the share is in arrears;

(*b*) upon a proposal to reduce the share capital of the body corporate;

(*c*) upon a proposal that affects rights attached to the share;

(*d*) upon a proposal to wind up the body corporate;

(*e*) upon a proposal for the disposal of the whole of the property, business and undertaking of the body corporate;

(*f*) during the winding up of the body corporate.

(2) A person who, but for this subsection, would be an exempt dealer by reason that he does not carry on a business of dealing in securities except in his capacity as a personal representative of a deceased dealer ceases to be an exempt dealer at the expiration of the period of 6 months after the date of the

death of the dealer or upon his being discharged or removed as such a personal representative or upon the final distribution of the estate of the dealer, whichever first occurs.

(3) For the purposes of this Code, a person, being the holder of a dealer's licence or the holder of an investment advisers licence under a law of a participating State or participating Territory, is not a recognized licensee unless—

(*a*) in the case of a natural person, not being a partner in a firm—he is ordinarily resident in that State or Territory;

(*b*) in the case of a natural person who is a partner in a firm—the principal place of business of the firm is in that State or Territory;

or

(*c*) in the case of a body corporate—the body corporate was incorporated in that State or Territory.

(4) For the purposes of this Code, a person, being the holder of a representatives licence under a law of a participating State or participating Territory, is not a recognized licensee unless the dealer or investment adviser by whom he is employed or for or by arrangement with whom he acts holds a licence as a dealer or investment adviser under a law of that State or Territory.

(5) In determining for the purposes of this Code whether a person carries on a business, or holds himself out as carrying on a business, of dealing in securities, regard shall not be had to an act done on behalf of the person by the holder of a dealer's licence, by an exempt dealer or by a recognized dealer.

(6) A reference in this Code to a stock exchange permitting trading in securities on the stock market of the stock exchange includes a reference to the stock exchange listing the securities for quotation, or otherwise permitting the securities to be quoted, on the stock market of the stock exchange.

(7) For the purposes of this Code, the question whether bodies corporate are related to each other shall be determined in the same manner as the question whether corporations within the meaning of the Companies Act, 1962-1980, are related to each other would be determined under that Act.

(8) For the purposes of this Code—

(*a*) a parcel of securities constitutes an odd lot if the number of securities in that parcel is less than one marketable parcel of those securities;

and

(*b*) if the number of securities in a parcel of securities is greater than one marketable parcel of those securities and, after excluding so many of the securities in that parcel as constitute a marketable parcel or marketable parcels of those securities, a number of securities remains, that remaining number of securities constitutes an odd lot.

(9) In this Code a reference to a body corporate, in relation to securities, includes a reference to a government, unincorporate body or other person that issues or makes available those securities.

Relevant interests in securities.

5. (1) Subject to this section, a person has a relevant interest in securities if—

(*a*) in the case of securities that carry a right to vote at a meeting of a body corporate or unincorporate, that person has power—

(i) to exercise, or to control the exercise of, that right to vote;

or

(ii) to dispose of, or to exercise control over the disposal of, those securities;

and

(*b*) in the case of securities to which paragraph (*a*) does not apply—that person has power to dispose of, or to exercise control over the disposal of, those securities.

(2) It is immaterial for the purposes of this section whether the power of a person—

(*a*) to exercise, or to control the exercise of, a right to vote carried by securities;

or

(*b*) to dispose of, or to exercise control over the disposal of, securities,

is express or implied or formal or informal, is exercisable alone or jointly with another person or other persons, cannot be related to a particular security, or is, or is capable of being made, subject to restraint or restriction, and any such power exercisable jointly with another person or other persons shall, for those purposes, be deemed to be exercisable by either or any of those persons.

(3) A reference in this section to power or control includes a reference to power or control that is direct or indirect or is, or is capable of being, exercised as a result of, or by means of, or in breach of, or by revocation of, trusts, agreements, arrangements, understandings and practices or any of them, whether or not they are enforceable, and a reference in this section to a controlling interest includes a reference to such an interest as gives control.

(4) For the purposes of this section, where a body corporate has power—

(*a*) to exercise, or to control the exercise of, a right to vote carried by securities;

or

(*b*) to dispose of, or to exercise control over the disposal of, securities,

and—

(*c*) the body corporate is, or its directors are, accustomed or under an obligation, whether formal or informal, to act in accordance with the directions, instructions or wishes of a person in relation to the exercise of the power;

(*d*) a person has a controlling interest in the body corporate;

or

(*e*) a person has power to exercise, or to control the exercise of, the voting power attached to not less than the prescribed percentage of the voting shares in the body corporate,

that person shall be deemed to have the same power in relation to those securities as the body corporate has.

(5) For the purposes of paragraph (4) (*e*), a person shall be deemed to have the power referred to in that paragraph if—

(*a*) a person associated with the first-mentioned person has that power;

(*b*) persons associated with the first-mentioned person together have that power;

or

(*c*) the first-mentioned person and a person or persons associated with him together have that power.

(6) Where a person—

(*a*) has entered into an agreement with respect to securities;

(*b*) has a right relating to securities, whether the right is enforceable presently or in the future and whether on the fulfilment of a condition or not;

or

(*c*) has an option with respect to securities,

and, on performance of the agreement, enforcement of the right or exercise of the option, that person would have a relevant interest in those securities, he shall, for the purposes of this section, be deemed to have that relevant interest in those securities.

(7) For the purposes of this section, where a body corporate is deemed by subsection (6) to have a relevant interest in securities and—

(*a*) the body corporate is, or its directors are, accustomed or under an obligation, whether formal or informal, to act in accordance with the directions, instructions or wishes of a person in relation to the exercise of, or the control of the exercise of, any right to vote attached to those securities, or in relation to the disposal of, or the exercise of control over the disposal of, those securities;

(*b*) a person has a controlling interest in the body corporate;

or

(*c*) a person has power to exercise, or to control the exercise of, the voting power attached to not less than the prescribed percentage of the voting shares in the body corporate,

that person shall be deemed to have a relevant interest in those securities.

(8) A relevant interest in securities shall be disregarded if—

(*a*) the ordinary business of the person who has the relevant interest includes the lending of money and he has authority to exercise his powers as the holder of the relevant interest only by reason of a security given for the purposes of a transaction entered into in the ordinary course of business in connection with the lending of money, not being a transaction entered into with a person associated with the first-mentioned person;

(*b*) the relevant interest is that of a person who has it by reason of his holding a prescribed office;

(*c*) the securities are subject to a trust, the relevant interest is that of a trustee and—

(i) a beneficiary is deemed, by subsection (6), to have a relevant interest in the securities by virtue of a presently enforceable and unconditional right referred to in paragraph (*b*) of that subsection;

or

(ii) the trustee is a bare trustee;

(*d*) the ordinary business of the person who has the relevant interest includes dealing in securities and he has authority to exercise his powers as the holder of the relevant interest only by reason of instructions given to him by or on behalf of another person to dispose of those securities on behalf of the other person in the ordinary course of business;

or

(*e*) the relevant interest is that of a person who has it by reason of his having been appointed as a proxy or representative to vote at a meeting of members, or of a class of members, of a body corporate or unincorporate, not being an appointment in return for the making of which the person or a person associated with the person provided valuable consideration.

(9) For the purposes of subparagraph (8) (*c*) (ii), a trustee shall not be taken not to be a bare trustee by reason only of the fact that the trustee is entitled in his capacity as a trustee to be remunerated out of the income or property of the trust.

(10) A relevant interest in securities shall not be disregarded by reason only of—

(*a*) its remoteness;

or

(*b*) the manner in which it arose.

(11) The regulations may provide that relevant interests or particular classes of relevant interests, or relevant interests held by particular persons or by particular classes of persons, in securities, or in particular classes of securities, shall, in such circumstances and subject to such conditions (if any) as are specified in the regulations, be disregarded for the purposes of the provisions of this Code or for the purposes of such of those provisions as are specified in the regulations.

Associated persons.

6. (1) A reference in this Code to a person associated with another person shall be construed as a reference to—

(*a*) if the other person is a body corporate—

(i) a director or secretary of the body corporate;

(ii) a body corporate that is related to the other person;

or

(iii) a director or secretary of such a related body corporate;

(*b*) where the matter to which the reference relates is the extent of a power to exercise, or to control the exercise of, the voting power attached to voting shares in a body corporate, a person with whom the other person has, or proposes to enter into, an agreement, arrangement, understanding or undertaking, whether formal or informal and whether express or implied—

(i) by reason of which either of those persons may exercise, directly or indirectly control the exercise of, or substantially influence the exercise of, any voting power attached to a share in the body corporate;

(ii) with a view to controlling or influencing the composition of the board of directors, or the conduct of affairs, of the body corporate;

or

(iii) under which either of those persons may acquire from the other of them shares in the body corporate or may be required to dispose of such shares in accordance with the directions of the other of them;

(*c*) a person in concert with whom the other person is acting, or proposes to act, in relation to the matter to which the reference relates;

(*d*) where the matter to which the reference relates is a matter other than the extent of a power to exercise, or to control the exercise of, the voting power attached to voting shares in a body corporate—

(i) a person who carries on a business of dealing in securities in partnership with the other person;

(ii) subject to subsection (2), a person who is a partner of the other person otherwise than by reason that he carries on a business of dealing in securities in partnership with the other person;

(iii) a trustee of a trust in relation to which the other person benefits or is capable of benefiting otherwise than by reason of transactions entered into in the ordinary course of business in connection with the lending of money;

(iv) a person who is a director of a body corporate that carries on a business of dealing in securities and of which the other person is also a director;

or

(v) subject to subsection (2), a person who is a director of a body corporate of which the other person is a director, not being a body corporate that carries on a business of dealing in securities;

(*e*) a person with whom the other person is, by virtue of the regulations, to be regarded as associated in respect of the matter to which the reference relates;

(*f*) a person with whom the other person is, or proposes to become, associated, whether formally or informally, in any other way in respect of the matter to which the reference relates;

or

(*g*) if the other person has entered into, or proposes to enter into, a transaction, or has done, or proposes to do, any other act or thing, with a view to becoming associated with a person as mentioned in any of the preceding paragraphs—that last-mentioned person.

(2) Where, in proceedings under this Code, it is alleged that a person referred to in subparagraph (1) (*d*) (ii) or (v) was associated with another person at a particular time, that person shall be deemed not to have been so associated in relation to a matter to which the proceedings relate unless the person alleging the association proves that the first-mentioned person at that time knew or ought reasonably to have known the material particulars of that matter.

(3) For the purposes of this Code, where two or more persons constitute a dealer or an investment adviser, a person is associated with the dealer or with the investment adviser, as the case may be, if he is associated with either or any of those persons.

(4) A person shall not be taken to be associated with another person by virtue of paragraph (1) (*b*), (*c*), (*e*) or (*f*) by reason only that one of those persons furnishes advice to, or acts on behalf of, the other person in a professional capacity.

PART II

PART II

ADMINISTRATION

DIVISION 1—GENERAL

DIVISION 1

Interpretation.

7. In this Division, "books" includes banker's books.

Power of Commission to require production of books.

8. (1A) The powers of the Commission under subsection (1), or the powers of an authorized person under subsection (2), to make a requirement of a corporation or person shall not be exercised except—

(*a*) for the purpose of the performance of a function or the exercise of a power by the Commission under a Code that is a relevant Code for the purposes of the Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Act, 1981;

or

(*b*) where the requirement relates to a matter that constitutes or may constitute—

(i) a contravention of, or failure to comply with, a provision of a relevant Code referred to in paragraph (*a*);

or

(ii) an offence relating to securities that involves fraud or dishonesty.

(1) The Commission may, at any time, by notice in writing—

(*a*) give a direction to—

(i) a stock exchange;

(ii) a member of the committee of a stock exchange;

(iii) a person who is or has been (either alone or together with another person or other persons) a dealer or an investment adviser or is or has been a dealer's representative or an investment representative;

(iv) a nominee controlled by a person referred to in subparagraph (iii) or jointly controlled by 2 or more persons at least one of whom is a person referred to in that subparagraph;

(v) a person who is or has been an officer or employee of, or an agent, banker, solicitor, auditor or other person acting in any capacity for or on behalf of, a stock exchange or a person referred to in subparagraph (ii), (iii) or (iv);

or

(va) any other person who in the opinion of the Commission has been a party to any dealing in securities,

requiring the production, to a person authorized by the Commission to receive them, at such time and place as are specified in the direction, of such books as are so specified, being books relating to—

(vi) the business or affairs of a stock exchange;

(vii) any dealing in securities;

(viii) any advice concerning securities or the issuing or publication of a report or analysis concerning securities;

(ix) the character or financial position of, or any business carried on by, a person referred to in subparagraph (iii) or (iv);

or

(x) an audit of, or any report of an auditor concerning, a dealing in securities or any accounts or records of a dealer or of an investment adviser;

or

(*b*) give a direction to any person requiring the production, to a person authorized by the Commission to receive them, at such time and place as are specified in the direction, of any books relating to matters mentioned in subparagraph (*a*) (vi), (vii), (viii), (ix) or (x) that are in the custody or under the control of the person.

(2) The Commission may from time to time authorize a person, on producing (if required to do so) such evidence of his authority as is prescribed—

(*a*) to require by notice in writing a stock exchange or a person referred to in subparagraph (1) (*a*) (ii), (iii), (iv), (v) or (va) to produce to the authorized person forthwith such books relating to matters mentioned in subparagraph (1) (*a*) (vi), (vii), (viii), (ix) or (x) as are specified by the authorized person and are in the custody or under the control of the stock exchange or person of whom the requirement is made;

or

(*b*) to require by notice in writing a stock exchange or any other person to produce to the authorized person forthwith any books relating to matters mentioned in subparagraphs (1) (*a*) (vi), (vii), (viii), (ix) and (x) that are in the custody or under the control of the stock exchange or other person.

(3) A reference in subsection (1) to a dealing in securities or to a business carried on by a person includes a reference to a dealing in securities by a person as a trustee or to a business carried on by a person as a trustee, as the case may be.

(4) An authorization under subsection (2) may be of general application or may be limited to making requirements of a particular stock exchange or other person or particular stock exchanges or other persons.

(5) Where the Commission, or a person authorized by the Commission, requires the production of any books under this section and a person has a lien on the books, the production of the books does not prejudice the lien.

(6) Where the Commission, or a person authorized by the Commission, exercises a power under this section to require another person to produce books—

(*a*) if the books are produced, the person to whom the books are produced—

(i) may take possession of the books and make copies of, or take extracts from, the books;

(ii) may require the other person, or any person who was party to the compilation of the books, to make a statement providing any explanation that the person concerned is able to provide as to any matter relating to the compilation of the books or as to any matter to which the books relate;

(iii) may retain possession of the books for such period as is necessary to enable the books to be inspected, and copies of, or extracts from, the books to be made or taken, by or on behalf of the Commission;

and

(iv) during that period shall permit a person who would be entitled to inspect any one or more of the books if they were not in the possession of the person to whom the books were produced to inspect at all reasonable times such of the books as that person would be so entitled to inspect;

or

(*b*) if the books are not produced, the Commission or the authorized person may require the other person—

(i) to state, to the best of his knowledge and belief, where the books may be found;

and

(ii) to identify the person who, to the best of his knowledge and belief, last had custody of the books and to state, to the best of his knowledge and belief, where that last-mentioned person may be found.

(7) A power conferred by this section to make a requirement of a person extends, if the person is a body corporate, including a body corporate that is in the course of being wound up, or was a body corporate, being a body corporate that has been dissolved, to making that requirement of any person who is or has been an officer of the body corporate.

(8) For the purposes of subsection (7), "officer", in relation to a body corporate, includes—

(*a*) a director, secretary, executive officer or employee of the body corporate;

(*b*) a receiver, or a receiver and manager, of the property or any part of the property of the body corporate;

(*c*) an official manager or a deputy official manager of the body corporate;

(*d*) a liquidator or provisional liquidator of the body corporate;

and

(*e*) a trustee or other person administering a compromise or arrangement made between the body corporate and its creditors.

Power of magistrate to issue warrant to seize books.

9. (1) If a magistrate is satisfied, on information on oath or affirmation laid by an employee of the Commission, or by another person authorized in writing by the Commission, that there are reasonable grounds for suspecting

that there are on particular premises in South Australia any books the production of which has been required by virtue of section 8 or by virtue of a provision of a law of a participating State or of a participating Territory that corresponds with section 8 and which have not been produced in compliance with that requirement, the magistrate may issue a warrant authorizing any member of the police force of South Australia, together with any other person named in the warrant—

(*a*) to enter those premises (using such force as is necessary for the purpose);

(*b*) to search the premises and to break open and search any cupboard, drawer, chest, trunk, box, package or other receptacle, whether a fixture or not, in the premises;

(*c*) to take possession of, or secure against interference, any books that appear to be books the production of which was so required;

and

(*d*) to deliver any books possession of which is so taken into the possession of a person authorized by the Commission to receive them.

(2) A warrant issued under subsection (1)—

(*a*) remains in force until the expiration of one month from the day on which it is issued;

and

(*b*) shall be executed by day, unless the magistrate by warrant authorizes its execution by night.

(3) Where, under this section, a person takes possession of, or secures against interference, any books, and a person has a lien on the books, the taking of possession of the books or the securing of the books against interference does not prejudice the lien.

(4) Where, under this section, a person takes possession of, or secures against interference, any books, that person or any person to whose possession the books were delivered under paragraph (1) (*d*)—

(*a*) may make copies of, or take extracts from, the books;

(*b*) may require any person who was a party to the compilation of the books to make a statement providing any explanation that that person is able to provide as to any matter relating to the compilation of the books or as to any matter to which the books relate;

(*c*) may retain possession of the books for such period as is necessary to enable the books to be inspected, and copies of, or extracts from, the books to be made or taken, by or on behalf of the Commission;

and

(*d*) during that period shall permit a person who would be entitled to inspect any one or more of the books if they were not in the possession of the first-mentioned person to inspect at all reasonable times such of the books as that person would be so entitled to inspect.

(5) The powers conferred by this section are in addition to, and not in derogation of, any other powers conferred by law.

(6) In this section, "premises" includes any structure, building, aircraft, vehicle, vessel or place (whether built upon or not) and any part of such a structure, building, aircraft, vehicle, vessel or place.

Offences.

10. (1) A person shall not, without reasonable excuse, refuse or fail to comply with a requirement made under section 8 or 9.

Penalty: $10 000 or imprisonment for 2 years, or both.

(2) A person shall not, in purported compliance with a requirement made under section 8 or 9, furnish information or make a statement that is false or misleading in a material particular.

Penalty: $10 000 or imprisonment for 2 years, or both.

(2A) It is a defence to a prosecution for an offence against subsection (2) if the defendant proves that he believed on reasonable grounds that the information or statement was true and was not misleading.

(3) A person shall not, without reasonable excuse, obstruct or hinder—

(*a*) the Commission or another person in the exercise of any power under section 8;

or

(*b*) a person executing a warrant issued under section 9.

Penalty: $10 000 or imprisonment for 2 years, or both.

(4) The occupier or person in charge of any premises that a person enters pursuant to a warrant referred to in subsection 9 (1) shall provide the last-mentioned person with all reasonable facilities and assistance for the effective exercise of his powers under the warrant.

Penalty: $2 500 or imprisonment for 6 months, or both.

(5) A person is not excused from providing an explanation of any books pursuant to a requirement made of him under section 8 or 9 on the ground that the provision of the explanation might tend to incriminate him but, where the person claims before providing the explanation that the explanation might tend to incriminate him, the explanation is not admissible in evidence against him in criminal proceedings other than proceedings under this section.

(6) Subject to subsection (5), a statement made by a person in compliance with a requirement made under section 8 or 9 may be used in evidence in any criminal or civil proceedings against the person.

Copies or extracts of books to be admitted in evidence.

10A. (1) Subject to this section, in any legal proceedings (whether proceedings under this Code or otherwise), a copy of or extract from a book relating to a matter mentioned in subparagraph 8 (1) (*a*) (vi), (vii), (viii), (ix) or (x) is admissible in evidence as if it were the original book or the relevant part of the original book.

(2) A copy of or extract from a book is not admissible in evidence under subsection (1) unless it is proved that the copy or extract is a true copy of the book or of the relevant part of the book.

(3) For the purposes of subsection (2), evidence that a copy of or extract from a book is a true copy of the book or of a part of the book may be given by a person who has compared the copy or extract with the book or the relevant part of the book and may be given either orally or by an affidavit sworn, or by a declaration made, before a Commissioner or person authorized to take affidavits or statutory declarations.

Privilege

11. (1) Where—

(*a*) the Commission, or a person authorized by the Commission, makes a requirement under section 8 or 9 of a duly qualified legal practitioner in respect of a book;

and

(*b*) the book contains a privileged communication made by or on behalf of or to the legal practitioner in his capacity as a legal practitioner,

the legal practitioner is entitled to refuse to comply with the requirement unless the person to whom or by or on behalf of whom the communication was made or, if the person is a body corporate that is under official management or is in the course of being wound up, the official manager or the liquidator, as the case may be, agrees to the legal practitioner complying with the requirement but, where the legal practitioner so refuses to comply with a requirement, he shall, if he knows the name and address of the person to whom or by or on behalf of whom the communication was made, forthwith furnish that name and address in writing to the Commission or authorized person.

Penalty: $1 000 or imprisonment for 3 months, or both.

(2) * * * * * *

(3) * * * * * *

Disclosure to Commission.

12. (1) The Commission may require a dealer to disclose to the Commission, in relation to any acquisition or disposal of securities, the name of the person from or through whom or on whose behalf the securities were acquired or to or through whom or on whose behalf the securities were disposed of and the nature of the instructions given to the dealer in respect of the acquisition or disposal.

(2) The Commission may require a person who has acquired or disposed of securities to disclose to the Commission whether he acquired or disposed of those securities, as the case may be, as trustee for, or for or on behalf of, another person and, if he acquired or disposed of those securities as trustee for, or for or on behalf of, another person, to disclose the name of that other person and the nature of any instructions given to the first-mentioned person in respect of the acquisition or disposal.

(3) The Commission may require a stock exchange to disclose to the Commission, in relation to an acquisition or disposal of securities on the stock market of that stock exchange, the names of the members of that stock exchange who acted in the acquisition or disposal.

(3A) Where the Commission considers—

(*a*) that it may be necessary to prohibit trading in securities of, or made available by, a body corporate;

(*b*) that a person may have contravened section 123, 124, 125, 126, 127, 128 or 132 in relation to securities of, or made available by, a body corporate;

(*c*) that a person may have contravened a provision of Division 3A of Part IV of the Companies Act, 1962-1980, in relation to shares in a body corporate;

(*d*) that an acquisition of shares in a body corporate may have occurred in circumstances referred to in subsection 60 (7) of the *Companies (Acquisition of Shares) (South Australia) Code*;

or

(*e*) that a person may have engaged in conduct that has had a result referred to in subsection 60 (7A) of the *Companies (Acquisition of Shares) (South Australia) Code*,

the Commission—

(*f*) may require—

(i) in a case to which paragraph (*a*), (*b*), (*c*) or (*d*) applies—a director, secretary or executive officer of the body corporate referred to in that paragraph;

or

(*ii*) in a case to which paragraph (*e*) applies—a director, secretary or executive officer of a body corporate in relation to shares in which, or affairs of which, that conduct was engaged in,

to disclose to the Commission any information of which he is aware, being information that might have affected any dealing that has taken place, or that might affect any dealing that may take place, in securities of, or made available by, the body corporate of which he is the director, secretary or executive officer, as the case may be;

and

(*g*) may require a person whom the Commission believes on reasonable grounds to be capable of giving information concerning—

(i) any dealing in relevant securities;

(ii) any advice given by a dealer, an investment adviser, a dealer's representative or an investment representative concerning relevant securities;

(iii) the issuing or publication of a report or analysis by a dealer, an investment adviser, a dealer's representative or an investment representative concerning relevant securities;

(iv) the financial position of any business carried on by a person who is or has been (either alone or together with another person or other persons) a dealer or an investment adviser and has dealt in, or given advice concerning, as the case may be, relevant securities;

(v) the financial position of any business carried on by a nominee controlled by a person referred to in subparagraph (iii) or jointly controlled by 2 or more persons at least one of whom is a person referred to in that subparagraph;

or

(vi) an audit of, or any report of an auditor concerning, any accounts or records of a dealer or of an investment adviser, being accounts or records relating to dealings in relevant securities,

to disclose to the Commission the information that the person has in relation to the matters concerning which the Commission believes that the person is capable of giving information.

(3B) For the purposes of paragraph (3A) (*g*), "relevant securities" means—

(*a*) in a case to which paragraph (3A) (*a*), (*b*), (*c*) or (*d*) applies—securities of, or made available by, the body corporate referred to in that paragraph;

and

(*b*) in a case to which paragraph (3A) (*e*) applies—securities of, or made available by, the body corporate in relation to shares in which, or affairs of which, the conduct referred to in that paragraph was engaged in.

(3C) A person is not excused from discolosing information to the Commission pursuant to a requirement made of him under subsection (3A) on the ground that the disclosure of the information might tend to incriminate him but, where the person claims before disclosing the information that the information might tend to incriminate him, the information is not admissible in evidence against him in criminal proceedings other than proceedings under this section.

(3D) Where, pursuant to paragraph (3A) (*f*) or (*g*), the Commission requires a person to disclose information to the Commission, the Commission shall give, or cause to be given, to the person, at the time when the requirement is made, a notice in the prescribed form setting out the terms of subsection (3C).

(4) A person shall not, without reasonable excuse, fail to comply with a requirement of the Commission under subsection (1), (2), (3) or (3a).

Penalty: $5 000 or imprisonment for 1 year, or both.

(5) A person shall not, in purported compliance with a requirement of the Commission under subsection (1), (2), (3) or (3A), disclose information, or make a statement, that is false or misleading in a material particular.

Penalty: $5 000 or imprisonment for 1 year, or both.

(6) It is a defence to a prosecution for an offence against subsection (5) if the defendant proves that he believed on reasonable grounds that the information or statement was true and was not misleading.

(7) In this section, a reference to disclosing information includes, in relation to information that is contained in a document, a reference to furnishing the document.

Investigation of certain matters.

13. Where the Commission has reason to suspect that a person has committed an offence under a provision of this Code or has been guilty of fraud or of an offence against any other law with respect to dealing in securities, the Commission may make such investigation as the Commission thinks expedient for the due administration of this Code.

Power of Court to make certain orders.

14. (1) Where—

(*a*) on the application of the Commission, it appears to the Court that a person has committed an offence under this Code, or under any other law in force in South Australia relating to trading or dealing in securities, or has contravened the conditions or restrictions of a licence or the business rules or listing rules of a stock exchange or is about to do an act with respect to trading or dealing in securities that, if done, would be such an offence or contravention;

or

(*b*) on the application of a stock exchange, it appears to the Court that a person has contravened the business rules or listing rules of the stock exchange,

the Court may, without prejudice to any orders it would be entitled to make otherwise than pursuant to this section, make one or more of the following orders, namely:

(*c*) in the case of persistent or continuing breaches of this Code, or of any other law in force in South Australia relating to trading or dealing in securities, of the conditions or restrictions of a licence, or of the business rules or listing rules of a stock exchange—an order restraining a person from carrying on a business of dealing in securities, acting as an investment adviser or as a dealer's representative or investment representative, or from holding himself out as so carrying on business or so acting;

(*d*) an order restraining a person from acquiring, disposing of or otherwise dealing with any securities that are specified in the order;

(*e*) an order appointing a receiver of the property of a dealer or of property that is held by a dealer for or on behalf of another person, whether on trust or otherwise;

(*f*) an order declaring a contract relating to securities to be void or voidable;

(*g*) for the purpose of securing compliance with any other order under this section, an order directing a person to do or refrain from doing a specified act;

(*h*) any ancillary order deemed to be desirable in consequence of the making of an order under any of the preceding provisions of this subsection.

(2) The Court shall, before making an order under subsection (1), satisfy itself, so far as it can reasonably do so, that the order would not unfairly prejudice a person.

(3) The Court may, before making an order under subsection (1), direct that notice of the application be given to such persons as it thinks fit or direct that notice of the application be published in such manner as it thinks fit, or both.

(4) A person appointed by order of the Court under subsection (1) as a receiver of the property of a dealer—

(*a*) may require the dealer to deliver to the receiver any property of which he has been appointed receiver or to give to the receiver all information concerning that property that may reasonably be required;

(*b*) may acquire and take possession of any property of which he has been appointed receiver;

(*c*) may deal with any property that he has acquired or of which he has taken possession in any manner in which the dealer might lawfully have dealt with the property;

and

(*d*) has such other powers in respect of the property as the Court specifies in the order.

(5) In paragraph (1) (*e*) and subsection (4), "property", in relation to a dealer, includes money, securities and documents of title to securities or other property entrusted to or received on behalf of any other person by the dealer or another person in the course of or in connection with a business of dealing in securities carried on by the dealer.

(6) A person shall not, without reasonable excuse, contravene or fail to comply with—

(*a*) an order under subsection (1) that is applicable to him;

or

(*b*) a requirement of a receiver appointed by order of the Court under subsection (1).

Penalty: $10 000 or imprisonment for 2 years, or both.

(7) Subsection (6) does not affect the powers of the Court in relation to the punishment of contempts of the Court.

(8) The Court may rescind, vary or discharge an order made by it under this section or suspend the operation of such an order.

DIVISION 2

DIVISION 2—INVESTIGATIONS

Interpretation.

15. (1) In this Division, unless the contrary intention appears—

"direction" means a direction given to the Commission in the exercise of a power under subsection 16 (1), (2) or (3) in relation to the carrying out of an investigation into matters relating to dealing in securities;

"inspector" means an inspector appointed under this Division;

"prescribed direction" means a direction given in the exercise of a power under subsection 16 (1) or (2) otherwise than in response to a request made by the Commission under subsection 16 (4), not being a direction that has been approved by the Ministerial Council under subsection 16 (6);

"prescribed person" means a person suspected or believed by an inspector, on reasonable grounds, to be capable of giving information concerning any matter being, or to be, investigated by the inspector pursuant to this Division;

"relevant authority", in relation to a direction or in relation to an investigation that is carried out, or is to be carried out, pursuant to a direction, means—

(*a*) in the case of a direction given by the Commonwealth Minister other than a direction that has been approved by the Ministerial Council under subsection 16 (6)—the Commonwealth Minister;

(*aa*) in the case of a direction given by the Minister other than a direction that has been approved by the Ministerial Council under subsection 16 (6)—the Minister;

or

(*b*) in the case of a direction given by the Ministerial Council or approved by the Ministerial Council under subsection 16 (6)—the Ministerial Council.

(2) Where 2 or more inspectors have been appointed under this Division to investigate particular matters relating to dealing in securities, each of those inspectors may exercise his powers or perform his functions under this Division independently of the other inspector or inspectors.

(3) In relation to an investigation carried out by the Commission into matters relating to dealing in securities—

(*a*) a reference in section 19, 21, 32 or 35 to an inspector shall be read as a reference to a member of the Commission or to an authorized agent of the Commission;

and

(*b*) the reference in section 34 to an inspector shall be read as a reference to the Commission.

(4) The reference in subsection (3) to an authorized agent of the Commission shall be read as a reference to—

(*a*) an employee of the Commission;

(*b*) a person whose services are available to the Commission by virtue of arrangements made under subsection 24 (1) or (2) of the *National Companies and Securities Commission Act* 1979;

or

(*c*) a person engaged under subsection 25 (1) of that Act,

who is authorized by the Commission to act on behalf of the Commission in connection with the investigation concerned.

(5) In relation to an investigation carried out pursuant to a prescribed direction into matters relating to dealing in securities, a reference in section 21, 30 (other than subsection (4)) or 35 to the Commission shall be read as a reference to the relevant authority.

Investigations.

16. (1) Where it appears to the Minister that it is in the public interest in respect of South Australia that an investigation be carried out into any matters relating to dealing in securities, the Minister may, by instrument in writing, direct the Commission to arrange for an investigation into those matters.

(2) Where it appears to the Commonwealth Minister that it is in the national interest that an investigation be carried out into any matters relating to dealing in securities, the Commonwealth Minister may, by instrument in writing, direct the Commission to arrange for an investigation into those matters.

(3) The Ministerial Council may, by instrument in writing, direct the Commission to arrange for an investigation into any matters relating to dealing in securities.

(4) The Commission may request the Minister or the Commonwealth Minister in writing to exercise his powers under subsection (1) or (2) to direct the Commission to arrange for an investigation into any matters relating to dealing in securities.

(5) The Commission may request the Ministerial Council in writing to exercise its power under subsection (3) to direct the Commission to arrange for an investigation into any matters relating to dealing in securities.

(6) Where a direction is given by the Minister or the Commonwealth Minister under subsection (1) or (2), the Ministerial Council may approve the direction.

Conduct of investigations.

17. (1) An instrument containing a prescribed direction—

(*a*) shall specify the matters that are to be investigated;

(*b*) may require the investigation to be carried out by the Commission or require it to be carried out by an inspector to be appointed by the Commission;

and

(*c*) in the case of an investigation that is to be carried out by an inspector appointed by the Commission—may require a specified person to be appointed as the inspector and may require him to be appointed on specified terms and conditions.

(2) An instrument containing a direction other than a prescribed direction—

(*a*) shall specify the matters that are to be investigated;

and

(*b*) may be accompanied by a statement in writing setting out the views of the relevant authority as to—

(i) whether the investigation should be carried out by the Commission or by an inspector appointed by the Commission;

and

(ii) if the Commission decides to appoint an inspector to carry out the investigation—the person who should be appointed and the terms and conditions of his appointment.

(3) Where the Commission receives a direction, the Commission shall—

(*a*) in the case of a prescribed direction—comply with any requirements specified in the direction;

and

(*b*) in the case of any other direction—

(i) take into account any views expressed by the relevant authority in a statement accompanying the direction;

(ii) if the Commission decides to arrange for the investigation to which the direction relates to be carried out contrary to the wishes of the relevant authority—notify the relevant authority accordingly;

and

(iii) if, after the Commission so notifies the relevant authority, the Ministerial Council gives any instructions to the Commission in relation to the investigation—comply with those instructions.

(4) Where the Commission receives a direction, the Commission shall—

(*a*) arrange for an investigation to be carried out into the matters specified in the instrument containing the direction;

and

(*b*) subject to subsection (3)—

(i) decide whether the investigation is to be carried out by the Commission or by an inspector to be appointed by the Commission;

and

(ii) if it decides that the investigation should be carried out by an inspector—appoint the inspector on such terms and conditions as the Commission determines.

(5) Where, pursuant to a direction, an investigation is being carried out by the Commission or by an inspector appointed by the Commission, the Commission shall, if, and only if, it is so directed by the relevant authority—

(*a*) arrange for the investigation to be extended to additional matters;

(*b*) terminate the investigation, or terminate the investigation in so far as it relates to particular matters;

or

(*c*) in the case of an investigation that is being carried out by an inspector—terminate, or vary the terms and conditions of, the appointment of the inspector,

before the completion of the investigation.

(6) Where the Commission is directed under subsection 16 (1), (2) or (3) to arrange for an investigation into matters relating to securities, the Commission shall cause to be published in the *Gazette* and *Government Gazette* a notice stating that the direction has been given and specifying the matters concerned.

(7) A notice referred to in subsection (6) shall—

(*a*) if the investigation is being or is to be carried out by the Commission—state that fact;

or

(*b*) if the investigation is being or is to be carried out by an inspector—state that fact and specify the name of the inspector.

(8) Where the Commission ceases to carry out an investigation or the appointment of an inspector to carry out an investigation is terminated, the Commission shall cause notice of the cessation or termination to be published in the *Gazette* and *Government Gazette*.

(9) A certificate signed by a member of the Commission, by a delegate of the Commission or by a person authorized by a delegate of the Commission to sign the certificate stating that—

(*a*) an investigation into a matter specified in the certificate, being a matter relating to dealing in securities, is being or is to be carried out by the Commission;

or

(*b*) an investigation into a matter specified in the certificate, being a matter relating to dealing in securities, is being or is to be carried out by an inspector named in the certificate,

is *prima facie* evidence of the matters stated in the certificate and, in the case of an investigation by an inspector, that the inspector has been duly appointed.

PART II
DIVISION 2

Powers of Commission and inspectors appointed under corresponding laws.

18. (1) Where, pursuant to a direction given to the Commission under the provisions of a law of a participating State or of a participating Territory that correspond with this Division, the Commission is carrying out an investigation into any matters, the Commission may exercise, in relation to those matters, the powers that it would have if it were carrying out an investigation into those matters under this Division.

(2) Where, pursuant to a direction given to the Commission under the provisions of a law of a participating State or of a participating Territory that correspond with this Division, a person has been appointed as an inspector to carry out an investigation into any matters, that person may exercise, in relation to those matters, the powers of an inspector under this Division that he would have if he had been appointed as an inspector under this Division to investigate those matters.

Powers of Inspectors.

19. (1) An inspector may, by notice containing the prescribed matters given in the prescribed manner, require a prescribed person—

(*a*) to produce to the inspector such books relating to a matter to which his investigation relates as are in the custody or under the control of that person;

(*b*) to give to the inspector all reasonable assistance in connection with the investigation;

and

(*c*) to appear before the inspector for examination on oath or affirmation and to answer questions put to him,

and may administer an oath or affirmation to that person.

(1A) A notice given pursuant to paragraph (1) (*c*) shall set out the provisions of subsections (8) and (9).

(2) * * * * * *

(3) Where books are produced to an inspector under this section, the inspector may take possession of the books for such period as he considers necessary for the purposes of his investigation, and during that period he shall permit a person who would be entitled to inspect any of those books if they were not in the possession of the inspector to inspect at all reasonable times such of those books as that person would be so entitled to inspect.

(4) A prescribed person shall not, without reasonable excuse, refuse or fail to comply with a requirement made under subsection (1).

Penalty: $10 000 or imprisonment for 2 years, or both.

(5) A prescribed person shall not, in purported compliance with a requirement made under subsection (1), furnish information that is false or misleading in a material particular.

Penalty: $10 000 or imprisonment for 2 years, or both.

(6) A prescribed person shall not, when appearing before an inspector for examination pursuant to a requirement made under subsection (1), make a statement that is false or misleading in a material particular.

Penalty: $10 000 or imprisonment for 2 years, or both.

(7) A prescribed person shall not, when appearing before an inspector for examination pursuant to a requirement made under subsection (1), refuse or fail to take an oath or make an affirmation.

Penalty: $1 000 or imprisonment for 3 months, or both.

(8) A duly qualified legal practitioner acting for a prescribed person—

(*a*) may attend an examination of that person;

and

(*b*) may, to the extent that the inspector permits—

(i) address the inspector;

and

(ii) examine that person,

in relation to matters in respect of which the inspector has questioned that person.

(9) A prescribed person is not excused from answering a question put to him by an inspector on the ground that the answer might tend to incriminate him but, where that person claims, before answering the question, that the answer might tend to incriminate him, the answer is not admissible in evidence against him in criminal proceedings other than proceedings under this section or other proceedings in respect of the falsity of the answer.

(10) A person who complies with a requirement of an inspector under subsection (1) does not incur a liability to any person by reason only of that compliance.

(11) A person who is required to attend for examination under this section is entitled to such allowances and expenses as are prescribed.

(12) The Commission may, in its discretion, pay, on account of the costs and expenses incurred by a person in complying with a requirement under subsection (1), such amount as it thinks reasonable.

(13) Where an inspector is satisfied that a prescribed person has failed, without reasonable excuse, to comply with a requirement of the inspector, the inspector may, by writing signed by him, certify the failure to the Court.

(14) Where an inspector gives a certificate under subsection (13), the Court may inquire into the case and—

(*a*) order the prescribed person to comply with the requirement of the inspector within such period as is fixed by the Court;

or

(*b*) if the Court is satisfied that the prescribed person failed, without reasonable excuse, to comply with the requirement of the inspector, punish him in like manner as if he had been guilty of contempt of the Court and, if it sees fit, also make an order pursuant to paragraph (*a*).

(15) The powers of the Court under this section may be exercised in relation to a person notwithstanding that the person has been convicted of an offence in relation to the matter in respect of which the powers are to be exercised.

20. * * * * * *

Record of examination.

21. (1) An inspector may cause to be made a record of the questions asked and the answers given at an examination under this Division.

(2) Where a record of the questions asked and the answers given at an examination under this Division is in writing or is reduced to writing—

(*a*) the inspector may require the person to read the written record or have the written record read to him and may require him to sign the written record;

and

(*b*) if the person requests the inspector in writing to furnish him with a copy of the written record, the inspector shall furnish the copy to the person without charge but subject to such conditions (if any) as the inspector imposes.

(3) A written record of the examination of a person under this Division that is signed by the person as mentioned in subsection (2) or is authenticated in any other prescribed manner is *prima facie* evidence of the questions asked and the answers given at the examination.

(4) A person to whom a copy of a written record of an examination is given under paragraph (2) (*b*) and any person who comes into possession of the copy or a copy of the copy shall comply with any conditions imposed by the inspector under that paragraph.

(5) Nothing in this section affects or limits the admissibility in any criminal or civil proceedings of other evidence of the questions asked and answers given at an examination under this Part.

(6) The Commission may give a copy of a written record made of an examination under this Division and a copy of any related book to a duly qualified legal practitioner who satisfies the Commission that he is acting for a person who is conducting, or is, in good faith, contemplating, criminal or civil proceedings in respect of any matters into which an investigation has been or is being made by an inspector under this Division.

(7) A duly qualified legal practitioner to whom a copy of a written record of an examination or of a related book is given under subsection (6) or any other person who comes into possession of the copy shall not use the copy otherwise than in connection with the institution or preparation of, or in the course of, criminal or civil proceedings and shall not publish or communicate for any other purpose the copy or any part of the contents of the copy to any other person.

(8) The Commission may if it thinks fit give a copy of a written record made of an examination under this Division and of any related book to any other person subject to such conditions as the Commission imposes.

(9) A person to whom a copy of a written record of an examination or of a related book is given under subsection (8) and any person who comes into possession of the copy or a copy of the copy shall comply with any conditions imposed by the Commission under that subsection.

Penalty: $1 000 or imprisonment for 3 months, or both.

Record to accompany report.

22. When a final report is made in respect of an investigation under this Division, any record made of questions asked and answers given at an examination relating to the investigation shall be furnished with the report.

Admissibility of record of examination in evidence in proceedings against person examined.

23. (1) Except as provided by subsection (2), any questions asked and answers given at an examination of a person under this Division are admissible in evidence in any criminal or civil proceedings against the person.

(2) Evidence of an answer given by a person at an examination under this Division shall not be admitted in evidence in criminal or civil proceedings against the person if—

(*a*) the proceedings are criminal proceedings (other than proceedings for an offence against subsection 19 (4) or other proceedings in

respect of the falsity of the answer) and, before answering the question, the person claimed that the answer might tend to incriminate him;

(*b*) the question and answer are not relevant to the proceedings;

or

(*c*) the answer is qualified or explained by some other answer given at the examination and evidence of the other answer is not tendered in the proceedings,

and the person objects to the admission of the answer in evidence.

(3) This section applies whether the proceedings against the person examined are heard alone or together with proceedings against another person.

Admissibility in other proceedings of questions and answers at an examination.

24. Where, in any criminal or civil proceedings, direct evidence by a person of a matter would be admissible, a question asked of, and answer given by, the person at an examination under this Division that tends to establish that matter are admissible in those proceedings as evidence of that matter—

(*a*) if it appears to the court in which the proceedings are instituted—

(i) that the person examined is dead or is unfit, by reason of any physical or mental incapacity, to attend as a witness;

(ii) that the person is outside South Australia and it is not reasonably practicable to secure his attendance;

or

(iii) that all reasonable steps have been taken to find the person and he cannot be found;

or

(*b*) in a case to which paragraph (*a*) does not apply—unless a party to the proceedings, other than the party tendering evidence of the question and answer, requires the tendering party to call a person as a witness in the proceedings and the tendering party does not call the person as a witness in the proceedings.

Weight of evidence.

25. In ascertaining the weight (if any) to be attached to evidence of questions and answers admitted under section 24 in any proceedings, regard shall be had to all the circumstances from which an inference can reasonably be drawn as to the accuracy or otherwise of the evidence, including—

(*a*) the recency or otherwise at the time when the examination concerned took place of any relevant matter dealt with at the examination;

and

(*b*) the presence and nature, or the absence, of any incentive for the person examined to conceal or misrepresent any relevant matter in his answers.

Credibility of person who answered questions.

26. (1) Where evidence of questions and answers is admitted under section 24 in any proceedings and the person examined is not called as a witness in the proceedings, evidence is admissible where, if the person examined had been called as a witness, the evidence would have been admissible for the purpose of destroying or supporting his credibility.

(2) Evidence is admissible to show that a statement made by a person referred to in subsection (1) is inconsistent with another statement made by him at any time.

(3) Notwithstanding subsections (1) and (2), evidence is not admissible of any matter of which, if the person referred to in subsection (1) had been called as a witness and denied the matter in cross-examination, evidence would not be admissible if adduced by the cross-examining party.

Determination of objection to admissibility of question and answer.

27. (1) A party to any criminal or civil proceedings may, not later than 14 days before the commencement of the hearing of the proceedings, serve upon another party notice that the first-mentioned party proposes to tender as evidence in the proceedings the written record of an examination under this Division or a specified part of the written record of such an examination.

(2) Where a notice is served under subsection (1), the other party may, within 14 days after service of the notice or within such longer period as is agreed by the parties or allowed by the court or tribunal in which the proceedings are brought, give notice to the tendering party stating that he objects to the admission in evidence of all or any of the questions and answers contained in the written record or the part of the written record proposed to be tendered and, if he objects to the admission of some only of the questions and answers, specifying the questions and answers concerned.

(3) A notice under subsection (2) shall, in relation to each question and answer objected to, specify the grounds upon which the objection is taken.

(4) Upon receipt of a notice under subsection (2), the tendering party shall send a copy of the notice to the court or tribunal in which the proceedings are brought.

(5) Upon receipt of the copy of a notice, the court or tribunal in which the proceedings are brought may, in its discretion, either determine the objections specified in the notice as a preliminary point of law before the commencement of the hearing of the proceedings or defer the determination of the objections until the hearing of the proceedings.

(6) At the hearing of the proceedings, a party is not entitled, without the leave of the court or tribunal hearing the proceedings to take any objection to the admission in evidence of the written record, or a part of the written record, of an examination under this Division in respect of which a notice was given to him under subsection (1) if he could have objected to the tender of the written record or of that part of the written record by a notice under subsection (2) but did not so object.

(7) Nothing in this section renders inadmissible in any criminal or civil proceedings any evidence that would have been admissible if this section had not been enacted.

Delegation by inspector.

28. (1) An inspector may, either generally or as otherwise provided by the instrument of delegation, by writing signed by him, delegate to a person any of his powers or functions under this Division other than this power of delegation.

(2) The power of delegation conferred on an inspector under subsection (1) does not, except in the case of an inspector being a body corporate that is an authority of a State or Territory, extend to delegating the power to administer oaths or affirmations or the power to examine on oath or affirmation.

(3) Any act or thing done in the exercise of a power or the performance of a function by a person to whom that power or function has been delegated by an inspector under subsection (1) has the same force and effect as if it had been done by the inspector.

(4) A delegate shall, at the request of a prescribed person, produce the instrument of delegation for inspection.

(5) A delegation under this section by an inspector does not prevent the exercise or performance of a power or function by the inspector.

Reports of investigations.

29. (1) Where an investigation is being carried out by an inspector appointed pursuant to a direction other than a prescribed direction, the inspector may, and if so directed by the Commission shall, make interim reports to the Commission, and, on the completion or termination of the investigation, the inspector shall report to the Commission his opinion on or in relation to the matters that he has investigated, together with the facts on which his opinion is based.

(2) Where an investigation is being carried out by an inspector appointed pursuant to a prescribed direction, the inspector may, and if so directed by the relevant authority shall, make interim reports to the relevant authority and, on the completion or termination of the investigation, the inspector shall report to the relevant authority his opinion on or in relation to the matters that he has investigated, together with the facts on which his opinion is based.

(3) Where an investigation is being carried out by the Commission, the Commission may, and if so directed by the relevant authority shall, make interim reports to the relevant authority and, on the completion or termination of the investigation, the Commission shall report to the relevant authority its opinion on or in relation to the matters that it has investigated, together with the facts upon which its opinion is based.

Report of inspector.

30. (1) Subject to subsection (2), where, in the opinion of the Commission, the whole or any part of a report made under this Division ought to be given to a person by reason that it relates to the affairs of that person to a material extent, the Commission shall, unless in its opinion there is good reason for not divulging the contents of the report or of that part of the report, give to that person a copy of the report or of that part of the report, as the case requires.

(2) Subject to subsection (3), the Commission shall not give a copy of a report or of a part of a report under this Division to a person if the Commission believes that legal proceedings that have been, or that in its opinion might be, instituted might be unduly prejudiced by giving the copy of the report or of that part of the report to that person.

(3) A court before which legal proceedings are brought against a person for or in respect of matters dealt with in a report under this Division may order that a copy of the report or of a part of the report be given to that person.

(4) Subject to subsection (5)—

(*a*) the Ministerial Council may cause to be printed and published the whole or any part of a report under this Division that relates to an investigation the expenses of which are, under the Agreement, to be borne by the Commission;

and

(*b*) the Minister may cause to be printed and published the whole or any part of a report under this Division that relates to an investigation the expenses of which are, under the Agreement, to be borne by the State.

(5) Where—

(*a*) the Ministerial Council or the Minister would, but for this subsection, have power to publish a report;

(*b*) the Ministerial Council or the Minister, as the case may be, receives—

(i) a certificate of the Attorney-General stating that the publication of the report would be prejudicial to the administration of justice in the State;

(ii) a certificate of the Attorney-General of the Commonwealth stating that the publication of the report would be prejudicial to the administration of justice in a Territory (not being the Northern Territory) specified in the certificate;

or

(iii) a certificate of the Attorney-General of another State or of the Northern Territory stating that the publication of the report would be prejudicial to the administration of justice in that State or Territory;

and

(*c*) the Ministerial Council or the Minister, as the case may be, has not received a further certificate of that Attorney-General stating that the publication of the report would no longer be prejudicial to the administration of justice in the relevant State or Territory,

the Ministerial Council or the Minister, as the case may be, shall not cause or permit that report to be published in whole or in part.

(6) If from a report under this Division or from the record of an examination under this Division it appears to the Commission that an offence may have been committed by a person and that a prosecution ought to be instituted, the Commission shall cause a prosecution to be instituted and prosecuted.

(7) Where it appears to the Commission that a prosecution ought to be instituted, it may, by notice in writing given before or after the institution of a prosecution in accordance with subsection (6), require a person whom it suspects or believes on reasonable grounds to be capable of giving information concerning any matter to which the prosecution relates (not being a person who is or, in the opinion of the Commission, is likely to be a defendant in the proceedings or is or has been a duly qualified legal practitioner acting for such a person) to give all assistance in connection with the prosecution or proposed prosecution that he is reasonably able to give.

(8) Where a person to whom a notice has been given under subsection (7) fails to comply with a requirement specified in the notice, the Court may, on the application of the Commission, direct that person to comply with the requirement.

(9) If from a report under this Division, or from the record of an examination under this Division, the Commission is of the opinion that proceedings ought in the public interest to be brought by a person for the recovery of damages in respect of fraud, negligence, default, breach of duty,

breach of trust or other misconduct in connection with the matters to which the investigation relates or for the recovery of property of that person, the Commission may cause proceedings to be brought accordingly in the name of that person.

(10) Nothing in this section operates to diminish the protection afforded to witnesses by the Evidence Act, 1929-1979.

Commission's powers in respect of books.

31. (1) An inspector may, when making a report under this Division, give to the Commission books of which he has taken possession under section 19 and the Commission—

(*a*) may retain the books for such period as it considers to be necessary to enable a decision to be made as to whether or not legal proceedings ought to be instituted as a result of the investigation;

(*b*) may retain the books for such further period as it considers to be necessary to enable any such proceedings to be instituted and prosecuted;

(*c*) may permit other persons to inspect the books while they are in its possession;

(*d*) may permit the use of the books for the purposes of legal proceedings instituted as a result of the investigation;

and

(*e*) shall permit a person who would be entitled to inspect any one or more of the books if they were not in the possession of the Commission to inspect at all reasonable times such of the books as that person would be so entitled to inspect.

(2) Where the Commission takes possession of books under section 19, the Commission has such powers and obligations with respect to those books as it would have if it had been given those books by an inspector pursuant to subsection (1).

Privileged communications.

32. Where in the exercise of his powers under section 19 an inspector requires a duly qualified legal practitioner to disclose a privileged communication made by or on behalf of or to that legal practitioner in his capacity as a legal practitioner, the legal practitioner is entitled to refuse to comply with the requirement unless the person to whom or by or on behalf of whom the communication was made or, if the person is a body corporate that is under official management or in the course of being wound up, the official manager or the liquidator, as the case may be, agrees to the legal practitioner complying with the requirement but, where the legal practitioner so refuses to comply with the requirement, he shall, if he knows the name and address of the person to whom or by or on behalf of whom the communication was made, forthwith furnish that name and address in writing to the inspector.

Penalty: $1 000 or imprisonment for 3 months, or both.

Expenses of investigation.

33. (1) Subject to this section and to clause 18 of the Agreement, the expenses of and incidental to an investigation shall be paid by the Commission.

(2) For the purposes of this section, the expenses of and incidental to an investigation under this Division include—

(*a*) the expenses incurred in any proceedings brought in the name of a person under subsection 30 (9);

and

(*b*) in the case of an investigation carried out pursuant to a direction that is approved by the Ministerial Council pursuant to subsection 16 (6)—the expenses (if any) incurred before the direction is so approved.

(3) Where an investigation has been carried out under this Division and proceedings are instituted under subsection 30 (9) or otherwise as a result of that investigation, the Commission may make one or more of the following orders, namely:

(*a*) that a specified person pay, within the time and in the manner specified in the order, the whole, or a specified part, of the expenses of and incidental to the investigation;

(*b*) where expenses have been paid by the Commission, that a specified person reimburse the Commission, within the time and in the manner specified in the order, to the extent of the payment;

(*c*) that a specified person, within the time and in the manner specified in the order, pay, or reimburse the Commission in respect of, the whole, or a specified part, of the cost to the Commission of carrying out the investigation, including the remuneration of any employee of the Commission concerned with the investigation.

(4) Where the Commission is of the opinion that the whole or any part of the expenses of or incidental to an investigation under this Division should be paid by a person to whose affairs the investigation relates, the Commission may by order in writing direct that person to pay a specified amount, being the whole or part of the expenses, within the time and in the manner specified.

(5) Where a person has failed to comply with an order of the Commission under subsection (3) or (4), proceedings may be taken in a court of competent jurisdiction to recover the amount in question as a debt due to the Commission.

(6) An inspector may include in his report a recommendation whether an order under subsection (3) or (4) should be made or whether orders under both those subsections should be made.

(7) Where, in a case where the expenses of and incidental to an investigation or part of those expenses have been or are to be borne by a party to the Agreement, the expenses or part of the expenses borne or to be borne by that party are recovered by the Commission pursuant to this section, the Commission shall, to the extent of the amount recovered, reimburse or credit that party.

Concealing, etc., of books relating to securities.

34. (1) A person who—

(*a*) conceals, destroys, mutilates or alters a book relating to a matter that is the subject of investigation by an inspector under this Division;

(*b*) where such a book is in South Australia—sends the book out of South Australia;

or

(*c*) where such a book is outside South Australia but is within Australia—sends the book out of Australia,

is guilty of an offence.

Penalty: $20 000 or imprisonment for 5 years, or both.

(2) It is a defence to a prosecution for an offence against subsection (1) if the defendant proves that he did not act with intent to defeat the purposes of this Division or to delay or obstruct the carrying out of an investigation under this Division.

Power of Commission to make certain orders.

35. (1) Where an investigation is being made under this Division and it appears to the Commission that facts concerning securities to which the investigation relates cannot be ascertained because a prescribed person has failed or refused to comply with a requirement of an inspector, the Commission may, by instrument in writing published in the *Gazette*, make one or more of the following orders:

(*a*) an order restraining a specified person from disposing of any interest in specified securities;

(*b*) an order restraining a specified person from acquiring any interest in specified securities;

(*c*) an order restraining the exercise of voting or other rights attached to specified securities;

(*d*) an order directing a person who is registered as the holder of securities in respect of which an order under this section is in force to give notice in writing of that order to any person whom he knows to be entitled to exercise a right to vote attached to those securities;

(*e*) an order directing a body corporate not to make payment, except in the course of winding up, of a sum due from the body corporate in respect of specified securities;

(*f*) an order directing a body corporate not to register the transfer or transmission of specified securities;

(*g*) an order directing a body corporate not to issue shares to a person who holds shares in the body corporate, being shares that were proposed to be issued to the person by reason of his holding shares in the body corporate or pursuant to an offer or invitation made or issued to him by reason of his holding shares in the body corporate.

(2) The Commission may, by instrument in writing published in the *Gazette*, vary or revoke an order made under subsection (1).

(3) A copy of an order under subsection (1) and of any order by which it is revoked or varied shall be served—

(*a*) on any person to whom the order is directed;

and

(*b*) where it relates to specified securities—

(i) on the body corporate by which the securities were issued or made available;

(ii) where the securities are rights or options, on the body corporate against which the right or option is, or would be, enforceable;

or

(iii) on the body corporate that will issue or make available the securities.

(4) Where an order made under subsection (1) is in force, a person aggrieved by the order may apply to the Court for variation or revocation of the order, and the Court may, if it is satisfied that it is reasonable to do so, vary the order or revoke the order and any order by which it has been varied.

(5) A person who contravenes or fails to comply with an order under subsection (1) is guilty of an offence.

(6) Where an offence under subsection (5) is committed by a body corporate, each officer of the body corporate who is in default is guilty of an offence.

Penalty: $2 500 or imprisonment for 6 months, or both.

Certain powers not to be delegated.

36. The Commission shall not delegate to any person its power under this Division to appoint an inspector to carry out an investigation, to determine the terms and conditions of such an appointment or to terminate such an appointment or to make orders under section 35.

PART III

STOCK EXCHANGES

Establishment, etc., of stock markets.

37. (1) A person shall not establish, maintain or provide, or assist in establishing, maintaining or providing, or hold himself out as maintaining or providing, a stock market that is not the stock market of a stock exchange.

Penalty: $5 000 or imprisonment for 1 year, or both.

(2) A person who, being the holder of a licence under a law relating to the licensing of auctioneers, conducts an auction of forfeited shares at a place at which, or by a facility by means of which, a stock exchange maintains or provides a stock market, shall not be taken to contravene this section by reason of his conducting that auction.

Power of Ministerial Council to approve stock exchange.

38. (1) A body corporate that proposes to establish, maintain or provide a stock market may lodge with the Commission an application in the prescribed form for approval by the Ministerial Council as a stock exchange.

(2) The Ministerial Council may, by instrument in writing, approve as a stock exchange a body corporate that makes an application under subsection (1) if it is satisfied—

(*a*) that the business rules of the body corporate make satisfactory provision—

(i) for the exclusion from membership of persons who are not of good character and high business integrity;

(ii) for the expulsion, suspension or disciplining of members for conduct inconsistent with just and equitable principles in the transaction of business or for a contravention of or failure to comply with the business rules of the proposed stock exchange or the provisions of this Code;

(iii) with respect to the conditions under which securities may be listed for trading in the stock market of the proposed stock exchange;

(iv) with respect to the conditions governing dealings in securities by members;

(v) with respect to the class or classes of securities that may be dealt with by members;

and

(vi) generally for the carrying on of the business of the proposed stock exchange with due regard to the interests of the public;

(*b*) that the body corporate has made or adopted listing rules and, where the listing rules are adopted, has made provision to the effect that an amendment to the rules so adopted made by another person is of no effect until the body corporate adopts the amendment;

(*c*) that the listing rules made or adopted by the body corporate make satisfactory provision—

(i) with respect to conditions under which securities may be traded on the stock market of the proposed stock exchange;

and

(ii) generally for the protection of the interests of the public;

and

(*d*) that the interests of the public will be served by the granting of its approval.

Commission to be notified of amendments to rules.

39. (1) Where—

(*a*) an amendment is made, by way of rescission, alteration or addition, to the business rules of a stock exchange;

or

(*b*) an amendment, by way of rescission, alteration or addition, to the listing rules of a stock exchange is made or adopted by the stock exchange,

the stock exchange shall, forthwith after the making or adoption of the amendment, give written notice of the amendment to the Commission.

(2) A notice under subsection (1) shall—

(*a*) set out the text of the amendment;

(*b*) specify the date on which the amendment was made or adopted;

and

(*c*) contain an explanation of the purpose of the amendment.

(3) If the notice required to be given by subsection (1) is not given within 21 days after the amendment is made or adopted, the amendment ceases to have effect.

(4) Where the Commission receives a notice under this section, the Commission shall forthwith send a copy of the notice to each member of the Ministerial Council.

(5) The Ministerial Council may, within 28 days after the receipt by the Commission of a notice under this section, disallow the whole or a specified part of the amendment to which the notice relates.

(6) Where the Ministerial Council disallows the whole or a part of an amendment to which a notice under this section relates, the Commission shall forthwith give notice of the disallowance to the stock exchange and, upon receipt by the stock exchange of the notice of disallowance, the amendment, to the extent of the disallowance, ceases to have effect.

Power of Commission to prohibit trading in particular securities.

40. (1) Where the Commission forms the opinion that it is necessary to prohibit trading in particular securities of, or made available by, a body corporate on the stock market of a stock exchange in order to protect persons buying or selling the securities or in the interests of the public, the Commission may give notice in writing to the stock exchange stating that it has formed that opinion and setting out the reasons for the formation of that opinion.

(2) If, after the receipt of the notice, the stock exchange does not take action to prevent trading in the securities to which the notice relates on the stock market of the stock exchange and the Commission is still of the opinion that it is necessary to prohibit trading in those securities on that stock market, the Commission may, by notice in writing to the stock exchange, prohibit trading in those securities on that stock market during such period, not exceeding 21 days, as is specified in the notice.

(3) Where the Commission gives a notice to a stock exchange under subsection (2) in relation to trading in securities of, or made available by, a body corporate, the Commission shall—

(*a*) at the same time send a copy of the notice to the body corporate together with a statement setting out the reasons for the giving of the notice;

and

(*b*) as soon as practicable furnish to the Ministerial Council a written report setting out the reasons for the giving of the notice and send a copy of the report to the stock exchange.

(4) Where the Commission gives a notice to a stock exchange under subsection (2) in relation to trading in securities of, or made available by, a body corporate, the body corporate may request the Commission in writing to refer the matter to the Ministerial Council.

(5) Where such a request is made, the Commission shall forthwith refer the matter to the Ministerial Council, which may, if it thinks fit, direct the Commission to revoke the notice and, if such a direction is given, the Commission shall forthwith revoke the notice.

(6) A stock exchange shall not permit trading in securities on the stock market of the stock exchange in contravention of a notice under subsection (2).

Penalty: $1 000 for each day on which the stock exchange contravenes this subsection.

Stock exchanges to provide assistance to Commission.

41. (1) A stock exchange shall provide such assistance to the Commission, or to a person acting on behalf of, or with the authority of, the Commission, as the Commission reasonably requires for the performance of its functions and duties.

(2) Where a stock exchange reprimands, fines, suspends, expels or otherwise takes disciplinary action against a member of the stock exchange, it shall forthwith give to the Commission in writing particulars of the name of the member, the reason for and nature of the action taken, the amount of the fine (if any) and the period of the suspension (if any).

(3) A person authorized by the Commission is entitled at all reasonable times to full and free access for any of the purposes of this Code to the trading floor of a stock market of a stock exchange.

(4) A person who refuses or fails, without lawful excuse, to allow a person authorized by the Commission access in accordance with subsection (3) to the trading floor of a stock market of a stock exchange is guilty of an offence.

Penalty: $2 500 or imprisonment for 6 months, or both.

(5) In this section, "trading floor", in relation to a stock market of a stock exchange, means any place or facility maintained or provided by the stock exchange for the sale, purchase or exchange of securities by members of the stock exchange, or by members and other persons.

Power of Court to order observance or enforcement of business rules or listing rules of stock exchange.

42. (1) Where any person who is under an obligation to comply with, observe, enforce or give effect to the business rules or listing rules of a stock exchange fails to comply with, observe, enforce or give effect to any of those business rules or listing rules, as the case may be, the Court may, on the application of the Commission, the stock exchange or a person aggrieved by the failure and after giving to the person against whom the order is sought an opportunity of being heard, make an order giving directions to the last-mentioned person concerning the compliance with, observance or enforcement of, or the giving effect to, those business rules or listing rules.

(2) Where securities of, or made available by, a body corporate are listed for quotation on the stock market of a stock exchange, that body corporate shall, for the purposes of subsection (1), be deemed to be under an obligation to comply with, observe and give effect to the listing rules of that stock exchange.

PART IV

LICENCES

Dealer's licence.

43. (1) A person shall not carry on a business of dealing in securities (whether or not that business is part of, or is carried on in conjunction with, any other business) or hold himself out as carrying on such a business unless he is the holder of a dealer's licence or is a recognized dealer.

Penalty: $5 000 or imprisonment for 1 year, or both.

(2) Subsection (1) does not apply to or relation to an exempt dealer.

Dealer's representatives.

44. A person who is employed by, or acts for or by arrangement with, a dealer (not being an exempt dealer) shall not do an act on behalf of the dealer in relation to a business of dealing in securities carried on by the dealer or in connection with a business carried on by the dealer of advising other persons concerning securities or a business carried on by the dealer in the course of which the dealer issues or publishes analyses or reports concerning securities (other than an act in the course of work of a kind ordinarily performed by accountants, clerks or cashiers) unless the first-mentioned person—

(*a*) is the holder of a dealer's licence;

(*b*) is a recognized dealer;

(*c*) is the holder of a dealer's representatives licence in which the dealer is named as a dealer on whose behalf the first-mentioned person may act;

or

(*d*) is a recognized dealer's representative by virtue of his being the holder of a licence under the provisions of the law of a participating State or participating Territory that correspond with this Part, being a licence in which the dealer is named as a dealer on whose behalf the first-mentioned person may act.

Penalty: $2 500 or imprisonment for 6 months, or both.

Investment advisers.

45. (1) A person shall not act as, or hold himself out to be, an investment adviser unless he is the holder of an investment advisers licence or is a recognized investment adviser.

Penalty: $5 000 or imprisonment for 1 year, or both.

(2) Subsection (1) does not apply to or in relation to the holder of a dealer's licence, an exempt dealer or a recognized dealer.

Investment representatives.

46. A person who is employed by, or acts for or by arrangement with, an investment adviser (not being an exempt dealer) in connection with a business carried on by the investment adviser of advising other persons concerning securities, or a business carried on by the investment adviser whether alone or together with another person or other persons in the course of which the investment adviser issues or publishes analyses or reports concerning securities,

shall not do an act on behalf of the investment adviser in connection with that business (other than an act in the course of work of a kind ordinarily performed by accountants, clerks or cashiers) unless the first-mentioned person—

(*a*) is the holder of a dealer's licence or an investment advisers licence;

(*b*) is a recognized dealer or recognized investment adviser;

(*c*) where the investment adviser is a dealer—is the holder of a dealer's representatives licence in which the investment adviser is named as a dealer on whose behalf the first-mentioned person may act;

(*d*) is the holder of an investment representatives licence in which the investment adviser is named as an investment adviser on whose behalf the first-mentioned person may act;

(*e*) where the investment adviser is a recognized dealer—is a recognized dealer's representative by virtue of his being the holder of a licence under the provisions of the law of a participating State or participating Territory that correspond with this Part, being a licence in which the investment adviser is named as a dealer on whose behalf the first-mentioned person may act;

or

(*f*) is a recognized investment representative by virtue of his being the holder of a licence under the provisions of the law of a participating State or participating Territory that correspond with this Part, being a licence in which the investment adviser is named as an investment adviser on whose behalf the first-mentioned person may act.

Penalty: $2 500 or imprisonment for 6 months, or both.

Application for grant of licence.

47. (1) A person may apply to the Commission for a dealer's licence or an investment advisers licence.

(2) A natural person may apply to the Commission for a dealer's representatives licence in which the holder of a dealer's licence is, or 2 or more such holders are, named as a dealer or as dealers on whose behalf the person may act.

(3) A natural person may apply to the Commission for an investment representatives licence in which the holder of an investment advisers licence is, or 2 or more such holders are, named as an investment adviser or as investment advisers on whose behalf the person may act.

(4) An application for the grant of a licence shall be made in the prescribed form and manner.

(5) The Commission may require an applicant to supply the Commission with such further information as the Commission considers necessary in relation to the application.

Grant of dealer's licence or investment advisers licence.

48. Subject to section 62 and the regulations, where an application is duly made for a grant of a dealer's licence or an investment advisers licence, the Commission shall grant the application if—

(*a*) in the case of an applicant who is a natural person—

(i) the applicant is not an undischarged bankrupt;

(ii) the applicant has not been convicted, either within South Australia or elsewhere, within the period of 10 years immediately preceding the date on which the application was made, of an offence involving fraud or dishonesty punishable on conviction with imprisonment for 3 months or more;

(iii) the Commission is satisfied as to the educational qualifications or experience of the applicant having regard to the nature of the duties of a holder of a dealer's licence or an investment advisers licence, as the case may be;

(iv) the Commission does not have any reason to believe that the applicant is not of good fame and character;

and

(v) the Commission does not have any reason to believe that the applicant will not perform the duties of a holder of a dealer's licence or of an investment advisers licence, as the case may be, efficiently, honestly and fairly;

or

(*b*) in the case of an applicant that is a body corporate—

(i) the body corporate is not under official management, or in the course of being wound up, under the Companies Act, 1962-1980, or under the corresponding law of a State other than South Australia or of a Territory;

(ii) the body corporate is not a body corporate in respect of the property, or part of the property, of which a receiver, or a receiver and manager, has been appointed under the Companies Act, 1962-1980, or under the corresponding law of a State other than South Australia or of a Territory;

(iii) the body corporate has not, whether within or outside South Australia, entered into a compromise or scheme of arrangement with its creditors, being a compromise or scheme of arrangement that is still in operation;

(iv) the Commission is satisfied as to the educational qualifications or experience of the officers of the applicant who are to perform duties in connection with the holding of the dealer's licence or investment advisers licence, as the case may be;

and

(v) the Commission does not have any reason to believe that the applicant will not perform the duties of a holder of a dealer's licence or an investment advisers licence, as the case may be, efficiently, honestly and fairly,

but otherwise the Commission shall refuse the application.

Grant of representatives licence.

49. (1) Subject to section 62 and the regulations, where an application is duly made for the grant of a dealer's representatives licence or an investment representatives licence, the Commission shall grant the application if it does not have any reason to believe that the applicant will not perform the duties of

the holder of a dealer's representatives licence or of an investment representatives licence, as the case may be, efficiently, honestly and fairly, but otherwise the Commission shall refuse the application.

(2) A dealer's representatives licence shall specify the person, being the holder of a dealer's licence, or 2 or more such persons, on whose behalf the holder of the dealer's representatives licence may act.

(3) An investment representatives licence shall specify the person, being the holder of an investment advisers licence, or 2 or more such persons, on whose behalf the holder of the investment representatives licence may act.

(4) Where—

(*a*) an applicant for a dealer's representatives licence proposes to act on behalf of 2 or more persons who together constitute a dealer, being persons each of whom is the holder of a dealer's licence;

or

(*b*) an applicant for an investment representatives licence proposes to act on behalf of 2 or more persons who together constitute an investment adviser, being persons each of whom is the holder of an investment advisers licence,

the application may specify those persons by reference to the name or style under which the business of those persons is carried on and, where those persons are so specified in the application, they shall be specified by reference to that name or style in a dealer's representatives licence or an investment representatives licence, as the case may be, granted to the applicant.

Change of principals of representative.

50. (1) The holder of a representatives licence may apply to the Commission in the prescribed form and manner for the licence to be varied by the inclusion of a name or names in, or the deletion of a name or names from, or both the inclusion of a name or names in and the deletion of a name or names from, the name or names specified in the licence as the name of the holder of a dealer's licence or investment advisers licence or the names of the holders of the dealer's licences or investment advisers licences, as the case may be, on whose behalf he may act.

(2) Where an application is duly made under subsection (1)—

(*a*) if the applicant seeks the inclusion of a name or names in the licence as the name of the holder of a dealer's licence or investment advisers licence or the names of the holders of the dealer's licences or investment advisers licences, as the case may be, on whose behalf the applicant may act (whether or not the applicant also seeks the deletion of a name or names from the licence)—

(i) if the Commission is of the opinion that the applicant is a fit and proper person to act on behalf of the holder of that dealer's licence or investment advisers licence or the holders of those dealer's licences or investment advisers licences—the Commission shall vary the licence by including that name or those names;

or

(ii) if the Commission is not of that opinion—the Commission shall refuse so to vary the licence;

and

(*b*) if the applicant seeks the deletion from the licence of a name or names specified in the licence as the name of the holder of a dealer's licence or investment advisers licence or the names of holders of dealer's licences or investment advisers licences, as the case may be, on whose behalf the applicant may act (whether or not the applicant also seeks the inclusion of a name or names in the licence)—the Commission shall vary the licence by deleting that name or those names.

Conditions to which licence is subject.

51. (1) A licence is subject to—

(*a*) such conditions and restrictions as are prescribed;

and

(*b*) subject to section 62, such conditions and restrictions as the Commission imposes when granting the licence or at any time when the licence is in force.

(2) Without limiting the generality of subsection (1), conditions and restrictions referred to in paragraph (1) (*a*) or (*b*)—

(*a*) may include conditions and restrictions relating to the limitation of the liability that may be incurred by the holder of a dealer's licence in connection with a business of dealing in securities;

(*b*) may include conditions and restrictions relating to the incurring and disclosure of liabilities arising otherwise than in connection with a business of dealing in securities;

(*c*) may include conditions and restrictions relating to the financial position of the holder of a dealer's licence, whether in relation to the business of dealing in securities carried on by him or otherwise;

and

(*d*) may include a condition requiring the holder of a dealer's licence or of an investment advisers licence to lodge and maintain with the local authority a security approved by the Commission for such amount not exceeding $20 000 as is, from time to time, determined by the Commission in relation to the holder of that licence.

(3) Without limiting the generality of paragraph (2) (*c*), the conditions referred to in that paragraph—

(*a*) may include a condition that the assets of the holder of a dealer's licence include, or do not include, assets of a particular kind or kinds;

and

(*b*) may include a condition that the sum of the values of the assets of a particular kind or kinds included in the assets of the holder of a dealer's licence be not less than, or not greater than, an amount ascertained in accordance with the condition.

(4) A condition referred to in paragraph (3) (*b*) may provide for the values of assets of a dealer for the purposes of the application of that condition to be ascertained in a manner specified in, or determined in accordance with, the condition.

(5) The provision that may be made in a condition referred to in paragraph (3) (*b*) for ascertaining the amount referred to in that paragraph may be, but is not limited to, a provision that that amount shall be—

(*a*) a specified percentage of the sum of the values of all the assets of the holder of the dealer's licence;

(*b*) a specified percentage of the sum of the values of all the assets of the holder of the dealer's licence that are included in a specified class or classes of those assets;

(*c*) a specified percentage of the sum of the amounts of all the liabilities of the holder of the dealer's licence;

or

(*d*) a specified percentage of the sum of the amounts of all the liabilities of the holder of the dealer's licence that are included in a specified class or classes of those liabilities.

(6) A reference in this section to the assets of the holder of a dealer's licence shall be construed as a reference to all the assets of the holder of the licence, whether or not the assets are used in, or in connection with, the business of dealing in securities carried on by him.

(7) Subject to section 62, the Commission may, at any time, revoke or vary conditions or restrictions imposed by the Commission under paragraph (1) (*b*).

(8) Where the Commission imposes, or varies or revokes, conditions or restrictions under this section in relation to a licence granted to a member of a stock exchange, the Commission shall inform the stock exchange and, if the member is a partner in a member firm, the member firm.

(9) Where a security is lodged with the local authority pursuant to a condition to which a licence is subject in accordance with paragraph (2) (*d*), the security may be applied by the local authority in such circumstances, for such purposes and in such manner as is prescribed.

(10) In this section, "local authority" means the Corporate Affairs Commission of South Australia.

Holder of licence to notify Commission of breach of condition or restriction applicable to licence.

52. (1) If an event occurs that constitutes a contravention of, or a failure to comply with, a condition or restriction applicable in respect of a licence, the holder of the licence shall, not later than the day after the day on which the event occurred, give notice in writing to the Commission setting out particulars of the event.

Penalty—

(*a*) in the case of the holder of a dealer's licence or of an investment advisers licence—$5 000 or imprisonment for 1 year, or both;

or

(*b*) in the case of the holder of a representatives licence—$2 500 or imprisonment for 6 months, or both.

(2) In this section, "event" includes any happening, circumstance or state of affairs.

(3) In a prosecution of a person for failing to give a notice to the Commission under this section, it is a defence if the defendant establishes that—

(*a*) at the time when he was required to give the notice he was not aware of a fact or occurrence that gave rise to the requirement; and

(*b*) he did not become aware of that fact or occurrence before the date of the information or, if he became so aware before that date, he gave the notice as soon as reasonably practicable after the day on which he became so aware.

Furnishing of information and statements to Commission.

53. (1) The holder of a dealer's licence shall furnish to the Commission such information in writing or statements in respect of the business of dealing in securities carried on by him as the Commission from time to time directs.

Penalty: $1 000.

(2) A direction under this section may require the holder of a dealer's licence to cause a statement referred to in the direction to be audited by a registered company auditor before it is furnished to the Commission.

(3) Where the Commission has directed the holder of a dealer's licence under this section to furnish information or a statement within a particular period, the Commission may extend, or further extend, the period for the furnishing of the information or statement.

Register of licence holders.

54. (1) The Commission shall keep a Register of Licence Holders for the purposes of this Code.

(2) The Commission shall enter in the Register of Licence Holders—

(*a*) in relation to the holder of a dealer's licence or an investment advisers licence—

(i) the name of the holder of the licence;

(ii) where the holder is a body corporate—the names of the directors and secretary of the body corporate;

(iii) the date on which the licence was granted;

(iv) the address of the principal place of business at which the holder of the licence carries on the business to which the licence relates and the addresses of other places (if any) at which that business is carried on; and

(v) where such a business is carried on under a name or style other than the name of the holder of the licence—the name or style under which the business is carried on;

(*b*) in relation to the holder of a representatives licence—

(i) the name of the holder of the licence;

(ii) the date on which the licence was granted;

(iii) the name of, and the address of the principal place of business of, each dealer or investment adviser specified in the licence as a person on whose behalf the holder of the licence may act; and

(iv) where the business of any such dealer or investment adviser is carried on under a name or style other than the name of the dealer or investment adviser—the name or style under which the business is carried on;

and

(*c*) in relation to the holder of any licence—

(i) particulars of any suspension of the licence;

and

(ii) such other matters as are prescribed.

(3) Where a person ceases to be the holder of a licence, the Commission shall remove from the Register of Licence Holders the name of the person and any other particulars entered in the Register in relation to the person.

(4) A person may inspect and make copies of, or take extracts from, the Register of Licence Holders.

(5) The Commission may enter in the Register of Licence Holders particulars of recognized licensees, being particulars of—

(*a*) the name of the recognized licensee;

(*b*) the date (if known) on which the recognized licensee became a recognized licensee;

and

(*c*) such other matters as are prescribed.

(6) Where the Commission becomes aware that a person whose name is entered in the Register of Licence Holders as a recognized licensee has ceased to be a recognized licensee, the Commission shall remove from the Register the name of the person and any other particulars entered in the Register in relation to the person.

(7) The particulars that, immediately before the commencement of the Securities Industry (Application of Laws) Act, 1981, were in, or were deemed to form part of, the register kept under section 41 of the Securities Industry Act, 1979-1980, shall be deemed to form part of the Register of Licence Holders.

Notification of change in particulars.

55. Where—

(*a*) the holder of a dealer's licence ceases to carry on the business to which the licence relates;

(*b*) the holder of an investment advisers licence ceases to act as, or hold himself out to be, an investment adviser;

(*c*) the holder of a representatives licence ceases to be employed or act in connection with the business carried on by a dealer or an investment adviser specified in the licence as a person on whose behalf the holder of the licence may act and the licence has not been varied in the relevant respects under section 50;

or

(*d*) a change occurs in any matter particulars of which are required by paragraph 54 (2) (*a*) or (*b*) to be entered in the Register of Licence Holders in relation to the holder of a licence,

the holder of the licence shall, not later than 21 days after the occurrence of the event concerned, give to the Commission, in the prescribed form, particulars in writing of that event.

Annual statement to be lodged with Commission.

56. (1) A person who is or has been the holder of a dealer's licence or an investment advisers licence shall lodge with the Commission, in respect of each year or part of a year during which the licence is or was in force, a statement in the prescribed form and containing such information as is prescribed.

(2) A person who is the holder of a representatives licence on the prescribed date in a year shall lodge with the Commission in respect of the period of 12 months that ended on that date, or the part of that period of 12 months during which the licence was in force, a statement in the prescribed form and containing such information as is prescribed.

Time for lodging annual statement.

57. The statement referred to in section 56 shall be lodged by the person—

(*a*) where the licence is a dealer's licence—during the period within which a profit and loss account and balance-sheet referred to in section 78 is required to be lodged with the Commission;

(*b*) where the licence is an investment advisers licence—within the period of one month immediately before the anniversary of the date on which the licence was granted;

and

(*c*) where the licence is a representatives licence—within the prescribed period after the date prescribed for the purposes of subsection 56 (2).

Commission may extend period for lodging statement.

58. (1) The Commission may, in its discretion, extend, or further extend, the period for lodging a statement under section 56.

(2) An application for an extension under subsection (1) may be made, and the power of the Commission under that subsection may be exercised, notwithstanding that the period referred to in that subsection has expired.

Revocation and suspension of licences.

59. (1) Where—

(*a*) the holder of a licence, being a natural person—

(i) becomes bankrupt, applies to take the benefit of a law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration or any part of his property for their benefit;

(ii) is convicted of an offence involving fraud or dishonesty punishable by imprisonment for a period of or exceeding 3 months;

or

(iii) becomes incapable through mental infirmity of managing his affairs;

(*b*) the holder of a licence, being a body corporate—

(i) is commenced to be wound up, is under official management or has ceased to carry on business;

(ii) is a body corporate in respect of the property of which a receiver, or a receiver and manager, has been appointed whether by the Court or otherwise;

or

(iii) has entered into a compromise or scheme of arrangement with its creditors;

(*c*) the holder of a licence fails to comply with the provisions of section 56, 57 or 78;

or

(*d*) the holder of a licence requests the Commission to revoke the licence,

the Commission may revoke the licence.

(2) Where a director or secretary of, or a person concerned in the management of, a body corporate that is the holder of a dealer's licence or an investment advisers licence contravenes or fails to comply with this Code by reason that he does not hold a licence or a licence held by such a director, secretary or person is suspended, the Commission may revoke the licence held by the body corporate.

(3) If, in a case to which paragraph (1) (*a*) or (*b*) or subsection (2) applies, the Commission considers it desirable to do so, the Commission may, instead of revoking a licence, suspend the licence for a specified period and may at any time remove such a suspension.

(4) Where a dealer's licence or an investment advisers licence is revoked or suspended, the holder of a representatives licence in which a person who is or was the holder of the dealer's licence or investment advisers licence is specified as a person on whose behalf the holder of the representatives licence may act shall not, where the first-mentioned licence is revoked, act on behalf of that person or shall not, where the first-mentioned licence is suspended, so act during the period of the suspension.

Penalty: $2 500 or imprisonment for 6 months, or both.

Further provisions relating to revocation and suspension of licences.

60. (1) Subject to section 62, if—

(*a*) the holder of a licence contravenes or fails to comply with a condition or restriction applicable in respect of the licence;

or

(*b*) the Commission is satisfied that—

(i) the holder of a licence is not a fit and proper person to hold the licence;

or

(ii) where the holder of a licence is a body corporate—

(A) a director or secretary of the body corporate or a person concerned with the management of the body corporate is not a fit and proper person to be a director or secretary of, or a person concerned with the management of, the body corporate;

or

(B) a person who has a controlling interest in the body corporate or a person who is associated with a person who has such a controlling interest would not be a fit and proper person to be a director of the body corporate,

the Commission may revoke the licence.

(2) If in a case to which paragraph (1) (*a*) applies the Commission considers it desirable to do so, the Commission may, instead of revoking a licence, suspend the licence for a specified period and may at any time remove such a suspension.

(3) Where the Commission revokes a licence under subsection (1), it may make application to the Court for an order disqualifying the person who was the holder of the licence from holding a licence either permanently or during such period as the Court specifies in the order.

(4) Where an application is made under subsection (3), the Court may make such order as it thinks fit or refuse to make an order and, where it makes an order, may at any time revoke or vary the order.

(5) A person disqualified or deemed to be disqualified, either permanently or for a period, from holding a licence—

(*a*) by reason of an order of the Court under section 47 of the Securities Industry Act, 1979-1980;

or

(*b*) under the corresponding law of a State other than South Australia or of a Territory by reason of an order of a court under that corresponding law or by reason of the operation of a provision of that corresponding law,

shall, while he is so disqualified or deemed to be disqualified, be deemed to be disqualified from holding a licence under this Code.

Holder of licence to be deemed not to be holder while licence suspended.

61. The holder of a licence shall, for the purposes of sections 43, 44, 45 and 46, be deemed not to be the holder of the licence during any period during which the licence is suspended.

Opportunity for hearing.

62. (1) The Commission shall not—

(*a*) refuse to grant a licence otherwise than under subsection (2);

(*b*) revoke or suspend a licence otherwise than under section 59;

or

(*c*) impose conditions or restrictions in respect of a licence or vary conditions or restrictions applicable in respect of a licence,

unless the Commission has afforded the applicant or holder of the licence an opportunity to appear at a hearing before the Commission (being a hearing that takes place in private) and make submissions and give evidence to the Commission in relation to the matter.

(2) The Commission shall not grant a licence to a person during a period during which that person is, by reason of an order in force under subsection 60 (4), disqualified from holding a licence or is, by reason of subsection 60 (5), deemed to be disqualified from holding a licence.

PART V

CONDUCT OF SECURITIES BUSINESS

Certain representation prohibited.

63. (1) A person who is the holder of a licence shall not represent or imply, or knowingly permit to be represented or implied, in any manner to a person that the abilities or qualifications of the holder of the licence have in any respect been approved by the Commission.

(2) A statement that a person is the holder of a licence is not a contravention of this section.

Issue of contract notes.

64. (1) A dealer (not being an exempt dealer) shall, in respect of a transaction of sale or purchase of securities, forthwith give a contract note that complies with subsection (2) to—

(*a*) where the transaction took place in the ordinary course of business at a stock market and the dealer entered into the transaction otherwise than as principal—the person for whom the dealer entered into the transaction;

(*b*) where the transaction did not take place in the ordinary course of business at a stock market and the dealer entered into the transaction otherwise than as principal—the person for whom the dealer entered into the transaction and the person with whom the dealer entered into the transaction;

and

(*c*) where the transaction did not take place in the ordinary course of business at a stock market and the dealer entered into the transaction as principal—the person with whom the dealer entered into the transaction.

(2) A contract note given by a dealer under subsection (1) shall include—

(*a*) the name or style under which the dealer carries on his business as a dealer and the address of the principal place at which he so carries on business;

(*b*) where the dealer is dealing as principal with a person who is not the holder of a dealer's licence, a statement that he is so acting;

(*c*) the name of the person to whom the dealer gives the contract note;

(*d*) the day on which the transaction took place and, if the transaction did not take place in the ordinary course of business at a stock market, a statement to that effect;

(*e*) the number, or amount and description, of the securities that are the subject of the contract;

(*f*) the price per unit of the securities;

(*g*) the amount of the consideration;

(*h*) a statement—

(i) where he is a member of a stock exchange, or of a stock exchange within the meaning of the corresponding law of a participating State or of a participating Territory—specifying that stock exchange or each of those stock exchanges;

(ii) where he is a member of a stock exchange, or of a stock exchange within the meaning of the corresponding law of a participating State or of a participating Territory—specifying the amount of commission charged;

(iii) where he is not a member of a stock exchange, or of a stock exchange within the meaning of the corresponding law of a participating State or of a participating Territory—specifying the amount and rate of commission charged;

and

(iv) where he is a member of a stock exchange, or of a stock exchange within the meaning of the corresponding law of a participating State or of a participating Territory, and the rate of commission charged is not the rate fixed by the relevant stock exchange—specifying the rate of commission charged;

(*j*) the amounts of all stamp duties or other duties and taxes payable in connection with the contract;

and

(*k*) if an amount is to be added to or deducted from the settlement amount in respect of the right to a benefit purchased or sold together with the securities, the first-mentioned amount and the nature of the benefit.

(3) A dealer shall not include in a contract note given under subsection (1), as the name of the person with or for whom he has entered into the transaction, a name that he knows, or could reasonably be expected to know, is not the name by which that person is ordinarily known.

(4) A reference in this section to a dealer dealing, or entering into a transaction, as principal includes a reference to a person—

(*a*) dealing or entering into a transaction on behalf of a person associated with him;

(*b*) dealing in securities on behalf of a body corporate in which he has a controlling interest;

or

(*c*) where he carries on business as a dealer in partnership—dealing in securities on behalf of a body corporate in which his interest and the interests of his partners together constitute a controlling interest.

(5) For the purposes of this section—

(*a*) a dealer who is a member of a stock exchange or is a member of a body corporate that is a stock exchange for the purposes of the corresponding law of a State other than South Australia or of a Territory shall not be taken to have entered into a transaction as principal by reason only that the transaction was entered into with another dealer who is a member of a stock exchange or is a member of a body corporate that is a stock exchange for the purposes of such a corresponding law;

and

(*b*) a transaction takes place in the ordinary course of business at a stock market if it takes place in prescribed circumstances or is a transaction that is a prescribed transaction for the purposes of this section.

(6) Notwithstanding the provisions of section 6, a person is not associated with another person for the purposes of this section by reason only that he is—

(*a*) a partner of the other person otherwise than by reason that he carries on a business of dealing in securities in partnership with the other person;

or

(*b*) a director of a body corporate of which the other person is also a director, whether or not the body corporate carries on a business of dealing in securities.

Certain persons to disclose certain interests in securities.

65. (1) Where a person who is a dealer (not being an exempt dealer), investment adviser, dealer's representative or investment representative sends circulars or other similar written communications in which he makes a recommendation, whether expressly or by implication, with respect to securities or a class of securities, the first-mentioned person shall cause to be included in each circular or other communication, in type not less legible than that used in the remainder of the circular or other communciation, a concise statement of the nature of any relevant interest in, or any interest in the acquisition or disposal of, those securities or securities included in that class that the first-mentioned person or a person associated with him has at the date on which the first-mentioned person last sends the circular or other communication.

(2) It is a defence to a prosecution for an offence against subsection (1) in relation to a failure to include in a circular or other communication a statement of the nature of a relevant interest in, or an interest in the acquisition or disposal of, securities or securities included in a class of securities, being a relevant interest or an interest of the defendant or of a person associated with the defendant, if the defendant establishes that, at the time at which the circular or other communication was sent, he was not aware and could not reasonably be expected to have been aware—

(*a*) that he had a relevant interest in, or an interest in the acquisition or disposal of, those securities or securities included in that class;

or

(*b*) that the person associated with him had a relevant interest in, or an interest in the acquisition or disposal of, those securities or securities included in that class,

as the case may be.

(3) For the purposes of subsections (1) and (2)—

(*a*) an interest of a person in the disposal of securities includes any financial benefit or advantage that will, or is likely to, accrue directly or indirectly to the person upon or arising out of the disposal of the securities;

(*b*) without limiting the generality of the foregoing, a person who has entered into an underwriting agreement in respect of securities shall be deemed to have an interest in the acquisition or disposal of those securities;

and

(*c*) notwithstanding the provisions of section 6, a person is not associated with another person in relation to the sending of a circular or other communication or the making of a recommendation by reason only that he is—

(i) a partner of the other person otherwise than by reason that he carries on a business of dealing in securities in partnership with the other person;

or

(ii) a director of a body corporate of which the other person is also a director, whether or not the body corporate carries on a business of dealing in securities,

unless the person and the other person are acting jointly, or otherwise acting together or under or in accordance with an arrangement made between them, in relation to the sending of the circular or communication or the making of the recommendation.

(4) Where—

(*a*) a person has subscribed for or purchased securities for the purpose of offering all or any of them to the public for purchase;

and

(*b*) the person offers any of those securities for purchase,

the person shall not make a recommendation, whether orally or in writing and whether expressly or by implication, with respect to the securities offered for purchase unless he has informed each person to whom the recommendation is made that he acquired the securities for that purpose.

(5) Where—

(*a*) securities have been offered for subscription or purchase;

and

(*b*) a person has subscribed for or purchased, or is or will or may be required to subscribe for or purchase, any of those securities under an underwriting agreement by reason that some or all of the securities have not been subscribed for or purchased,

the person shall not, during the period of 90 days after the close of the offer, make an offer to sell those securities (otherwise than in the ordinary course of trading on a stock market) or make a recommendation with respect to those securities unless the offer or recommendation contains or is accompanied by a statement to the effect that the offer or recommendation relates to securities that he has acquired, or is or will or may be required to acquire, under an underwriting agreement by reason that some or all of the securities have not been subscribed for or purchased.

(6) A person who is a dealer (other than an exempt dealer), investment adviser, dealer's representative or investment representative shall not send to a person a circular or other communication or written offer or recommendation to which subsection (1), (4) or (5) applies unless the circular or other communication or the offer or recommendation—

(*a*) if the first-mentioned person is a natural person who does not carry on business in partnership—is signed by that person;

(*b*) if the first-mentioned person is a natural person who carries on business in partnership—is signed by a partner in the partnership in his own name or in the name of the partnership;

or

(*c*) if the first-mentioned person is a body corporate—is signed by a director, executive officer or secretary of the body corporate.

(7) When a person who is a dealer (other than an exempt dealer), investment adviser, dealer's representative or investment representative sends to a person a circular or other communication or a written offer or recommendation to which subsection (1), (4) or (5) applies, the first-mentioned person shall—

(*a*) if he is a member, or an employee of a member or of a member firm, of a stock exchange or of a body corporate that is a stock exchange for the purposes of the corresponding law of a participating State or of a participating Territory—thereupon serve a copy of the circular or other communication or of the offer or recommendation on that stock exchange or body corporate, as the case may be;

or

(*b*) in any other case—thereupon lodge a copy of the circular or other communication or of the offer or recommendation with the Commission.

(8) A stock exchange or other body corporate on which a copy of a circular or other communication or of a written offer or recommendation is served under subsection (7) shall preserve that copy for the period of 7 years next after the day on which the stock exchange or other body corporate receives the copy.

(9) A copy of a circular or other communication or of a written offer or recommendation served by a person on a stock exchange or other body corporate or lodged with the Commission in accordance with subsection (7) shall be a copy that is signed—

(*a*) if that person is a natural person who does not carry on business in partnership—by that person;

(*b*) if that person is a natural person who carries on business in partnership—by a partner in the partnership in his own name;

or

(*c*) if that person is a body corporate—by a director, executive officer or secretary of the body corporate.

(10) A reference in this section to an offer of securities shall be construed as including a reference to a statement, however expressed, that is not an offer but expressly or impliedly invites a person to whom it is made to offer to acquire securities.

(11) For the purposes of this section, a circular or other communication or a written offer or recommendation sent to a person shall—

(*a*) if it is signed by a person in partnership—be deemed to have been sent by each of the partners in the partnership;

or

(*b*) if it is signed by a director, executive officer or secretary of a body corporate—be deemed to have been sent by the body corporate.

Penalty: $2 500 or imprisonment for 6 months, or both.

Dealings as principal.

66. (1) Subject to subsection (5), a dealer shall not, as principal, deal in any securities with a person who is not a dealer unless he first informs the person with whom he is dealing that he is acting in the transaction as principal and not as agent.

(2) A reference in this section to a dealer dealing, or entering into a transaction, as principal includes a reference to a person—

(*a*) dealing or entering into a transaction on behalf of a person associated with him;

(*b*) dealing in securities on behalf of a body corporate in which he has a controlling interest;

or

(*c*) where he carries on business as a dealer in partnership—dealing in securities on behalf of a body corporate in which his interest and the interests of his partners together constitute a controlling interest.

(3) A dealer who, as principal enters into a transaction of sale or purchase of securities with a person who is not a dealer shall state in the contract note that he is acting in the transaction as principal and not as agent.

(4) Subject to subsections (5) and (6), a dealer who, as principal (otherwise than by reason only that he is dealing or entering into a transaction on behalf of a person associated with him), enters into a transaction of sale or purchase of securities with a person who is not a dealer shall not charge that person brokerage, commission or any other fee in respect of the transaction.

(5) Subsections (1) and (4) do not apply in relation to a transaction entered into by a dealer who is a member of a stock exchange and specializes in transactions relating to odd lots of securities, being a transaction of sale or purchase of an odd lot of securities.

(6) Subsection (4) does not apply to a dealer who, as principal, enters into a transaction of sale or purchase of securities under an approved deed within the meaning of Division V of Part IV of the Companies Act, 1962-1980, with a person who is not a dealer and charges brokerage, commission or another fee in respect of the transaction in accordance with the provisions of the approved deed.

(7) Where a dealer fails to comply with subsection (1), (3) or (4) in respect of a contract for the sale of securities by him, the purchaser of the securities may, if he has not disposed of them, rescind the contract by a notice of rescission in writing given to the dealer not later than 14 days after the receipt of the contract note and, where a dealer fails to comply with subsection (1), (3) or (4) in respect of a contract for the purchase of securities by him, the vendor of the securities may, in like manner, rescind the contract.

(8) Nothing in subsection (7) affects any right that a person has apart from that subsection.

Penalty: $2 500 or imprisonment for 6 months, or both.

Use by dealer of clients' moneys.

67. Where a person (in this section referred to as the "client") deposits moneys with, or lends moneys to, a dealer, the dealer shall—

(*a*) deposit the moneys in an account in a bank, being an account that does not contain any moneys other than moneys deposited with or lent to the dealer, not later than the next day after the moneys are received by the dealer on which the bank is open for business;

(*b*) furnish to the client a document, in the prescribed form, setting out the terms and conditions on which the deposit or loan is made and accepted (including the purpose for which and the manner in which the moneys are to be used by the dealer);

(*c*) retain the moneys in the bank account referred to in paragraph (*a*) until the client has given to him a written statement acknowledging that the client has received the document referred to in paragraph (*b*);

and

(*d*) use the moneys only—

(i) for the purpose and in the manner set out in the document referred to in paragraph (*b*);

or

(ii) for another purpose or in another manner agreed to by the client in writing after the document referred to in paragraph (*b*) was furnished to the client.

Penalty: $2 500 or imprisonment for 6 months, or both.

Short selling.

68. (1) Subject to this section and the regulations, a person shall not sell securities to a purchaser unless, at the time when he sells them—

(*a*) he has or, where he is selling as agent, his principal has;

or

(*b*) he believes on reasonable grounds that he has, or where he is selling as agent, his principal has,

a presently exercisable and unconditional right to vest the securities in the purchaser.

Penalty: For a first offence, $2 500 or imprisonment for 6 months, or both; for a second or subsequent offence, $10 000 or imprisonment for 2 years, or both.

(2) For the purposes of subsection (1)—

(*a*) a person who, at a particular time, has a presently exercisable and unconditional right to have securities vested in him or in accordance with his directions shall be deemed to have at that time a presently exercisable and unconditional right to vest the securities in another person;

and

(*b*) a right of a person to vest securities in another person shall not be deemed not to be unconditional by reason only of the fact that the securities are charged or pledged in favour of another person to secure the repayment of money.

(3) Subsection (1) does not apply in relation to—

(*a*) sale of securities by the holder of a dealer's licence or a recognized dealer who is a member of a stock exchange and specializes in transactions relating to odd lots of securities, being a sale made by him as principal solely for the purpose of—

(i) accepting an offer to purchase an odd lot of securities;

or

(ii) disposing of a parcel of securities that is less than one marketable parcel of securities by means of the sale of one marketable parcel of those securities;

(*b*) a sale of securities as part of an arbitrage transaction;

(*c*) a sale of securities by a person who before the time of sale has entered into a contract to purchase those securities and who has a right to have those securities vested in him that is conditional only upon all or any of the following:

(i) payment of the consideration in respect of the purchase;

(ii) the receipt by him of a proper instrument of transfer in respect of the securities;

(iii) the receipt by him of the documents that are, or are documents of title to, the securities;

or

(*d*) a sale of securities where—

(i) the person who sold the securities is not associated with the body corporate that issued or made available the securities;

(ii) arrangements are made before the time of the sale that will enable delivery of securities of the class sold to be made to the purchaser within 3 business days after the date of the transaction effecting the sale;

and

(iii) if the sale is effected on the stock market of a stock exchange—

(A) the price per unit in respect of the sale is not below the price at which the immediately preceding ordinary sale was effected;

and

(B) the price per unit is above the price at which the immediately preceding ordinary sale was effected unless the price at which the immediately preceding ordinary sale was effected was higher than the next preceding different price at which an ordinary sale had been effected,

and the stock exchange is immediately informed that the sale has been made short in accordance with this subparagraph.

(4) A person who requests a holder of a dealer's licence or a recognized dealer to effect a sale of securities to which subsection (1) would apply but for paragraph (3) (*b*) or (*d*) shall, at the time of making the request, inform the holder of the licence or recognized dealer that the sale is a short sale.

(5) A person who, on a stock market of a stock exchange, effects, whether as principal or agent, a sale of securities to which subsection (1) would apply but for paragraph (3) (*d*) shall cause to be endorsed on any document evidencing the sale that is given to the person who, whether as principal or agent, purchases the securities a statement that the sale was a short sale.

(6) For the purposes of this section, if a person—

(*a*) purports to sell securities;

(*b*) offers to sell securities;

(*c*) holds himself out as entitled to sell securities;

or

(*d*) instructs a dealer to sell securities,

he shall be deemed to sell the securities.

PART VI

ACCOUNTS AND AUDIT

Interpretation.

69. In this Part, unless the contrary intention appears, a reference to a book, security, trust account or business of or in relation to a dealer who carries on business in partnership shall be read as a reference to such a book, security, trust account or business of or in relation to the partnership.

Application of Part.

70. This Part applies to and in relation to the holder of a dealer's licence and to the business of dealing in securities carried on by the holder of a dealer's licence, whether in South Australia or elsewhere, but does not apply to or in relation to a recognized dealer or to the business carried on by a recognized dealer.

Accounts to be kept by dealers.

71. (1) A dealer shall—

(*a*) keep such accounting records as correctly record and explain the transactions and financial position of the business of dealing in securities carried on by him;

(*b*) keep his accounting records in such a manner as will enable true and fair profit and loss accounts and balance sheets to be prepared from time to time;

and

(*c*) keep his accounting records in such a manner as will enable profit and loss accounts and balance sheets of the business of dealing in securities carried on by him to be conveniently and properly audited.

Penalty: $2 500 or imprisonment for 6 months, or both.

(2) A dealer shall be deemed not to have complied with subsection (1) in relation to records unless those records—

(*a*) are kept in writing in the English language or in such a manner as will enable them to be readily accessible and readily converted into writing in the English language;

(*b*) are kept in sufficient detail to show particulars of—

(i) all moneys received or paid by the dealer, including moneys paid to, or disbursed from, a trust account;

(ii) all purchases and sales of securities made by the dealer, the charges and credits arising from them, and the names of the buyer and seller, respectively, of each of those securities;

(iii) all income received from commissions, interest, and other sources, and all expenses, commissions, and interest paid, by the dealer;

(iv) all the assets and liabilities (including contingent liabilities) of the dealer;

(v) all securities that are the property of the dealer, showing by whom the securities, or the documents of title to the securities, are held and, where they are held by some other person, whether or not they are held as security against loans or advances;

(vi) all securities that are not the property of the dealer and for which the dealer or any nominee controlled by the dealer is accountable, showing by whom, and for whom, the securities or the documents of title to the securities are held and the extent to which they are either held for safe custody or deposited with a third party as security for loans or advances made to the dealer;

(vii) all purchases and sales of options made by the dealer and all fees (being option moneys) arising from them;

(viii) all arbitrage transactions entered into by the dealer;

and

(ix) all underwriting transactions entered into by the dealer;

(*c*) are kept in sufficient detail to show separately particulars of every transaction by the dealer;

(*d*) specify the day on which or the period during which each transaction by the dealer took place;

and

(*e*) contain copies of acknowledgements of the receipt of securities or of documents of title to securities received by the dealer from clients for sale or safe custody clearly showing the name or names in which the particular securities are registered.

(3) Without affecting the operation of subsection (2), a dealer shall keep records in sufficient detail to show separately particulars of all transactions by the dealer with, or for the account of—

(*a*) clients of the dealer, excluding, where the dealer carries on business in partnership, the partners of the firm;

(*b*) the dealer himself, or, where the dealer carries on business in partnership, the partners of the firm;

(*c*) other dealers carrying on business in South Australia;

(*d*) dealers outside South Australia;

and

(*e*) employees of the dealer.

(4) An entry in the accounting and other records of a dealer required to be kept in accordance with this section, and any matter recorded by a stock exchange in relation to a member pursuant to subsection 136 (3), shall be deemed to have been made by, or with the authority of, the dealer or member.

(5) Where a record required by this section to be kept is not kept in writing in the English language, the dealer shall, if required to convert the record into writing in the English language by a person who is entitled to examine the record, comply with the requirement within a reasonable time.

(6) Notwithstanding any other provision of this section, a dealer shall not be deemed to have failed to keep a record referred to in subsection (1) by reason only that the record is kept as a part of, or in conjunction with the records relating to any business other than dealing in securities that is carried on by him.

(7) If accounting or other records are kept by a dealer at a place outside South Australia, the dealer shall cause to be sent to and kept at a place in South Australia such particulars with respect to the business dealt with in those records as will enable true and fair profit and loss accounts and balance sheets to be prepared.

Security documents in custody of dealer.

72. (1) Where a dealer receives for safe custody documents that are, or are documents of title to, securities, being documents that are the property of another person (in this subsection referred to as the "client") and for which the dealer or a nominee controlled by the dealer is accountable, the dealer shall forthwith—

(*a*) if the documents are not registered in the name of the client by the body corporate by which the securities were issued or made available and the client does not make a request as mentioned in paragraph (*b*) or (*c*)—cause them to be so registered;

(*b*) if the client requests that the documents be registered by the body corporate by which the securities were issued or made available in the name of a nominee controlled by the dealer—cause them to be so registered;

or

(*c*) if the client requests that the documents be deposited in safe custody with the dealer's bankers—cause them to be so deposited.

(2) A dealer shall not deposit as security for a loan or advance made to the dealer documents that are, or are documents of title to, securities, being documents that are the property of another person (in this subsection referred to as the "client") and for which the dealer or a nominee controlled by the dealer is accountable, unless an amount is owed to the dealer by the client in connection with a transaction entered into on behalf of the client, and the dealer—

(*a*) gives a written notice to the client identifying the documents and stating that he intends to deposit them as security for a loan or advance made to the dealer;

and

(*b*) deposits the documents as security for a loan or advance made to the dealer that does not exceed the amount owed to the dealer on the day of the deposit by the client in connection with a transaction entered into on his behalf by the dealer.

(3) Where—

(*a*) a dealer has given a notice to a person as mentioned in subsection (2) and has deposited the documents referred to in the notice as security for a loan or advance;

and

(*b*) the person has paid the amount owed by him to the dealer,

the dealer shall withdraw the documents from deposit forthwith after he receives the amount so owed to him.

(4) Where a dealer deposits as security for a loan or advance made to the dealer documents that are, or are documents of title to, securities, being documents that are the property of another person and for which the dealer or a nominee controlled by the dealer is accountable, the dealer shall, at the expiration of 3 months after the day on which the documents are deposited, and at the expiration of each subsequent period of 3 months, if the documents are still maintained on deposit, send to the other person written notice to that effect.

Penalty: $10 000 or imprisonment for 2 years, or both.

Dealers' trust accounts.

73. (1) A dealer shall open and maintain with a bank or banks in South Australia an account or accounts designated as a trust account or as trust accounts.

(2) A dealer shall pay into such an account all moneys held by him in trust for a client not later than the next day on which the bank is open for business following the day on which they are received by the dealer.

(3) Notwithstanding subsection (1), where moneys that are required by this section to be paid into a trust account are received by a dealer in a place outside South Australia, the dealer may pay those moneys into a trust account maintained by the dealer in that place.

(4) For the purposes of subsection (2), all moneys received by a dealer from a client other than—

(*a*) moneys received in respect of brokerage and other proper charges;

(*b*) moneys received in payment or part payment for securities delivered to the dealer before the moneys are received;

or

(*c*) moneys to which section 67 applies,

shall be deemed to be held in trust for that client.

(5) Subsection (2) does not apply to or in relation to a cheque, bank cheque, bank draft, money order or postal order made payable to or to the order of a specified person or bearer (not being a cheque, bank cheque, bank draft, money order or postal order in which the payee is the dealer, a partner of the dealer or the firm in which the dealer is a partner) received from or on behalf of a client with instructions, express or implied, that the cheque, bank cheque, bank draft, money order or postal order is to be delivered to the person to whom it is payable.

(6) A person who contravenes or fails to comply with a provision of this section that is applicable to him is guilty of an offence.

Penalty: $5 000 or imprisonment for one year, or both.

(7) A person who, with intent to defraud, contravenes or fails to comply with a provision of this section that is applicable to him is guilty of an offence.

Penalty: $10 000 or imprisonment for 2 years, or both.

Purposes for which money may be withdrawn from a trust account.

74. (1) A dealer who withdraws moneys from a trust account except for the purpose of—

(*a*) making a payment to, or in accordance with the written directions of, a person entitled to the moneys;

(*b*) making a payment to a stock exchange in accordance with the provisions of section 95;

(*c*) defraying brokerage and other proper charges;

(*d*) paying to the dealer moneys to which he is entitled, being moneys that were paid into a trust account but were not required to be so paid;

or

(*e*) making a payment that is otherwise authorized by law,

is guilty of an offence.

Penalty: $5 000 or imprisonment for 1 year, or both.

(2) A dealer who, with intent to defraud, withdraws moneys from a trust account is guilty of an offence.

Penalty: $10 000 or imprisonment for 2 years, or both.

(3) Except as otherwise provided in this Part, moneys held in a trust account are not available for payment of the debts of a dealer or liable to be paid or taken in execution under the order or process of a court.

(4) Nothing in this Part takes away or affects a lawful claim or lien that a person has against or on any moneys held in a trust account or against or on any moneys received for the purchase of securities or from the sale of securities before those moneys are paid into a trust account.

(5) A dealer is not guilty of an offence against subsection (1) by reason only that he withdraws from a trust account an amount that is the whole or any part of the amount of a cheque that has been paid into the account but that has not been paid, and has not been refused payment, by the banker on which it is drawn.

(6) Where a dealer withdraws from a trust account an amount that is the whole or any part of the amount of a cheque that has been paid into the account but that has not been paid by the banker on which it is drawn and the banker later refuses payment of the cheque, the dealer shall forthwith pay into the trust account by cash or bank cheque an amount equal to the first-mentioned amount.

(7) Where a dealer fails to comply with subsection (6)—

(*a*) he is guilty of an offence;

and

(*b*) where the dealer is a member of a stock exchange the failure shall, for the purposes of Part IX, be deemed to be a defalcation by the dealer.

Penalty: $2 500 or imprisonment for 6 months, or both.

Appointment of auditor by dealer.

75. (1) Within one month after a person becomes the holder of a dealer's licence he shall appoint a person or persons, a firm or firms, or a person or persons and a firm or firms, as auditor or auditors to audit his accounts.

(2) A person shall not—

(*a*) consent to be appointed as auditor of a dealer;

(*b*) act as auditor of a dealer;

or

(*c*) prepare a report required by this Code or Part III of the Securities Industry (Application of Laws) Act, 1981, to be prepared by an auditor of a dealer,

if the person—

(*d*) is not a registered company auditor;

(*e*) is indebted in an amount exceeding $2 000 to the dealer;

or

(*f*) is a partner or employee of the dealer.

(3) A firm shall not—

(*a*) consent to be appointed as auditor of a dealer;

(*b*) act as auditor of a dealer;

or

(*c*) prepare a report required by this Code or Part III of the Securities Industry (Application of Laws) Act, 1981, to be prepared by an auditor of a dealer,

unless—

(*d*) at least one member of the firm is ordinarily resident in Australia;

(*e*) all the members of the firm ordinarily so resident are registered company auditors;

(*f*) no member of the firm is indebted in an amount exceeding $2 000 to the dealer;

and

(*g*) no member of the firm is a partner or employee of the dealer.

(4) The appointment of a firm as auditor of a dealer shall be taken to be the appointment of all persons who are members of the firm, whether resident in Australia or not, at the date of the appointment.

(5) Where a firm has been appointed as auditor of a dealer and the members constituting the firm change by reason of the death, retirement or withdrawal of a member or by reason of the admission of a new member, the firm as newly constituted shall, if it is not disqualified from acting as auditor of the dealer by virtue of subsection (3), be deemed to be appointed under subsection (1) as auditor of the dealer and that appointment shall be taken to be an appointment of all persons who are members of the firm as newly constituted.

(6) If, in contravention of this section, a firm consents to be appointed or acts as auditor of a dealer or prepares a report required by this Code or Part III of the Securities Industry (Application of Laws) Act, 1981, to be prepared by an auditor of a dealer, each member of the firm is guilty of an offence.

(7) A person shall not—

(*a*) if he has been appointed auditor of a dealer—wilfully disqualify himself while the appointment continues from acting as auditor of the dealer;

or

(*b*) if he is a member of a firm that has been appointed auditor of a dealer—wilfully disqualify the firm while the appointment continues from acting as auditor of the dealer.

(8) An auditor of a dealer shall hold office until death, until removal or resignation from office in accordance with section 76 or until ceasing to be capable of acting as auditor by reason of subsection (2) or (3).

(9) Within 14 days after a vacancy occurs in the office of an auditor of a dealer, if there is no surviving or continuing auditor of the dealer, the dealer shall appoint a person or persons, a firm or firms, or a person or persons and a firm or firms, to fill the vacancy.

(10) While a vacancy in the office of an auditor continues, the surviving or continuing auditor or auditors (if any) may act.

(11) A dealer shall not appoint a person or firm as auditor of the dealer unless that person or firm has, before the appointment, consented by notice in writing given to the dealer to act as auditor and has not withdrawn his or its consent by notice in writing given to the dealer.

(12) A report or notice made or given by a firm appointed as auditor of a dealer for the purposes of this Part shall be signed in the firm name and in his own name by a member of the firm who is a registered company auditor.

(13) Where a person or firm is appointed as an auditor under subsection (1) (not being an appointment that is deemed to be made by virtue of subsection (5)) or under subsection (9), the dealer shall within 14 days after the appointment lodge with the Commission a notice in writing stating that he has made the appointment and specifying the name of the person or firm.

Removal and resignation of auditors.

76. (1) A dealer may, if he has received the consent of the Commission, remove an auditor of the dealer from office.

(2) An auditor of a dealer may, by notice in writing given to the dealer, resign as auditor of the dealer if—

(*a*) he has, by notice in writing given to the Commission, applied for consent to his resignation and, at or about the same time as he gave notice to the Commission, notified the dealer in writing of his application to the Commission;

and

(*b*) he has received the consent of the Commission.

(3) The Commission shall, as soon as practicable after receiving a notice from an auditor under subsection (2), notify the auditor and the dealer whether it consents to the resignation of the auditor.

(4) A statement made by an auditor in an application to the Commission under subsection (2) or in answer to an inquiry by the Commission relating to the reasons for the application—

(*a*) is not admissible in evidence in any civil or criminal proceedings against the auditor other than proceedings for an offence against section 135;

and

(*b*) may not be made the ground of a prosecution (other than a prosecution for an offence against section 135), action or suit against the auditor,

and a certificate of the Commission that the statement was made in the application or in answer to an inquiry by the Commission is conclusive evidence that the statement was so made.

(5) Subject to subsection (6) and to any order of the Court under subsection (8), the resignation of an auditor takes effect—

(*a*) on the date (if any) specified for the purpose in the notice of resignation;

(*b*) on the date on which the Commission consents to the resignation; or

(*c*) on the date (if any) fixed by the Commission for the purpose,

whichever last occurs.

(6) Where, on the retirement or withdrawal from a firm of a member, the firm will no longer be capable, by reason of the provisions of paragraph 75 (3) (*d*), of acting as auditor of a dealer, the member so retiring or withdrawing shall, if not disqualified from acting as auditor of the dealer, be deemed to be the auditor of the dealer until he obtains the consent of the Commission to his retirement or withdrawal.

(7) Within 14 days after the receipt of a notice of resignation from an auditor of a dealer or, where an auditor of a dealer is removed from office, within 14 days after the removal, the dealer shall lodge a notice of the resignation or removal in accordance with the prescribed form with the Commission.

(8) A person aggrieved by the refusal of consent by the Commission to the removal or resignation of an auditor of a dealer may, within one month after the date of refusal, appeal to the Court from the refusal and thereupon the Court may confirm or reverse the refusal and may make such further order in the matter as to it seems proper.

Fees and expenses of auditors.

77. The reasonable fees and expenses of an auditor of a dealer are payable by the dealer.

Dealers' accounts.

78. (1) In this section—

"financial year", in relation to a dealer, means—

(*a*) where the dealer is not a body corporate—the year ending on 30th June;

and

(*b*) where the dealer is a body corporate—the financial year of the body corporate within the meaning of the Companies Act, 1962-1980;

"prescribed day", in relation to a financial year of a dealer, means—

(*a*) where the dealer is not a body corporate—the day that is 2 months after the end of that financial year;

or

(*b*) where the dealer is a body corporate—the day that is 3 months after the end of that financial year,

or where, in either case, an extension of time is approved pursuant to subsection (3), the day on which the extended time expires.

(2) A dealer shall, in respect of each financial year, other than a financial year that ended before the date of commencement of the Securities Industry (Application of Laws) Act, 1981, or ended on or after that date but before the date on which the dealer commenced to carry on business as a dealer, prepare a true and fair profit and loss account and balance sheet on the basis of such accounting principles (if any) and containing such information and matters as are prescribed and lodge them with the Commission before the prescribed day for that financial year, together with an auditor's report containing the prescribed information and matters.

(3) The Commission may, on application made by a dealer and his auditor before the expiration of the period of 2 months or, as the case requires, the period of 3 months referred to in the definition of "prescribed day" in subsection (1) or, if that period has been extended pursuant to an approval or approvals previously given under this subsection, before the expiration of the period as so extended, approve an extension or further extension of the period, and such an approval may be given subject to such conditions (if any) as the Commission imposes.

(4) Where an approval under subsection (3) in relation to a dealer is given subject to conditions, the dealer shall comply with those conditions.

Auditor to report to Commission in certain cases.

79. (1) Where an auditor, in the performance of his duties as auditor of a dealer, becomes aware of a prescribed matter he shall, within 7 days after becoming aware of that matter, lodge with the Commission a written report on the matter and send a copy of the report to the dealer and to each stock exchange of which the dealer is a member.

(2) In this section, "prescribed matter" means a matter that, in the opinion of the auditor—

(*a*) has adversely affected, is adversely affecting or may adversely affect the ability of the dealer to meet his obligations as a dealer;

(*b*) constitutes or may constitute a breach of section 71, 72, 73 or 74 or Part VIII;

or

(*c*) constitutes or may constitute a breach of a condition of a licence issued to the dealer under this Code.

Certain matters to be reported to Commission.

80. (1) Where, in relation to a dealer who is a member of a stock exchange, the stock exchange becomes aware of a prescribed matter, the stock exchange shall, as soon as practicable after becoming aware of the matter, lodge with the Commission a written report on the matter and send a copy of the report to the dealer.

(2) In this section, "prescribed matter", in relation to a dealer, means a matter that, in the opinion of the stock exchange concerned—

(*a*) has adversely affected, is adversely affecting or may adversely affect the ability of the dealer to meet his obligations as a dealer;

(*b*) constitutes or may constitute a breach of section 71, 72, 73 or 74 or Part VIII;

or

(*c*) constitutes or may constitute a breach of a condition of a licence issued to the dealer under this Code.

Defamation.

81. (1) An auditor is not, in the absence of malice on his part, liable to an action for defamation in respect of a statement, whether oral or written, made or issued by him in the course of his duties as an auditor.

(2) A person is not, in the absence of malice on his part, liable to an action for defamation in respect of the publication of a document prepared by an auditor in the course of his duties as an auditor and required by or under this Code or the corresponding law of a State other than South Australia or of a Territory to be lodged with the Commission, whether or not the document has been so lodged.

(3) Nothing in this section limits or affects any other right, privilege or immunity that an auditor or other person has as defendant in an action for defamation.

Right of stock exchange to impose obligations, etc., on members not affected by this Part.

82. Nothing in this Part prevents a stock exchange imposing on members of that stock exchange any obligations or requirements (not being obligations or requirements inconsistent with this Code) that the stock exchange thinks fit with respect to—

(*a*) the audit of accounts (including the audit of accounts by an auditor appointed by the stock exchange);

(*b*) the information to be furnished in reports from auditors;

or

(*c*) the keeping of books.

Power of Court to restrain dealings with dealer's bank accounts.

83. Where the Commission shows to the satisfaction of the Court—

(*a*) that there are reasonable grounds for believing that there is a deficiency in a trust account, whether kept within or outside South Australia, of a person who is or has been a dealer or in an account kept pursuant to paragraph 67 (*a*), whether within or outside South Australia, by a person who is or has been a dealer;

(*b*) that there has been undue delay, or unreasonable refusal, on the part of a person who is or has been a dealer, in paying, applying or accounting for trust moneys as required by this Code or by the corresponding law of a State other than South Australia or of a Territory;

(*c*) that a person who is or has been a dealer has not paid moneys into a trust account as provided by section 73 or into an account as provided by paragraph 67 (*a*) or by a provision of the law of a State other than South Australia or of a Territory that corresponds with either of those sections;

or

(*d*) where a business of dealing in securities is carried on, was carried on or was last carried on, as the case may be, by a person otherwise than in partnership—

(i) that the dealer's licence of that person under Part IV or under the provisions of the law of a State other than South Australia or of a Territory that correspond with that Part has been revoked or suspended;

(ii) that that person is incapable, by reason of physical or mental infirmity, of managing his affairs;

(iii) that that person has ceased to carry on a business of dealing in securities;

or

(iv) that that person has died,

the Court may make an order restraining dealings in respect of all or any of the bank accounts of that person, subject to such terms and conditions as the Court imposes.

Duty of banker to make full disclosure.

84. Where an order made under section 83 is directed to a banker, the banker shall—

(*a*) disclose to the Commission every account kept at the bank in the name of the person to whom the order relates, and any account that the banker reasonably suspects is held or kept at the bank for the benefit of that person;

and

(*b*) permit the Commission to make a copy of, or to take an extract from, any account of the person to whom the order relates or any of the banker's books relating to that person.

Power of Court to make further orders and give directions.

85. Where an order is made under section 83, the Court may, on the application of the Commission or of a person affected by the order, make further orders—

(*a*) dealing with such ancillary matters as the Court considers necessary or desirable;

(*b*) directing that all or any of the moneys in an account affected by an order so made be paid by the bank to the Commission or a person nominated by the Commission, on such terms and conditions as the Court thinks fit;

and

(*c*) discharging or varying the order.

Power of Court to make order relating to payment of moneys.

86. (1) An order made under section 85 may include directions to the person to whom the moneys are paid directing that that person—

(*a*) shall cause the moneys to be paid into a separate trust account;

(*b*) is authorized to prepare a scheme for distributing the moneys to persons who claim, during a period of 6 months after the Commission or that other person receives the moneys, to be entitled to the moneys and satisfy the Commission or that other person that they are so entitled;

or

(*c*) where the moneys received are insufficient to pay all proved claims, may, notwithstanding any rule of law or equity to the contrary, apportion the moneys among the claimants in proportion to their proved claims and show in the scheme how the moneys are so apportioned.

(2) Where a person prepares a scheme for a distribution of moneys pursuant to subsection (1), he shall apply to the Court for approval of the scheme and for directions in respect of it.

(3) The Court may give such directions as to the moneys held in a separate trust account pursuant to subsection (1), as to the persons to whom and in what amounts the whole or any portion of those moneys shall be paid, and as to the payment of the balance of the moneys (if any) remaining in the account, as the Court thinks fit.

PART VII

REGISTERS OF INTERESTS IN SECURITIES

Interpretation.

87. (1) In this Part, "financial journalist" means a person who, not being the holder of a licence, in the course of his business or employment contributes advice, or prepares analyses or reports, concerning securities for publication in a newspaper or periodical.

(2) In this Part, a reference to securities is a reference to securities that are securities of a body corporate that is a public company under the law in force in a State or Territory or securities that are quoted or dealt in at a stock market in a State or Territory.

(3) A reference in this Part to the Register, in relation to a person to whom this Part applies, is a reference to the Register required to be maintained by him under subsection 89 (1).

(4) If—

(*a*) there is in force a certificate in writing issued by or on behalf of a stock exchange certifying that a member of that stock exchange is recognized by the stock exchange as specializing in transactions relating to odd lots of securities;

and

(*b*) the member concerned enters into a transaction in relation to an odd lot of securities,

this Part does not apply in relation to any relevant interest in securities acquired by him as a result of that transaction or in relation to any change in his relevant interest in any securities effected by that transaction.

Application of Part.

88. (1) This Part applies to and in relation to a person who is the holder of a licence or a financial journalist.

(2) A financial journalist who maintains a register under the provisions of a law of a participating State or participating Territory that correspond with this Part is not required to maintain a Register under this Part.

Register to be maintained.

89. (1) A person to whom this Part applies shall maintain a Register, in accordance with the prescribed form or in the prescribed manner, for the purposes of this Part and shall keep the Register at a place in South Australia or in a participating State or participating Territory.

(2) Where—

(*a*) a person is at the commencement of the Securities Industry (Application of Laws) Act, 1981, or becomes after that commencement, a person to whom this Part applies;

and

(*b*) the person is aware at that commencement or when he becomes such a person, as the case may be, that he has a relevant interest in securities,

he shall, within 7 days after the date of commencement of the Securities Industry (Application of Laws) Act, 1981, or the day on which he becomes such a person, as the case may be, if he has not already done so, cause to be entered, as prescribed, in the Register particulars of those securities and of the nature of his relevant interest in those securities.

(3) Where a person to whom this Part applies becomes aware that he has a relevant interest in securities he shall, within 7 days after the day on which he becomes so aware, cause to be entered, as prescribed, in the Register particulars of those securities and of the nature of his relevant interest in those securities.

(4) Where there is a change in the relevant interest of a person to whom this Part applies in securities, he shall, within 7 days after the day on which he becomes aware of the change, cause particulars of the change to be entered in the Register.

(5) For the purposes of this section, where a person to whom this Part applies commences or ceases to have a relevant interest in securities, there shall be deemed to be a change in the relevant interest of that person in those securities.

(6) Where a person to whom this Part applies is required by this section to enter in the Register particulars of any securities and of the nature of his relevant interest in those securities, or particulars of a change in his relevant interest in any securities, the particulars to be so entered shall include—

(*a*) the date on which he commenced or ceased to have the relevant interest or on which the change occurred;

(*b*) the number of securities to which the relevant interest relates or related;

(*c*) if the relevant interest was acquired or disposed of or the change occurred for valuable consideration—the amount of the consideration and, if the consideration did not consist wholly of money, the nature of the part of the consideration that did not consist of money;

and

(*d*) if the securities are not registerd in the name of the first-mentioned person—the name of the person who is registered as the holder of the securities or, if any other person is entitled to become registered as the holder of the securities, the name of that other person.

Penalty: $2 500 or imprisonment for 6 months, or both.

Place where Register kept.

90. (1) An applicant for a licence shall, as part of his application for the grant of the licence, give notice in writing to the Commission of the place at which he intends to keep the Register in accordance with subsection 89 (1).

(2) A financial journalist shall, within 14 days after he commences to maintain the Register, give notice in writing to the Commission stating—

(*a*) the place at which he keeps the Register;

(*b*) the name and business address of his employer (if any);

and

(*c*) the newspapers and periodicals to which he contributes.

(3) Where there is a change in the place at which the holder of a licence or a financial journalist keeps the Register, he shall immediately give notice in writing to the Commission of the new place at which the Register is kept.

Defences.

91. (1) It is a defence to a prosecution for failing to comply with section 89 or 90 if the defendant establishes that his failure was due to his not being aware of a fact or occurrence the existence of which was necessary to constitute the offence and that—

(*a*) he was not so aware on the date of the information;

(*b*) he became so aware less than 14 days before the date of the information;

or

(*c*) he became so aware not less than 14 days before the date of the information and complied with the relevant section within 14 days after becoming so aware.

(2) For the purposes of this Part, a person shall, in the absence of proof to the contrary, be presumed to have been aware at a particular time of a fact or occurrence relating to securities, being a fact or occurrence of which a servant or agent of the person, being a servant or agent having duties or acting in relation to his master's or principal's interest in the relevant securities, was aware at that time.

Power of Commission to require production of Register.

92. (1) The Commission may require a person to whom this Part applies to produce the Register required to be kept pursuant to section 89 for inspection by a person authorized by the Commission at such place within South Australia as the Commission specifies and within such period as the Commission specifies (being, in the case where the Register is kept at a place outside South Australia, a period of not less than 7 days), and the authorized person may make a copy of, or take extracts from, the Register.

(2) A person to whom this Part applies shall comply with any requirement made of him under subsection (1).

Power of Commission to require certain information to be supplied to Commission.

93. (1) The Commission may, by notice in writing, require the proprietor or publisher of a newspaper or periodical to supply the Commission with—

(*a*) the name and address of the person who contributed or prepared any article, analysis or report specified in the notice;

or

(*b*) the names and addresses of all persons who, during a period specified in the notice, contributed or prepared any article, analysis or report,

being an article, an analysis or a report, concerning securities that was published in a newspaper owned or published by that proprietor or publisher.

(2) A proprietor or publisher of a newspaper or periodical shall not wilfully fail to comply with a notice under subsection (1).

Power of Commission to supply copy of Register.

94. The Commission may supply a copy of a Register or an extract from a Register to any person who, in the opinion of the Commission, should in the public interest be informed of the matters disclosed in the Register or extract.

PART VIII

DEPOSITS WITH STOCK EXCHANGES

Deposits to be lodged by sole traders and member firms.

95. (1) Each sole trader and each member firm shall lodge and maintain a deposit as required by this Part with the stock exchange of which the sole trader is a member or by which the firm is recognized.

(2) A deposit referred to in subsection (1) is payable out of moneys in a trust account kept by the sole trader or member firm.

(3) An amount paid from a trust account as, or as part of, a deposit lodged with a stock exchange under this Part continues to be money in that trust account notwithstanding that it is so lodged.

(4) Where a sole trader or member firm fails to comply with subsection (1), the sole trader or each partner in the member firm (as the case may be) is guilty of an offence.

Penalty: $5 000 or imprisonment for 1 year, or both.

(5) It is a defence to a prosecution for a failure to comply with subsection (1) if the defendant establishes that the failure was attributable to the making of a payment out of the trust account kept by the sole trader or member firm, being a payment that the sole trader or member firm was authorized by paragraph 74 (1) (*a*), (*c*), (*d*) or (*e*) to make out of that trust account and would not have been able to make if the sole trader or member firm had complied with his or its obligations under that subsection.

Deposit to be proportion of certain balances.

96. (1) The deposit required to be lodged and maintained by a sole trader or member firm under section 95 is an amount equal to two-thirds (or, where a lesser proportion is prescribed, that proportion) of the lowest balance in the trust account maintained by the sole trader or member firm during the period of 3 months ending on the quarter day last past.

(2) Where a sole trader or member firm maintains 2 or more trust accounts, the amount of the deposit required to be lodged and maintained by the sole trader or member firm under section 95 shall be determined as if a reference in subsection (1) to the balance in the trust account at any time were a reference to the aggregate of the balances at that time in the trust accounts maintained by that sole trader or member firm.

(3) Nothing in this Part requires the lodging or maintaining of a deposit where, but for this subsection, the amount of the deposit would be less than $3 000.

(4) Where, by reason of this Part, a sole trader or a member firm is required to increase an amount of money lodged with a stock exchange, the additional amount shall be lodged by that sole trader or member firm not later than 5 trading days of that stock exchange after the relevant quarter day.

(5) For the purposes of subsection (4)—

"trading day", in relation to a stock exchange, means a day on which the stock market of that stock exchange is open for the sale, purchase or exchange of securities;

"relevant quarter day" means the quarter day that is the last day of the period by reference to which the amount required to be lodged is calculated.

Deposits to be invested by stock exchange.

97. (1) Where a stock exchange receives a deposit from a sole trader or member firm under section 95, the stock exchange holds the deposit upon trust for the sole trader or member firm and shall invest the deposit—

(*a*) on interest-bearing term deposit in a bank;

or

(*b*) on deposit with a corporation that is declared, pursuant to paragraph 38 (7) (*b*) of the Companies Act, 1962-1980, to be an authorized dealer in the short term money market.

(2) In subsection (1), "bank" means—

(*a*) a bank as defined in section 5 of the *Banking Act* 1959;

(*b*) the Primary Industry Bank of Australia;

or

(*c*) a bank constituted under a law of a State or Territory.

(3) A stock exchange shall pay moneys received by way of interest in respect of amounts invested under subsection (1) into the fidelity fund established by it pursuant to Part IX.

(4) A stock exchange shall, on demand being made by a sole trader or member firm who has lodged a deposit with the stock exchange, pay to the sole trader or member firm an amount deposited with the stock exchange under section 95.

(5) Nothing in subsection (4) affects the obligations of a sole trader or member firm under section 95.

(6) A sole trader or member firm shall pay an amount received from a stock exchange under subsection (4) into a trust account maintained by the sole trader or member firm under section 73.

(7) Where a sole trader or member firm fails to comply with subsection (6), the sole trader or each partner in the member firm (as the case may be) is guilty of an offence.

Penalty: $5 000 or imprisonment for 1 year.

(8) The fidelity fund of a stock exchange shall guarantee the repayment by the stock exchange of the amount of a deposit received from a sole trader or member firm.

Accounts of deposits.

98. (1) A stock exchange shall establish and keep proper accounts of all deposits received by the stock exchange under this Part and shall, within one month after each quarter day, cause a balance sheet to be made out as at that quarter day.

(2) A stock exchange shall appoint a registered company auditor to audit its accounts relating to deposits.

(3) An auditor appointed by a stock exchange shall audit the accounts relating to deposits received by the stock exchange and each balance sheet and shall cause a report on the accounts and balance sheet to be laid before the committee of the stock exchange not later than one month after the balance sheet is made out.

(4) A stock exchange shall give to the Commission a copy of each report laid before the committee of the stock exchange under this section and of the balance sheet to which the report relates within 14 days after the report was so laid before the committee.

Claims, etc., not affected by this Part.

99. Nothing done under this Part affects—

(*a*) a claim or lien that a sole trader or member firm has on or in relation to a deposit;

or

(*b*) the rights or remedies of a person other than a sole trader or member firm.

PART IX

FIDELITY FUNDS

Establishment of fidelity funds.

100. (1) A stock exchange shall establish and keep a fidelity fund, which shall be administered by the committee on behalf of the stock exchange.

(2) The assets of a fidelity fund of a stock exchange are the property of the stock exchange, but shall be kept separately from all other property and shall be held in trust for the purposes set out in this Part.

Moneys constituting fidelity fund.

101. (1) The fidelity fund of a stock exchange shall consist of—

(*a*) an amount of not less than $100 000, to be paid to the credit of the fund by the stock exchange on the establishment of the fund;

(*b*) moneys paid to the stock exchange by sole traders or member firms in accordance with the provisions of this Part;

(*c*) the interest on moneys invested by the stock exchange under Part VIII;

(*d*) the interest and profits from time to time accruing from the investment of the fidelity fund;

(*e*) moneys paid into the fidelity fund by the stock exchange;

(*f*) moneys recovered by or on behalf of the stock exchange in the exercise of a right of action conferred by this Part;

(*g*) moneys paid by an insurer pursuant to a contract of insurance or indemnity entered into by the stock exchange under section 121;

and

(*h*) all other moneys lawfully paid into the fund.

(2) The Minister may exempt a stock exchange from compliance with subsection (1) (*a*) if he is satisfied that the stock exchange has entered into a contract in a form approved by the Minister with an insurer approved by the Minister under which the insurer undertakes to supplement the fund in the event of a claim being made on the fund so that the total amount available to satisfy the claim will be not less than one hundred thousand dollars.

Fund to be kept in separate bank account.

102. The moneys in a fidelity fund shall, until they are invested or applied in accordance with this Part, be kept in a separate account in a bank in South Australia.

Payments out of fund.

103. Subject to this Part, there shall be paid out of the fidelity fund of a stock exchange in such order as the committee of the stock exchange deems proper—

(*a*) the amount of all claims, including costs, allowed by the committee or established against the stock exchange under this Part;

(*b*) all legal and other expenses incurred in investigating or defending claims made under this Part or incurred in relation to the fund or in the exercise by the stock exchange or the committee of the rights, powers and authorities vested in it by this Part in relation to the fund;

(*c*) all premiums payable in respect of contracts of insurance or indemnity entered into by the stock exchange under section 121;

(*d*) the expenses incurred in the administration of the fund, including the salaries and wages of persons employed by the stock exchange or the committee in relation to the fund;

and

(*e*) all other moneys payable out of the fund in accordance with the provisions of this Code.

Accounts of fund.

104. (1) A stock exchange shall establish and keep proper accounts of its fidelity fund and shall, before the thirty-first day of August in each year, cause a balance sheet in respect of those accounts to be made out as at the preceding thirtieth day of June.

(2) A stock exchange shall appoint a registered company auditor to audit the accounts of the fidelity fund.

(3) The auditor appointed by a stock exchange shall audit the accounts of the fidelity fund and shall audit each balance sheet and cause a report on the accounts and balance sheet to be laid before the committee of the stock exchange not later than one month after the balance sheet is made out.

(4) A stock exchange shall give to the Commission a copy of each report laid before the committee of the stock exchange under this section and of the balance sheet to which the report relates within 14 days after the report was so laid before the committee.

Management sub-committee.

105. (1) The committee of a stock exchange may, by resolution, appoint a management sub-committee of not less than 3 and not more than 5 persons, being members of the stock exchange, at least one of whom is also a member of the committee.

(2) The committee of a stock exchange may, by resolution, delegate to a sub-committee appointed by it under this section all or any of its powers, authorities and discretions under a provision of this Part (other than this section, section 108, subsection 111 (6), (7) or (8) or section 113).

(3) A power, authority or discretion delegated under subsection (2) may be exercised by members forming a majority of the sub-committee as if that power, authority or discretion had been conferred by this Part on a majority of the members of the sub-committee.

(4) A delegation by the committee of a stock exchange under this section may at any time, by resolution of the committee, be varied or revoked.

(5) The committee of a stock exchange may at any time, by resolution, remove a member of a sub-committee appointed by it under this section and may, by resolution, fill a vacancy arising in the membership of the sub-committee.

Contributions to fund.

106. (1) A person shall not be admitted to membership of a stock exchange or to a partnership in a member firm recognized by a stock exchange unless he has paid to the stock exchange, as a contribution to its fidelity fund, such amount, being not less than $500, as is determined by the stock exchange.

(2) A person who is a member of a stock exchange shall, on or before thirty-first March in each year, pay to the stock exchange as a contribution to its fidelity fund, such amount, being not less than $100, as is determined by the stock exchange.

Provisions where fund exceeds $1 000 000.

107. (1) Where the amount in a fidelity fund of a stock exchange exceeds $1 000 000 or such lesser amount as is prescribed—

(*a*) a person—

(i) who is a member of the stock exchange;

(ii) who has made 20 or more annual contributions to the fund (whether under this Part or Part IX of the Securities Industry Act, 1979-1980);

and

(iii) in respect of whom a payment from the fund has not been made or, if such a payment has been made, has been repaid to the fund,

is not, subject to this section, required to make further annual contributions to the fund;

(*b*) on the retirement from business of any such person, the committee may, in its discretion, pay to him the total amount of the annual contributions made by him to the fund or such proportion of those contributions as is for the time being determined by the committee either generally or in relation to the particular person, either with or without simple interest at a rate not exceeding 3% per annum;

and

(*c*) on the death of any such person without any payment having been made to him under paragraph (*b*), the committee may, in its discretion, make such a payment either to his personal representative or to any person who was wholly or partly dependent on him at the time of his death.

(2) A determination of the committee under paragraph (1) (*b*) shall be in writing and may be in respect of any person or any class of persons.

(3) The stock exchange may, by notice in writing published in the *Gazette*—

(*a*) suspend the operation of paragraph (1) (*b*) or (*c*);

or

(*b*) revoke any such suspension,

but, where the operation of one of those paragraphs is for the time being suspended, the stock exchange shall not suspend the operation of the other of those paragraphs.

(4) Where the amount in a fidelity fund is, by reason of payments made out of the fund, less than $500 000 or such lesser amount as is prescribed, the stock exchange may determine that a person who by reason of subsection (1) is not required to make annual contributions to the fund shall again be required, to such extent as it thinks fit, to make annual contributions under section 106.

(5) A person to whom a determination under subsection (4) applies is liable to make contributions in accordance with the determination.

(6) Subject to subsections (1) and (4) the Governor in Council—

(*a*) may by Order in Council prescribe amounts for the purposes of those subsections;

and

(*b*) may, by like Order, vary or revoke any Order made under this subsection.

(7) The power of the Governor in Council to make, vary or revoke an Order under subsection (6) shall be exercised only in accordance with advice that is consistent with resolutions of the Ministerial Council.

(8) For the purposes of this section regulations made for the purposes of Subsections 93 (1) and (4) of the Securities Industry Act, 1979-1980, and in force immediately prior to the commencement of the Securities Industry (Application of Laws) Act, 1981—

(*a*) shall with all necessary adaptations be given effect to as though the provisions thereof were contained in an Order in Council made under subsection (6);

and

(*b*) shall continue to be given such effect until an Order in Council is made under that subsection.

Levy in addition to annual contributions.

108. (1) If at any time the amount of a fidelity fund is insufficient to pay all amounts that, at that time, are required to be paid under section 103, the stock exchange may impose on each person who is liable to contribute to the fund a levy of such amount as it thinks fit for payment into the fund.

(2) The amount of such a levy shall be paid within the time and in the manner specified by the stock exchange either generally or in relation to a particular case.

(3) A person is not required to pay by way of levy under this section more than $5 000 in the aggregate or more than $1 000 in any period of 12 months.

Power of stock exchange to make advances to fund.

109. (1) A stock exchange may, from its general funds, give or advance, on such terms as the committee thinks fit, any sums of money to its fidelity fund.

(2) Moneys that are advanced under subsection (1) may at any time be repaid from the fidelity fund to the general funds of the stock exchange.

Investment of fund.

110. Moneys in a fidelity fund that are not immediately required for its purposes may be invested by the stock exchange in any manner in which trustees are for the time being authorized by law to invest trust funds or on deposit with a corporation that is declared, pursuant to paragraph 38 (7) (*b*) of the Companies Act, 1962-1980, to be an authorized dealer in the short term money market.

Application of fund.

111. (1) Subject to this Part, a fidelity fund of a stock exchange shall be held and applied for the purpose of compensating persons who suffer pecuniary loss—

(*a*) by reason of a defalcation, or fraudulent misuse of securities or documents of title to securities or of other property, by a member of the stock exchange who, when the loss is suffered, is a sole

trader, or by an employee or servant of such a member, in respect of money, securities, documents of title to securities or other property that, in the course of or in connection with that member's business of dealing in securities, was or were entrusted to or received by the member or an employee or servant of the member (whether before or after the commencement of the Securities Industry (Application of Laws) Act, 1981)—

(i) for or on behalf of another person;

or

(ii) by reason that the member was a trustee of the money, securities, documents of title or other property;

or

(*b*) by reason of a defalcation, or fraudulent misuse of securities or documents of title to securities or of other property, by a person who, when the loss is suffered, is a partner in a member firm, or by an employee or servant of such a firm, in respect of money, securities, documents of title to securities or other property that, in the course of or in connection with the firm's business of dealing in securities, was or were entrusted to or received by a partner in the firm or an employee or servant of the firm (whether before or after the commencement of the Securities Industry (Application of Laws) Act, 1981)—

(i) for or on behalf of another person;

or

(ii) by reason that the firm, or a partner in the firm, was a trustee of the money, securities, documents of title or other property.

(2) Where a right to compensation does not arise under subsection (1), a fidelity fund may, subject to this Part, be applied for the purpose of paying to an official receiver or trustee within the meaning of the *Bankruptcy Act* 1966 an amount not greater than the amount that he certifies is required to make up or reduce the total deficiency arising by reason of the available assets of a bankrupt, being a member of a stock exchange who is a sole trader or being a partner in a member firm recognized by a stock exchange, being insufficient to satisfy the debts arising from dealings in securities that have been proved in the bankruptcy by creditors of the bankrupt.

(3) Subsection (2) applies in the case of a member of a stock exchange, or a partner in a member firm recognized by a stock exchange, who has made a composition with his creditors, or has executed a deed of assignment or a deed of arrangement, under Part X of the *Bankruptcy Act* 1966 in like manner as that subsection applies in the case of such a member or partner who has become bankrupt and, for the purposes of that subsection as so applying by virtue of this subsection—

(*a*) the reference in that subsection to a trustee shall be construed as a reference to a controlling trustee within the meaning of Part X of the *Bankruptcy Act* 1966;

(*b*) the reference to debts proved in the bankruptcy shall be construed as a reference to provable debts in relation to the composition or deed within the meaning of that Part;

and

(*c*) references to the bankrupt shall be construed as references to the person who made the composition or executed the deed.

(4) Except as otherwise provided in the following provisions of this section, the amount or the sum of the amounts that may be paid under this Part—

(*a*) for the purpose of compensating pecuniary loss as referred to in subsection (1);

or

(*b*) for the purpose of making payments under subsection (2),

shall not exceed in respect of a member of a stock exchange who is a sole trader or in respect of a member firm recognized by a stock exchange the sum of $500 000.

(5) For the purposes of calculating the sum referred to in subsection (4), an amount that is paid from a fidelity fund shall, to the extent to which that amount is repaid to the fund, be disregarded.

(6) If a stock exchange considers, having regard to the ascertained or contingent liabilities of the fidelity fund, that the assets of the fund so permit, the stock exchange may, by notice published in the *Gazette*, increase the total amount that may be applied from the fund pursuant to subsection (4), and from the date of the publication of the notice until the notice is revoked or varied the amount specified in the notice is the total amount that may be applied as provided by this section.

(7) A notice under subsection (6) may be revoked or varied by the stock exchange by notice published in the *Gazette*, and a notice that is so varied has effect accordingly.

(8) If a stock exchange, having regard to the ascertained or contingent liabilities of the fidelity fund, considers that the assets of the fund so permit, the stock exchange may apply out of the fund such sums in excess of the amount limited by or under this section as the stock exchange, in its discretion, thinks fit in or towards the compensation of persons who have suffered pecuniary loss as referred to in subsection (1) or making a payment under subsection (2).

(9) Where—

(*a*) any money, securities, documents of title to securities or other property has or have been entrusted to or received by, a person who has at any time been, but has ceased to be, a member of a stock exchange (in this subsection referred to as a "former member") or entrusted to, or received by, an employee or servant of such a person;

(*b*) by reason of a defalcation, or the fraudulent misuse of the securities, documents of title or other property by the former member or by an employee or servant of the former member, the person by or from whom the securities, documents of title or other property was or were so entrusted or received suffered pecuniary loss;

and

(*c*) at the time the money, securities, documents of title or other property was or were so entrusted or received, the person suffering the pecuniary loss had reasonable grounds for believing and did believe that the former member was at that time a member of the stock exchange concerned,

a reference in this section to a member of a stock exchange shall be read as a reference to that former member.

Claims against the fund.

112. (1) Subject to this Part, a person who suffers pecuniary loss as referred to in subsection 111 (1) is entitled to claim compensation from the fidelity fund of the relevant stock exchange and to take proceedings in the Court as provided in this Part against the stock exchange to establish that claim.

(2) A person does not have a claim against a fidelity fund of a stock exchange in respect of—

(*a*) pecuniary loss suffered before the commencement of Part IX of the Securities Industry Act, 1979-1980;

or

(*b*) pecuniary loss in respect of money or other property suffered after the money or property had, in due course of the administration of a trust, ceased to be under the sole control of a member of the stock exchange or of a partner or partners in a member firm recognized by the stock exchange.

(3) Subject to this Part, the amount that a claimant is entitled to claim as compensation from a fidelity fund of a stock exchange is the amount of the actual pecuniary loss suffered by him (including the reasonable costs of, and disbursements incidental to, the making and proof of his claim) less the amount or value of all moneys or other benefits received or receivable by him from a source other than the fund in reduction of the loss.

(4) In addition to any compensation that is payable under this Part, interest is payable out of the fidelity fund on the amount of the compensation, less any amount attributable to costs and disbursements, at the rate of 5% per annum (or, if another rate is prescribed, that other rate) calculated from and including the day on which the pecuniary loss was suffered until the day on which the claim is satisfied.

Rights of innocent partner in relation to fund.

113. (1) Where all persons who have submitted claims pursuant to section 112 have been fully compensated in accordance with the provisions of this Part for pecuniary loss as referred to in subsection 111 (1) suffered in relation to money or other property entrusted to or received by a partner in a member firm recognized by a stock exchange, any other partner in that firm who has made payment to a person in compensation for loss suffered by him in relation to that money or property shall be deemed to be subrogated to the extent of the payment to all the rights and remedies of that person against the fidelity fund if the committee, having regard to all the circumstances, determines that the partner was in no way a party to the loss and acted honestly and reasonably in the matter.

(2) If a partner in a member firm feels aggrieved by the determination of a committee under subsection (1), he may, within 28 days after receipt of notice of the determination, appeal to the Court against the determination by lodging a notice of appeal in the prescribed form.

(3) The appellant shall, on the day on which he lodges notice of appeal with the Court, lodge a copy of the notice with the stock exchange.

(4) The Court shall inquire into and decide upon the appeal and, for that purpose, may do all such matters and things, and may do those matters and things in the same manner and to the same extent, as it is empowered to do in the exercise of its ordinary jurisdiction and if the Court is of opinion having

regard to all the circumstances that the appellant was not a party to the defalcation or fraudulent misuse of securities or documents of title to the securities or of other property from which the pecuniary loss arose and that he acted honestly and reasonably in the matter, it may order that the appellant shall, to the extent of any payment made by him, be subrogated to the rights and remedies, in relation to the fidelity fund of the relevant stock exchange, of the person to whom he made such a payment.

Notice calling for claims against fund.

114. (1) A stock exchange may cause to be published in a daily newspaper circulating generally in South Australia (and if, in any State other than South Australia or in any Territory, that newspaper does not circulate generally, in a newspaper that does so circulate in that other State or Territory), a notice in the prescribed form specifying a date, not being earlier than 3 months after the publication of the notice, on or before which claims for compensation from the fidelity fund, in relation to the person specified in the notice, may be made.

(2) A claim for compensation from a fidelity fund of a stock exchange in respect of a pecuniary loss shall be made in writing to the stock exchange—

(*a*) where a notice under subsection (1) has been published, on or before the date specified in the notice;

or

(*b*) where no such notice has been published, within 6 months after the claimant became aware of the pecuniary loss,

and a claim that is not so made is barred unless the stock exchange otherwise determines.

(3) It is a defence to an action for damages against a stock exchange, a member of a committee of a stock exchange or a member or employee of a stock exchange in respect of the publication of a notice under subsection (1) if the defendant establishes that the notice was published in good faith for the purposes of this section.

Power of committee to settle claims.

115. (1) Subject to this Part, a committee may allow and settle a proper claim for compensation from a fidelity fund of a stock exchange at any time after the occurrence of the pecuniary loss in respect of which the claim arose.

(2) Subject to subsection (3), a person shall not commence proceedings under this Part against a stock exchange without leave of the committee unless—

(*a*) the committee has disallowed his claim;

and

(*b*) the claimant has exhausted all relevant rights of action and other legal remedies for the recovery of the money, securities, documents of title to securities or other property in respect of which the pecuniary loss occurred, being rights and remedies that are available against the member of the stock exchange in relation to whom the claim arose and all other persons who are liable in respect of the loss suffered by the claimant.

(3) A person who has been refused leave by the committee of a stock exchange under subsection (2) may apply to the Court for leave to commence proceedings against the stock exchange and the Court may make such order in the matter as it thinks fit.

(4) A committee, after disallowing, whether wholly or partly, a claim for compensation from a fidelity fund of a stock exchange, shall serve notice of the disallowance in the prescribed form on the claimant or his solicitor.

(5) Proceedings against a stock exchange in respect of a claim that has been disallowed by a committee shall not be commenced after the expiration of 3 months after the service of the notice of disallowance referred to in subsection (4).

(6) In proceedings brought to establish a claim, evidence of an admission or confession by, or other evidence that would be admissible against, the person against whom a defalcation or fraudulent misuse of property is alleged is admissible to prove the defalcation or fraudulent misuse notwithstanding that the person is not the defendant in or a party to those proceedings, and all defences that would have been available to that person are available to the stock exchange.

(7) The committee or, where proceedings are brought to establish a claim, the Court, if satisfied that there was a defalcation or fraudulent misuse of property on which to found the claim, may allow the claim and act accordingly, notwithstanding that the person against whom the defalcation or fraudulent misuse of property is alleged has not been convicted or prosecuted or that the evidence on which the committee or Court, as the case may be, acts would not be sufficient to establish the guilt of that person on a criminal trial in respect of the defalcation or fraudulent misuse of property.

Form of order of Court establishing claim.

116. (1) Where in proceedings brought to establish a claim the Court is satisfied that there was a defalcation or fraudulent misuse of property on which to found the claim and that otherwise the claimant has a valid claim, the Court shall, by order—

(*a*) declare the fact and the date of the defalcation or fraudulent misuse of property and the amount of the claim;

and

(*b*) direct the committee to allow the claim as so declared and deal with it in accordance with the provisions of this Part.

(2) In any such proceedings all questions of costs are in the discretion of the Court.

Power of committee to require production of securities, etc.

117. The committee of a stock exchange may at any time require a person to produce and deliver any securities, documents or statements of evidence necessary to support a claim made or necessary for the purpose either of exercising its rights against a member of the stock exchange or a partner or the partners in a member firm recognized by the stock exchange or any other person or of enabling criminal proceedings to be taken against a person in respect of a defalcation or fraudulent misuse of property, and in default of delivery of any such securities, documents or statements of evidence by the first-mentioned person, the committee may disallow any claim by him under this Part.

Subrogation of stock exchange to rights, etc., of claimant on payment from fund.

118. On payment out of a fidelity fund of a stock exchange of any moneys in respect of a claim under this Part, the stock exchange shall be deemed to be subrogated to the extent of that payment to all the rights and remedies of the claimant in relation to the loss suffered by him from the defalcation or fraudulent misuse of property.

Payment of claims only from fund.

119. Money or other property belonging to a stock exchange, other than the fidelity fund, is not available for the payment of a claim under this Part, whether the claim is allowed by the committee or is made the subject of an order of the Court.

Provision where fund insufficient to meet claims or where claims exceed total amount payable.

120. (1) Where the amount in a fidelity fund of a stock exchange is insufficient to pay the whole of the amount of all claims against it that have been allowed or in respect of which orders of the Court have been made, the amount in the fund shall, subject to subsection (2), be apportioned among the claimants in such manner as the committee thinks equitable, and such a claim so far as it then remains unpaid shall be deemed to be charged against future receipts of the fund and paid out of the fund when moneys are available in the fund.

(2) Where the aggregate of all claims that have been allowed or in respect of which orders of the Court have been made in relation to defalcations or fraudulent misuses of property by or in connection with a sole trader or partner in a member firm recognized by a stock exchange exceeds the total amount that may, pursuant to section 111, be paid under this Part in respect of that sole trader or member firm, the total amount shall be apportioned among the claimants in such manner as the committee thinks equitable, and on payment out of the fund of that total amount in accordance with that apportionment all such claims and any orders relating to those claims and all other claims against the fund that may thereafter arise or be made in respect of defalcations or fraudulent misuses of property by or in connection with that sole trader or member firm are discharged.

(3) For the purposes of this section, the amount in a fidelity fund of a stock exchange shall be deemed to include the amount of any indemnity to which the stock exchange is entitled under a contract of insurance in respect of claims under this Part against the fund.

Power of stock exchange to enter into contracts of insurance or indemnity.

121. (1) A stock exchange may, in its discretion, enter into a contract with a person carrying on fidelity insurance business whereby the stock exchange will be insured or indemnified to the extent and in the manner provided by the contract against liability in respect of claims under this Part.

(2) Such a contract may be entered into in relation to members of the stock exchange generally, or in relation to particular members named in the contract, or in relation to members generally with the exclusion of particular members named in the contract.

(3) An action does not lie against a stock exchange or against a member or servant of a stock exchange or committee or against a member of a management sub-committee for damage alleged to have been suffered by a member of the stock exchange by reason of the publication in good faith of a statement that a contract entered into under this section does or does not apply with respect to him.

Application of insurance moneys

122. A claimant against a fidelity fund of a stock exchange does not have a right of action against a person with whom a contract of insurance or indemnity is made under this Part in respect of such a contract or a right or claim with respect to any moneys paid by the insurer in accordance with such a contract.

PART X

TRADING IN SECURITIES

Stock market manipulation.

123. (1) A person shall not, whether within or outside South Australia, effect, take part in, be concerned in or carry out, either directly or indirectly, 2 or more transactions in securities of a body corporate, being transactions that have, or are likely to have, the effect of raising the price of securities of the body corporate on a stock market in South Australia, with intent to induce other persons to purchase or subscribe for securities of the body corporate or of a related body corporate.

(2) A person shall not, whether within or outside South Australia, effect, take part in, be concerned in or carry out, either directly or indirectly, 2 or more transactions in securities of a body corporate, being transactions that have, have, or are likely to have, the effect of lowering the price of securities of the body corporate on a stock market in South Australia, with intent to induce other persons to sell securities of the body corporate or of a related body corporate.

(3) A person shall not, whether within or outside South Australia, effect, take part in, be concerned in or carry out, either directly or indirectly, 2 or more transactions in securities of a body corporate, being transactions that have, or are likely to have, the effect of maintaining or stabilizing the price of securities of the body corporate on a stock market in South Australia, with intent to induce other persons to sell, purchase or subscribe for securities of the body corporate or of a related body corporate.

(4) A reference in this section to a transaction, in relation to securities of a body corporate, includes—

(*a*) a reference to the making of an offer to sell or purchase such securities of the body corporate;

and

(*b*) a reference to the making of an invitation, however expressed, that expressly or impliedly invites a person to offer to sell or purchase such securities of the body corporate.

False trading and market rigging transactions.

124. (1) A person shall not, whether within or outside South Australia, create, or cause to be created, or do anything that is calculated to create, a false or misleading appearance of active trading in any securities on a stock market in South Australia or a false or misleading appearance with respect to the market for, or the price of, any such securities.

(2) A person shall not, by means of purchases or sales of any securities that do not involve a change in the beneficial ownership of those securities, or by any fictitious transactions or devices, maintain, inflate, depress, or cause fluctuations in, the market price of any securities.

(3) Without affecting the generality of subsection (1), a person who—

(*a*) effects, takes part in, is concerned in or carries out, either directly or indirectly, any transaction of sale or purchase of any securities, being a transaction that does not involve any change in the beneficial ownership of the securities;

(*b*) makes or causes to be made an offer to sell any securities at a specified price where he has made or caused to be made or proposes to make or to cause to be made, or knows that a person associated with him has made or caused to be made or proposes to make or to cause to be made, an offer to purchase the same number, or substantially the same number, of securities at a price that is substantially the same as the first-mentioned price;

or

(*c*) makes or causes to be made an offer to purchase any securities at a specified price where he has made or caused to be made or proposes to make or to cause to be made, or knows that a person associated with him has made or caused to be made or proposes to make or to cause to be made, an offer to sell the same number, or substantially the same number, of securities at a price that is substantially the same as the first-mentioned price,

shall be deemed to have created a false or misleading appearance of active trading in securities on a stock market.

(4) In a prosecution of a person for an act referred to in subsection (3), it is a defence if the defendant establishes that the purpose or purposes for which he did the act was not, or did not include, the purpose of creating a false or misleading appearance of active trading in securities on a stock market.

(5) A purchase or sale of securities does not involve a change in the beneficial ownership for the purposes of this section if a person who had an interest in the securities before the purchase or sale, or a person associated with the first-mentioned person in relation to those securities, has an interest in the securities after the purchase or sale.

(6) In a prosecution for an offence against subsection (2) in relation to a purchase or sale of securities that did not involve a change in the beneficial ownership of those securities, it is a defence if the defendant establishes that the purpose or purposes for which he purchased or sold the securities was not, or did not include, the purpose of creating a false or misleading appearance with respect to the market for, or the price of, securities.

(7) The reference in paragraph (3) (*a*) to a transaction of sale or purchase of securities includes—

(*a*) a reference to the making of an offer to sell or purchase securities;

and

(*b*) a reference to the making of an invitation, however expressed, that expressly or impliedly invites a person to offer to sell or purchase securities.

False or misleading statements, etc.

125. A person shall not make a statement, or disseminate information, that is false or misleading in a material particular and is likely to induce the sale or purchase of securities by other persons or is likely to have the effect of raising, lowering, maintaining or stabilizing the market price of securities if, when he makes the statement or disseminates the information—

(*a*) he does not care whether the statement or information is true or false;

or

(*b*) he knows or ought reasonably to have known that the statement or information is false or misleading in a material particular.

Fraudulently inducing persons to deal in securities.

126. A person shall not—

(*a*) by making or publishing any statement, promise or forecast that he knows to be misleading, false or deceptive;

(*b*) by any dishonest concealment of material facts;

or

(*c*) by the reckless making or publishing (dishonesty or otherwise) of any statement, promise or forecast that is misleading, false or deceptive,

induce or attempt to induce another person to deal in securities.

Dissemination of information about illegal transactions.

127. A person shall not circulate or disseminate, or authorize or be concerned in the circulation or dissemination of, any statement or information to the effect that the price of any securities of a body corporate will or is likely to rise or fall or be maintained by reason of any transaction entered into or other act or thing done in relation to securities of that body corporate, or of a body corporate that is related to that body corporate, in contravention of section 123, 124, 125 or 126 if—

(*a*) the person, or a person associated with the person, has entered into any such transaction or done any such act or thing;

or

(*b*) the person has received, or expects to receive, directly or indirectly, any consideration or benefit for circulating or disseminating, or authorizing or being concerned in the circulation or dissemination of, the statement or information.

Prohibition of dealings in securities by insiders.

128. (1) A person who is, or at any time in the preceding 6 months has been, connected with a body corporate shall not deal in any securities of that body corporate if by reason of his so being, or having been, connected with that body corporate he is in possession of information that is not generally available but, if it were, would be likely materially to affect the price of those securities.

(2) A person who is, or at any time in the preceding 6 months has been, connected with a body corporate shall not deal in any securities of any body corporate if by reason of his so being, or having been, connected with the first-mentioned body corporate he is in possession of information that—

(*a*) is not generally available but, if it were, would be likely materially to affect the price of those securities;

and

(*b*) relates to any transaction (actual or expected) involving both those bodies corporate or involving one of them and securities of the other.

(3) Where a person is in possession of any such information as is mentioned in subsection (1) or (2) that if generally available would be likely materially to affect the price of securities but is not precluded by either of those subsections from dealing in those securities, he shall not deal in those securities if—

(*a*) he has obtained the information, directly or indirectly, from another person and is aware, or ought reasonably to be aware,

of facts or circumstances by virtue of which that other person is then himself precluded by subsection (1) or (2) from dealing in those securities;

and

(*b*) when the information was so obtained, he was associated with that other person or had with him an arrangement for the communication of information of a kind to which those subsections apply with a view to dealing in securities by himself and that other person or either of them.

(4) A person shall not, at any time when he is precluded by subsection (1), (2) or (3) from dealing in any securities, cause or procure any other person to deal in those securities.

(5) A person shall not, at any time when he is precluded by subsection (1), (2) or (3) from dealing in any securities by reason of his being in possession of any information, communicate that information to any other person if—

(*a*) trading in those securities is permitted on a stock market, whether within or outside South Australia;

and

(*b*) he knows, or ought reasonably to know, that the other person will make use of the information for the purpose of dealing, or causing or procuring another person to deal, in those securities.

(6) Without prejudice to subsection (3) but subject to subsection (7), a body corporate shall not deal in any securities at a time when any officer of that body corporate is precluded by subsection (1), (2) or (3) from dealing in those securities.

(7) A body corporate is not precluded by subsection (6) from entering into a transaction at any time by reason only of information in the possession of an officer of that body corporate if—

(*a*) the decision to enter into the transaction was taken on its behalf by a person other than the officer;

(*b*) it had in operation at that time arrangements to ensure that the information was not communicated to that person and that no advice with respect to the transaction was given to him by a person in possession of the information;

and

(*c*) the information was not so communicated and such advice was not so given.

(8) For the purposes of this section, a person is connected with a body corporate if, being a natural person—

(*a*) he is an officer of that body corporate or of a related body corporate;

(*b*) he is a substantial shareholder within the meaning of Division IIIA of Part IV of the Companies Act, 1962-1980, in that body corporate or in a related body corporate;

or

(*c*) he occupies a position that may reasonably be expected to give him access to information of a kind to which subsections (1) and (2) apply by virtue of—

(i) any professional or business relationship existing between himself (or his employer or a body corporate of which he is an officer) and that body corporate or a related body corporate;

or

(ii) his being an officer of a substantial shareholder within the meaning of Division IIIA of Part IV of the Companies Act, 1962-1980, in that body corporate or in a related body corporate.

(9) This section does not preclude the holder of a dealer's licence from dealing in securities, or rights or interests in securities, of a body corporate, being securities or rights or interests that are permitted by a stock exchange to be traded on the stock market of that stock exchange, if—

(*a*) the holder of the licence enters into the transaction concerned as agent for another person pursuant to a specific instruction by that other person to effect that transaction;

(*b*) the holder of the licence has not given any advice to the other person in relation to dealing in securities, or rights or interests in securities, of that body corporate that are included in the same class as the first-mentioned securities;

and

(*c*) the other person is not associated with the holder of the licence.

(10) Where a prosecution is instituted against a person for an offence by reason that the person was in possession of certain information and entered into a transaction in contravention of this section, it is a defence if the person satisfies the court that the other party to the transaction knew, or ought reasonably to have known, of the information before entering into the transaction.

(11) For the purposes of subsection (8), "officer", in relation to a body corporate, includes—

(*a*) a director, secretary or employee of the body corporate;

(*b*) a receiver, or a receiver or manager, of the property or any part of the property of the body corporate;

(*c*) an official manager or a deputy official manager of the body corporate;

(*d*) a liquidator of the body corporate;

and

(*e*) a trustee or other person administering a compromise or arrangement made between the body corporate and its creditors.

Penalties.

129. A person who contravenes section 123, 124, 125, 126, 127 or 128 is guilty of an offence.

Penalty—

(*a*) in the case of a person not being a body corporate—$20 000 or imprisonment for 5 years, or both;

or

(*b*) in the case of a person being a body corporate—$50 000.

Compensation for loss, etc.

130. (1) Where—

(*a*) a person who is in possession of any such information as is mentioned in subsection 128 (1) or (2) in respect of any securities deals in those securities in contravention of subsection 128 (1), (2) or (3) or causes or procures another person to deal in those securities in contravention of subsection 128 (4);

or

(*b*) a person being a body corporate deals in securities in contravention of subsection 128 (6) at a time when an officer of the body corporate was in possession of any such information as is mentioned in subsection 128 (1) or (2),

that person is liable (whether he has been convicted of an offence in respect of the contravention or not)—

(*c*) to compensate any other party to the transaction who was not in possession of that information for any loss sustained by that party by reason of any difference between the price at which the securities were dealt in in that transaction and the price at which they would have been likely to have been dealt in in such a transaction at the time when the first-mentioned transaction took place if that information had been generally available;

and

(*d*) to account to the body corporate that issued or made available those securities for any profit accruing to the first-mentioned person from dealing in those securities.

(2) A person who contravenes section 123, 124, 125, 126 or 127 (whether he has been convicted of an offence in respect of the contravention or not) is liable to pay compensation to any other person who, in a transaction for the sale or purchase of securities entered into with the first-mentioned person or with a person acting for or on behalf of the first-mentioned person, suffers loss by reason of the difference between the price at which the securities were dealt in in that transaction and the price at which they would have been likely to have been dealt in in such a transaction at the time when the first-mentioned transaction took place if the contravention had not occurred.

(3) The amount of compensation for which a person is liable under subsection (1) or (2) or the amount of the profit for which a person is liable to account under subsection (1) is—

(*a*) in a case to which paragraph (*b*) does not apply—the amount of the loss sustained by the person claiming the compensation or the amount of the profit referred to in paragraph (1) (*d*), as the case may be;

or

(*b*) if the first-mentioned person has been found by a court to be liable to pay an amount or amounts to any other person or persons under this Part or under paragraph 124 (3) (*a*) of the Companies Act, 1962-1980, by reason of the same act or transaction—the amount of that loss or profit less the amount or the sum of the amounts that the first-mentioned person has been so found to be liable to pay.

(4) For the purposes of subsection (3), the onus of proving that the liability of a person to pay an amount to another person arose from the same act or transaction from which another liability arose lies on the person liable to pay the amount.

(5) An action under this section for recovery of a loss or profit shall not be commenced after the expiration of 2 years after the date of completion of the transaction in which the loss or profit occurred.

(6) The Commission may, if the Commission considers it to be in the public interest to do so, bring an action in the name of and for the benefit of the body corporate or other person for recovery of a loss or profit referred to in subsection (1) or (2).

(7) Nothing in subsection (1) or (2) affects any liability that a person may incur under any other law.

(8) For the purposes of paragraph (1) (*b*), "officer", in relation to a body corporate, includes—

(*a*) a director, secretary or employee of the body corporate;

(*b*) a receiver, or a receiver and manager, of the property or any part of the property of the body corporate;

(*c*) an official manager or a deputy official manager of the body corporate;

(*d*) a liquidator of the body corporate;

and

(*e*) a trustee or other person administering a compromise or arrangement made between the body corporate and its creditors.

Dealer to give priority to clients' orders.

131. (1) A dealer shall not, except as permitted by subsection (2), enter into, as principal or on behalf of a person associated with him, a transaction of purchase or sale of securities that are permitted to be traded on the stock market of a stock exchange if a client of the dealer who is not associated with the dealer has instructed the dealer to purchase or sell, respectively, securities of the same class and the dealer has not complied with the instruction.

Penalty: $2 500 or imprisonment for 6 months, or both.

(2) Subsection (1) does not apply in relation to the entering into of a transaction by a dealer as principal or on behalf of a person associated with him if—

(*a*) the instructions from the client of the dealer required the purchase or sale of securities on behalf of the client to be effected only on specified conditions relating to the price at which the securities were to be purchased or sold and the dealer has been unable to purchase or sell the securities by reason of those conditions;

or

(*b*) the transaction is entered into in prescribed circumstances.

Dealings by employees of holders of licences.

132. (1) A person who is a dealer or an investment adviser and an employee of that person shall not, as principals, jointly purchase or subscribe for, or agree to purchase or subscribe for, any securities.

(2) A person who is a partner in a partnership that carries on a business of dealing in securities or a business of advising other persons concerning securities and an employee of the partnership shall not, as principals, jointly purchase or subscribe for, or agree to purchase or subscribe for, any securities.

(3) A person who is a partner in a partnership that carries on a business in the course of which advice is given, or analyses or reports are issued or published, concerning securities and an employee of the partnership shall not, as principals, jointly purchase or subscribe for, or agree to purchase or subscribe for, any securities.

(4) A person who is a dealer or an investment adviser shall not give credit to an employee of that person or to a person who, to the knowledge of the first-mentioned person, is associated with such an employee if—

(*a*) the credit is given for the purpose of enabling or assisting the person to whom the credit is given to purchase or subscribe for any securities;

or

(*b*) the person giving the credit knows or has reason to believe that the credit will be used for the purpose of purchasing or subscribing for securities.

(5) A person who is a partner in a partnership that carries on a business of dealing in securities shall not give credit to an employee of the partnership or to a person who, to the knowledge of the first-mentioned person, is associated with such an employee if—

(*a*) the credit is given for the purpose of enabling or assisting the person to whom the credit is given to purchase or subscribe for any securities;

or

(*b*) the person giving the credit knows or has reason to believe that the credit will be used for the purpose of purchasing or subscribing for securities.

(6) A person who is a partner in a partnership that carries on a business in the course of which advice is given, or analyses or reports are issued or published, concerning securities shall not give credit to an employee of the partnership or to a person who, to the knowledge of the first-mentioned person, is associated with such an employee if—

(*a*) the credit is given for the purpose of enabling or assisting the person to whom the credit is given to purchase or subscribe for any securities;

or

(*b*) the person giving the credit knows or has reason to believe that the credit will be used for the purpose of purchasing or subscribing for securities.

(7) A person who is an employee of a sole trader or member firm in connection with a business of dealing in securities carried on by the sole trader or member firm shall not, as principal, purchase or agree to purchase any securities or rights or interests in securities unless the sole trader or member firm acts as the agent of the person in respect of the transaction.

Penalty: $2 500 or imprisonment for 6 months, or both.

PART XI

MISCELLANEOUS

Restrictions on use of titles "stockbroker" and "sharebroker".

133. A person who is not—

(*a*) a member of a stock exchange;

or

(*b*) a person who is a member of, or is a partner in a partnership that is recognized as a member firm by, a stock exchange within the meaning of the corresponding law of a participating State or of a participating Territory,

shall not take or use, or by inference adopt, the name or title of stockbroker or sharebroker or take or use or have attached to or exhibited at any place a name, title or description implying or tending to create the belief that he is a stockbroker or a sharebroker.

Appeal.

134. (1) A person aggrieved by the refusal of the Commission to grant a licence or by the revocation of a licence under section 60 or by any other act or decision of the Commission may appeal to the Court, which may confirm the refusal, revocation, act or decision or give such directions in the matter as seem proper or otherwise determine the matter.

(2) This section does not apply to an act or decision of the Commission—

(*a*) in respect of which a provision in the nature of an appeal or review is expressly provided in this Code;

or

(*b*) which is declared by this Code to be conclusive or final or is embodied in a document declared by this Code to be conclusive evidence of an act, matter or thing.

False or misleading statements.

135. (1) A person shall not, in, or in connection with, an application for a licence, make a statement that is false or misleading in a material particular knowing it to be false or misleading or wilfully omit to state any matter or thing without which the application is misleading in a material respect.

(2) A person shall not lodge with the Commission for the purposes of this Code a document that contains a statement that to his knowledge is false or misleading.

Penalty: $2 500 or imprisonment for 6 months, or both.

Preservation and disposal of records, etc.

136. (1) A person who is required by a provision of this Code to maintain, make or keep a register or any accounting or other record in relation to a business carried on by him shall preserve that register or record for the prescribed period, whether or not he ceases to carry on that business before the expiration of that period.

(2) The prescribed period for the purposes of subsection (1) is—

(*a*) in relation to a register or a record other than an accounting record, the period of 5 years next after the day on which the last entry was made in the register or record;

or

PART XI

(*b*) in relation to an accounting record, the period of 7 years next after the last day of the accounting period to which the record relates.

(3) Subsections (1) and (2) do not apply to or in relation to a contract note or copy of a contract note received or issued by a dealer who is a member of a stock exchange if the matters referred to in subsection 64 (2) in relation to the contract note are recorded—

(*a*) by the stock exchange;

or

(*b*) subject to such conditions (if any) as the Commission imposes, by the dealer,

in a manner approved by the Commission and the record of those matters is retained for not less than 5 years.

(4) The Commission may, if of the opinion that it is no longer necessary or desirable to retain it, destroy or otherwise dispose of any document that is given to or lodged with the Commission under or for the purposes of this Code and that has been in the possession of the Commission for such period as is prescribed for the purposes of this subsection, either generally or in relation to a particular document or class of documents.

Concealing, etc., of books relating to securities.

137. (1) A person who—

(*a*) conceals, destroys, mutilates or alters a book relating to the business carried on by a dealer or required under this Code to be kept by the holder of a licence or by a financial journalist within the meaning of Part VII;

(*b*) where such a book is in South Australia—sends the book out of South Australia;

or

(*c*) where such a book is outside South Australia but is within Australia—sends the book out of Australia,

is guilty of an offence.

Penalty: $5 000 or imprisonment for 1 year, or both.

(2) In a prosecution of a person for an offence under subsection (1), it is a defence if the person proves that he did not act with intent to defraud, to defeat the purposes of this Code or to prevent, delay or obstruct the carrying out of an examination, investigation or audit, or the exercise of a power or authority, under this Code.

Falsification of records.

138. (1) Where matter that is used or intended to be used in connection with the keeping of a book required to be kept under this Code or a register or any accounting or other record referred to in section 136 is recorded or stored in an illegible form by means of a mechanical device, an electronic device or any other device, a person who wilfully—

(*a*) records or stores by means of that device matter that he knows to be false or misleading in a material particular;

(*b*) destroys, removes or falsifies matter that is recorded or stored by means of that device, or has been prepared for the purpose of being recorded or stored, or for use in compiling other matter to be recorded or stored, by means of that device;

or

(*c*) fails to record or store matter by means of that device with intent to falsify any entry made or intended to be compiled, wholly or in part, from that matter,

is guilty of an offence.

Penalty: $5 000 or imprisonment for 1 year, or both.

(2) In a prosecution of a person for an offence under subsection (1), it is a defence if the person proves that he acted honestly and that in all the circumstances the act or omission constituting the offence should be excused.

Precautions against falsification of records.

139. A person required by this Code to keep a book or record shall take reasonable precautions for guarding against falsification of the book or record and for facilitating discovery of any falsification.

Obstructing or hindering Commission, etc.

140. A person shall not, without lawful excuse, obstruct or hinder the Commission or another person in the exercise or performance of any of its or his powers, authorities, duties or functions under this Code.

General penalty provisions.

141. (1) A person who—

(*a*) does an act or thing that he is forbidden to do by or under a provision of this Code;

(*b*) does not do an act or thing that he is required or directed to do by or under a provision of this Code;

or

(*c*) otherwise contravenes or fails to comply with a provision of this Code,

is, unless that provision or another provision of this Code provides that he is guilty of an offence, guilty of an offence by virtue of this subsection.

(2) A person who is guilty of an offence against this Code, whether by virtue of subsection (1) or otherwise, is punishable, upon conviction, by a penalty not exceeding the penalty applicable to the offence.

(3) Where—

(*a*) a section that does not consist of 2 or more subsections provides that a person is in circumstances referred to in the section guilty of an offence;

or

(*b*) subsection (1) operates in relation to a provision of this Code that is contained in a section that does not consist of 2 or more subsections so as to make a person guilty of an offence,

and a penalty, pecuniary or otherwise, is set out at the foot of the section, the penalty applicable to the offence is the penalty so set out.

(4) Where—

(*a*) a subsection of a section that consists of 2 or more subsections provides that a person is in circumstances referred to in the subsection guilty of an offence;

or

(*b*) subsection (1) operates in relation to a provision of this Code that is contained in the subsection of a section that consists of 2 or more subsections so as to make a person guilty of an offence,

then—

(*c*) if a penalty, pecuniary or otherwise, is set out at the foot of the subsection—the penalty applicable to the offence is the penalty set out at the foot of the subsection;

or

(*d*) if a penalty, pecuniary or otherwise, is set out at the foot of the section and no penalty is set out at the foot of the subsection—the penalty applicable to the offence is the penalty set out at the foot of the section.

(5) Where each of 2 or more subsections of a section contains one of the following provisions:

(*a*) a provision that a person is in circumstances referred to in the subsection guilty of an offence;

(*b*) a provision in relation to which subsection (1) operates so as to make a person guilty of an offence,

and a penalty, pecuniary or otherwise, is set out at the foot of each of those subsections, the penalty applicable in relation to an offence created by either or any of those subsections, or in relation to an offence created by subsection (1) in relation to a provision contained in either or any of those subsections, is the penalty set out at the foot of the subsection concerned.

(6) Except as provided by subsections (3), (4) and (5), the penalty applicable in relation to an offence against this Code is a fine of $500.

Continuing offences.

142. (1) Where—

(*a*) by or under a section, or a subsection of a section, of this Code an act or thing is required or directed to be done within a particular period or before a particular time;

(*b*) failure to do that act or thing within the period or before the time referred to in paragraph (*a*) constitutes an offence;

and

(*c*) that act or thing is not done within the period or before the time referred to in paragraph (*a*),

the following provisions have effect:

(*d*) the obligation to do that act or thing continues, notwithstanding that that period has expired or that time has passed, until the act or thing is done;

(*e*) where a person is convicted of an offence that, by virtue of paragraph (*d*), is constituted by failure to do that act or thing after the expiration of that period or after that time, as the case may be, that person is guilty of a separate and further offence in respect of each day after the day of the conviction during which the failure to do that act or thing continues;

and

(*f*) the penalty applicable to each such separate and further offence is $50.

(2) Where—

(*a*) by or under a section, or a subsection of a section, of this Code an act or thing is required or directed to be done but no period within which or time by which that act or thing is to be done is specified;

(*b*) failure to do that act or thing constitutes an offence;

and

(*c*) a person is convicted of an offence in respect of a failure to do that act or thing,

that person is guilty of a separate and further offence in respect of each day after the day of the conviction during which the failure to do that act or thing continues and the penalty applicable to each such separate and further offence is $50.

(3) Charges against the same person for any number of offences under subsection (1) or (2) may be joined in the same information or complaint if those offences relate to a failure to do the same act or thing.

(4) If a person is convicted of more than one offence under paragraph (1) (*e*) or more than one offence under subsection (2), the court by which he is convicted may impose one penalty in respect of all the offences of which the person is so convicted under that paragraph or subsection, as the case may be, but that penalty shall not exceed the sum of the maximum penalties that could be imposed if a penalty were imposed in respect of each offence separately.

Offences by bodies corporate.

143. (1) Where a body corporate is guilty of an offence against this Code, any officer of the body corporate who was in any way, by act or omission, directly or indirectly, knowingly concerned in or party to the commission of the offence is also guilty of that offence.

(2) For the purposes of this section, "officer", in relation to a body corporate, includes—

(*a*) a director, secretary, executive officer or employee of the body corporate;

(*b*) a receiver, or a receiver and manager, of the property, or any part of the property, of the body corporate;

(*c*) an official manager or a deputy official manager of the body corporate;

(*d*) a liquidator of the body corporate;

and

(*e*) a trustee or other person administering a compromise or arrangement made between the body corporate and its creditors.

Certain persons to assist in prosecutions.

144. (1) Where a prosecution in respect of an offence against this Code has been instituted, or the Commission is of the opinion that a prosecution in respect of an offence against this Code ought to be instituted, against a person (in this section referred to as the "defendant"), the Commission may—

(*a*) if the defendant is a natural person—require any person who is or was a partner, servant or agent of the defendant;

or

(*b*) if the defendant is a body corporate—require any person who is or was an officer or a servant, or an agent, of the defendant,

to assist in the prosecution, and a person who is so required shall give all assistance in connection with the prosecution that that person is reasonably able to give.

(2) The Commission shall not make such a requirement as is mentioned in subsection (1) of a person who, in the opinion of the Commission, is or is likely to be a defendant in the proceedings or is or has been a duly qualified legal practitioner acting for such a person.

(3) If a person to whom paragraph (1) (*a*) or (*b*) relates fails to give assistance as required by subsection (1), he is guilty of an offence and, without affecting any penalty to which he may be liable for the offence, the Court may, on the application of the Commission, order that person to comply with the requirement within such time, and in such manner, as the Court orders.

(4) In this section, "agent", in relation to the defendant, includes a banker of the defendant and a person engaged as an auditor by the defendant, whether that person is a servant or an officer of the defendant or not.

Reciprocity in relation to offences.

145. If a person does or omits to do an act or thing in South Australia and that person, if he had done or had omitted to do that act or thing in a State other than South Australia or in a Territory, would have been guilty of an offence against the provision of a law of that State or Territory that corresponds with a provision of this Code, that person is guilty of an offence against that provision of this Code.

Offences committed partly in and partly out of South Australia.

146. If a person does or omits to do an act or thing outside South Australia and that person, if he had done or omitted to do that act or thing in South Australia, would, by reason of his also having done or omitted to do an act or thing in South Australia, have been guilty of an offence against this Code, that person is guilty of that offence.

147. (1) Where—

(*a*) an investigation is being carried out under this Code in relation to any act or omission by a person, being an act or omission that constitutes or may constitute an offence against this Code;

(*b*) a prosecution has been instituted against a person for an offence against this Code;

or

(*c*) a civil proceeding has been instituted against a person under this Code,

and the Court considers it necessary or desirable to do so for the purpose of protecting the interests of any persons to whom the person referred to in paragraph (*a*), (*b*) or (*c*), as the case may be (in this section referred to as the "relevant person"), is liable or may be or become liable to pay any moneys, whether in respect of a debt, or by way of damages or compensation or otherwise, or to account for any securities or other property, the Court may, on application by the Commission, make any one or more of the following orders:

(*d*) an order prohibiting, either absolutely or subject to conditions, a person who is indebted to the relevant person or to any person associated with the relevant person from making a payment in total or partial discharge of the debt to, or to another person at the direction or request of, the person to whom the debt is owed;

(*e*) an order prohibiting, either absolutely or subject to conditions, a person holding money, or securities or other property, on behalf of the relevant person or on behalf of any person associated with the relevant person from paying all or any of the money, or transferring, or otherwise parting with possession of, the securities or other property, to, or to another person at the direction or request of, the person on whose behalf the money, or the securities or other property, is or are held;

(*f*) an order prohibiting, either absolutely or subject to conditions, the taking or sending out of South Australia, or out of Australia, of moneys of the relevant person or of any person associated with the relevant person;

(*g*) an order prohibiting, either absolutely or subject to conditions, the taking, sending or transfer of securities or other property of the relevant person or of any person who is associated with the relevant person from a place in South Australia to a place outside South Australia (including the transfer of securities from a register in South Australia to a register outside South Australia) or from a place in Australia to a place outside Australia (including the transfer of securities from a register in Australia to a register outside Australia).

(*h*) an order appointing—

(i) where the relevant person is a natural person—a receiver or trustee, having such powers as the Court orders, of the property or part of the property of that person;

or

(ii) where the relevant person is a body corporate—a receiver or receiver and manager, having such powers as the Court orders, of the property or part of the property of that person;

(*j*) where the relevant person is a natural person—an order requiring that person to deliver up to the Court his passport and such other documents as the Court thinks fit;

(*k*) where the relevant person is a natural person—an order prohibiting that person from leaving Australia without the consent of the Court.

(2) Where the Court has made an order under subsection (1), the Court may, on application by the Commission or by any person affected by the order, make a further order rescinding or varying the first-mentioned order.

(3) An order made under this section may be expressed to operate for a period specified in the order or until the order is rescinded by a further order under this section.

Power of Commission to intervene in proceedings.

148. (1) The Commission may intervene in any proceeding relating to a matter arising under this Code.

(2) Where the Commission intervenes in any proceeding referred to in subsection (1), the Commission shall be deemed to be a party to the proceeding and, subject to this Code, has all the rights, duties and liabilities of such a party.

(3) Without limiting the generality of subsection (2), the Commission may appear and be represented in any proceeding in which it wishes to intervene pursuant to subsection (1)—

(*a*) by an employee of the Commission;

(*b*) by a natural person to whom, or by an officer or employee of a person to whom or to which, the Commission has delegated its functions and powers under this Code or such of those functions and powers as relate to a matter to which the proceeding relates;

or

(*c*) by solicitor or counsel.

Injunctions.

149. (1) Where a person has engaged, is engaging or is proposing to engage in any conduct that constitutes or would constitute an offence against this Code, the Court may, on the application of—

(*a*) the Commission;

or

(*b*) any person whose interests have been, are or would be affected by the conduct,

grant an injunction restraining the person from engaging in the conduct.

(2) Where an application is made to the Court for an injunction under subsection (1), the Court may, if in the opinion of the Court it is desirable to do so, before considering the application, grant an interim injunction restraining a person from engaging in conduct of the kind referred to in subsection (1) pending the determination of the application.

(3) The Court may rescind or vary an injunction granted under subsection (1) or (2).

(4) Where an application is made to the Court for the grant of an injunction restraining a person from engaging in conduct of a particular kind, the power of the Court to grant the injunction may be exercised—

(*a*) if the Court is satisfied that the person has engaged in conduct of that kind—whether or not it appears to the Court that the person intends to engage again, or to continue to engage, in conduct of that kind;

or

(*b*) if it appears to the Court that, in the event that an injunction is not granted, it is likely that the person will engage in conduct of that kind—whether or not the person has previously engaged in conduct of that kind and whether or not there is an imminent danger of substantial damage to any person if the first-mentioned person engages in conduct of that kind.

(5) Where the Commission makes an application to the Court for the grant of an injunction under this section, the Court shall not require the Commission or any other person, as a condition of granting an interim injunction, to give any undertakings as to damages.

(6) References in this section to engaging in conduct include references to doing, or refusing or failing to do, any act or thing.

150. * * * * * *

151. * * * * * *

152. (1) The Governor in Council—

Exemption from trust account requirements.

(*a*) may by Order in Council exempt a member of a stock exchange from compliance with all or any of the provisions of sections 73 and 74 subject to such terms and conditions as are specified in the Order;

and

(*b*) may, by like Order, vary or revoke any Order made under this subsection.

(2) A reference in this Code, other than in section 73 and 74, to a trust account shall, unless the contrary intention appears in an Order in Council made under subsection (1), be construed as extending to a trust account required to be maintained by the terms or conditions of such an Order.

(3) A person who contravenes or fails to comply with a term or condition of an Order in Council made under subsection (1) that is applicable to him is guilty of an offence.

Penalty: $5 000 or imprisonment for one year, or both.

(4) A person who, with intent to defraud, contravenes or fails to comply with a term or condition or an Order in Council made under subsection (1) that is applicable to him is guilty of an offence.

Penalty: $10 000 or imprisonment for two years, or both.

(5) The power of the Governor in Council to make, vary or revoke an Order under subsection (1) shall be exercised only in accordance with advice that is consistent with resolutions of the Ministerial Council.

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

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No. 44 of 1981

An Act relating to the application of laws to regulate the acquisition of shares in companies incorporated in South Australia and matters connected therewith, to amend the Companies Act, 1962-1980, and for other purposes.

[*Assented to* 19 *March* 1981]

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 "Companies (Acquisition of Shares) (Application of Laws) Act, 1981".

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—

"Agreement" means the agreement made on the twenty-second day of December, 1978, between the Commonwealth and the States in relation to a proposed scheme for the co-operative regulation of companies and the securities industry or, if that agreement is or has been amended or affected by another agreement, that agreement as so amended or affected:

"Commission" or "National Commission" means the National Companies and Securities Commission established by the *National Companies and Securities Commission Act* 1979 of the Commonwealth:

"Commissioner" means the Commissioner for Corporate Affairs for South Australia and includes any Deputy or Assistant Commissioner for Corporate Affairs:

"Ministerial Council" means the Ministerial Council for Companies and Securities established by the Agreement:

"State Commission" means the Corporate Affairs Commission established by the Companies Act, 1962-1980:

"the applied provisions" means the provisions applying by reason of sections 4 and 6 of this Act:

"the Commonwealth Act" means the *Companies (Acquisition of Shares) Act* 1980 of the Commonwealth.

(2) In this Act, a reference to a Commonwealth Act shall be construed as including a reference to that Act as amended and in force for the time being and to an Act passed in substitution for that Act.

Application of law relating to acquisition of shares.

4. Subject to this Act, the provisions of the Commonwealth Act (other than sections 1, 2, 3, 4 and 5) apply—

(*a*) as if amended as set out in schedule 1 of this Act;

and

(*b*) subject to and in accordance with the Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Act, 1981,

as laws of South Australia.

Incorporation in Companies Act, 1962-1980.

5. (1) The provisions applying by reason of section 4—

(*a*) except as provided by section 17, operate to the exclusion of—

(i) Part VIB of, and the tenth schedule to, the Companies Act, 1962-1980;

and

(ii) the Company Take-overs Act, 1980, other than section 4 of that Act;

and

(*b*) are incorporated with, and shall be read as one with, the Companies Act, 1962-1980, (other than Part VIB of, and the tenth schedule to, that Act).

(2) The provisions of subsection (1) do not, unless the contrary intention appears—

(*a*) revive anything not in force or existing at the time at which the exclusion of the provisions of Part VIB of, and the tenth schedule to, the Companies Act, 1962-1980, or, as the case may be, of the Company Take-overs Act, 1980, takes effect;

(*b*) affect the previous operation of that Part or schedule or of the Company Take-overs Act, 1980, or anything duly done or suffered under that Part or schedule or under the Company Take-overs Act, 1980;

(*c*) affect any right, privilege, obligation or liability acquired or incurred under that Part or schedule or under the Company Take-overs Act, 1980;

(*d*) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against that Part or schedule or against the Company Take-overs Act, 1980;

or

(*e*) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if subsection (1) had not been enacted.

(3) Except for the purposes of subsection (2) and section 17 and notwithstanding any other enactment, the provisions of the Company Take-overs Act, 1980, cease on the commencement of this Act to be incorporated with, and that Act shall not be read as one with, the Companies Act, 1962-1980.

Application of regulations relating to acquisition of shares.

6. Subject to this Act, the provisions of regulations in force for the time being under the Commonwealth Act (other than provisions providing for the citation or commencement of the regulations) apply—

(*a*) as if amended as set out in schedule 2 of this Act;

and

(*b*) subject to and in accordance with the Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Act, 1981,

as regulations made under the provisions applying by reason of section 4 of this Act.

Incorporation in companies regulations.

7. The provisions applying by reason of section 6 of this Act are incorporated with, and shall be read as one with, regulations under the Companies Act, 1962-1980, (other than regulations under or for the purposes of Part VIB of that Act).

Operation of Companies Act, 1962-1980

8. For the purposes of the operation of the Companies Act, 1962-1980, and regulations under that Act, and the performance of functions and the exercise of powers under that Act or those regulations, with respect to the provisions of, or matters relating to or arising under, the applied provisions—

(*a*) references in that Act or those regulations to the State Commission or the Commissioner shall be construed as references to the National Commission;

(*b*) references in that Act or those regulations to documents submitted to, or filed or lodged with, the State Commission or the Commissioner shall be construed as references to documents submitted to, or filed or lodged with, the National Commission under the applied provisions;

and

(*c*) references in those regulations to the Companies Act, 1962-1980, shall be construed as including references to the *Companies (Acquisition of Shares) (South Australia) Code.*

Fees payable.

9. (1) There shall be paid to the State Commission, for and on behalf of the State, for or in respect of—

(*a*) the lodgment of documents with the National Commission under the applied provisions;

(*b*) the registration of documents under the applied provisions or the inspection or search of registers kept by, or documents in the custody of, the National Commission under the applied provisions;

(*c*) the production by the National Commission, pursuant to a subpoena, of any register kept by, or documents in the custody of, the National Commission under the applied provisions;

(*d*) the issuing of documents or copies of documents, the granting of consents or approvals or the doing of other acts or things by the National Commission under the applied provisions;

and

(*e*) the making of inquiries of, or applications to, the National Commission in relation to matters arising under the applied provisions,

such fees (if any) as are prescribed by regulations in force for the time being under the *Companies (Acquisition of Shares—Fees) Act* 1980 of the Commonwealth and specified in the schedule to those regulations as if amended as set out in schedule 3 of this Act and as if, unless the contrary intention appears, expressions used had the same respective meanings as in the applied provisions.

(2) Where a fee is payable to the State Commission for and on behalf of the State under subsection (1) of this section for or in respect of the lodgment of a document with the National Commission and the document is submitted for lodgment without payment of the fee, the document shall be deemed not to have been lodged until the fee has been paid.

(3) Where a fee is payable to the State Commission for and on behalf of the State under subsection (1) of this section for or in respect of any matter involving the doing of any act or thing by the National Commission, the National Commission shall not do that act or thing until the fee has been paid.

(4) This section has effect notwithstanding anything contained in the applied provisions.

(5) Nothing in this section prevents the State Commission for and on behalf of the State from—

(*a*) waiving or reducing, in a particular case or classes of cases, fees that would otherwise be payable pursuant to this section;

or

(*b*) refunding in whole or in part, in a particular case or classes of cases, fees paid pursuant to this section.

(6) In this section, unless the contrary intention appears, the expressions used have the same respective meanings as in the applied provisions.

Amendment of regulations pursuant to Agreement.

10. (1) Where, under the Agreement, the Ministerial Council approves a proposed amendment of regulations in force for the time being under the Commonwealth Act or the *Companies (Acquisition of Shares—Fees) Act* 1980 of the Commonwealth and, upon the expiration of six months after the date on which the Ministerial Council so approved, the amendment has not been made or has been made and is subject to disallowance or has ceased to be in force by disallowance or, for any other reason, the Governor may make regulations in accordance with the proposed amendment approved by the Ministerial Council amending the provisions of regulations applying by reason of section 6 of this Act or the regulations referred to in section 9 of this Act, as the case may be.

(2) Regulations made by the Governor under subsection (1) of this section may amend schedule 2 or 3 as the case may be, of this Act, and that schedule as so amended shall be schedule 2 or 3, as the case may be, of this Act.

(3) In this Act—

(*a*) a reference to provisions of regulations applying by reason of section 6 of this Act includes a reference to provisions as so applying as amended in accordance with this section;

and

(*b*) a reference to fees prescribed by regulations under the *Companies (Acquisition of Shares—Fees) Act* 1980 of the Commonwealth includes a reference to those regulations as amended in accordance with this section.

Publication of Companies (Acquisition of Shares) (South Australia) Code.

11. (1) The Minister may from time to time authorize the publication by the Government Printer of the provisions of the Commonwealth Act (other than sections 1, 2, 3, 4 and 5), amended as set out in schedule 1 of this Act and in operation, or to come into operation, in South Australia.

(2) A document published under subsection (1) of this section—

(*a*) shall include the headings and sections set out in schedule 4 of this Act;

(*b*) shall include a notification of the date, or dates, on which the several provisions set out in the document came, or come, into operation in South Australia;

(*c*) shall include a statement of the date on which the Minister authorized the publication;

and

(*d*) may be cited as the *Companies (Acquisition of Shares) (South Australia) Code.*

(3) A document that is or purports to be a copy of the *Companies (Acquisition of Shares) (South Australia) Code* that has been, or purports to have been, published in accordance with this section is *prima facie* evidence of the provisions of the Commonwealth Act applying by reason of section 4 of this Act as in operation, or to come into operation, in South Australia as notified in the document in accordance with paragraph (*b*) of subsection (2) of this section.

Publication of Companies (Acquisition of Shares) (South Australia) Regulations.

12. (1) The Minister may from time to time authorize the publication by the Government Printer of the provisions of regulations under the Commonwealth Act (other than provisions providing for the citation or commencement of the regulations) amended as set out in schedule 2 of this Act and in operation, or to come into operation, in South Australia.

(2) A document published under subsection (1) of this section—

(*a*) shall include the headings and provisions set out in schedule 5 of this Act;

(*b*) shall include a notification of the date, or dates, on which the several provisions set out in the document came, or come, into operation in South Australia;

(*c*) shall include a statement of the date on which the Minister authorized the publication;

and

(*d*) may be cited as the *Companies* (*Acquisition of Shares*) (*South Australia*) *Regulations*.

(3) A document that is or purports to be a copy of the *Companies* (*Acquisition of Shares*) (*South Australia*) *Regulations* that has been, or purports to have been, published in accordance with this section is *prima facie* evidence of the provisions applying by reason of section 6 of this Act as in operation, or to come into operation, in South Australia as notified in the document in accordance with paragraph (*b*) of subsection (2) of this section.

Publication of Companies (Acquisition of Shares—Fees) (South Australia) Regulations.

13. (1) The Minister may from time to time authorize the publication by the Government Printer of the schedule to regulations prescribing fees under the *Companies* (*Acquisition of Shares—Fees*) *Act* 1980 of the Commonwealth amended as set out in schedule 3 of this Act and in operation, or to come into operation, in South Australia.

(2) A document published under subsection (1) of this section—

(*a*) shall include the headings and provisions set out in schedule 6 of this Act;

(*b*) shall include a notification of the date, or dates, on which the several provisions set out in the document came, or come, into operation in South Australia;

(*c*) shall include a statement of the date on which the Minister authorized the publication;

and

(*d*) may be cited as the *Companies* (*Acquisition of Shares—Fees*) (*South Australia*) *Regulations*.

(3) A document that is or purports to be a copy of the *Companies* (*Acquisition of Shares—Fees*) (*South Australia*) *Regulations* that has been, or purports to have been, published in accordance with this section is *prima facie* evidence of the schedule to regulations referred to in section 9 as in operation, or to come into operation, in South Australia as notified in the document in accordance with paragraph (*b*) of subsection (2) of this section.

Publication of provisions amending code or regulations.

14. (1) The Minister may from time to time authorize the publication by the Government Printer of a document setting out—

(*a*) provisions that by reason of—

(i) the enactment of an Act of the Commonwealth amending the Commonwealth Act;

and

(ii) the operation of section 4 (including the operation, if applicable, of schedule 1),

apply, or will apply, as laws of South Australia;

(*b*) provisions that by reason of—

(i) regulations under the Commonwealth Act;

and

(ii) the operation of section 6 (including the operation, if applicable, of schedule 2),

apply, or will apply, as regulations made under the provisions applying by reason of section 4;

or

(*c*) fees that by reason of—

(i) regulations under the *Companies (Acquisition of Shares—Fees) Act* 1980 of the Commonwealth;

and

(ii) the operation of section 9 (including the operation, if applicable, of schedule 3),

are or will be, payable under that section.

(2) A document published under subsection (1) shall include a notification of the date, or dates, on which the provisions or fees set out in the document came, or come, into operation in South Australia.

(3) A document that has been or purports to have been published in accordance with this section is *prima facie* evidence of provisions or fees referred to in subsection (1) set out in the document.

Interpretation of references to the applied provisions.

15. (1) Unless the contrary intention appears, in this or any other Act or in a regulation or other instrument made under this or any other Act or in any other document made by or under the authority of, or for the purposes of, a law of South Australia—

(*a*) a reference to the *Companies (Acquisition of Shares) (South Australia) Code* is a reference to the provisions of the Commonwealth Act applying by reason of section 4 of this Act;

(*b*) a reference to a provision of that Code is a reference to the corresponding provision of the Commonwealth Act as so applying;

(*c*) a reference to the *Companies (Acquisition of Shares) (South Australia) Regulations* is a reference to the provisions of regulations in force under the Commonwealth Act applying by reason of section 6 of this Act;

(*d*) a reference to a provision of those regulations is a reference to the corresponding provision of the regulations in force under the Commonwealth Act as so applying;

(*e*) a reference to the *Companies (Acquisition of Shares—Fees) (South Australia) Regulations* is a reference to the schedule to regulations prescribing fees under the *Companies (Acquisition of Shares—Fees) Act* 1980 of the Commonwealth as referred to in section 9 of this Act;

and

(*f*) a reference to a provision of that schedule is a reference to the corresponding provision of the schedule to regulations in force under that Act as referred to in section 9 of this Act.

(2) In subsection (1) of this section, "provision" includes Part, Division, section, subsection, paragraph, subparagraph, schedule, form, regulation, clause, subclause or other division.

Amendment of certain provisions in accordance with approval of Ministerial Council.

16. Where, under the Agreement, the Ministerial Council—

(*a*) approves—

(i) a proposed amendment of the Commonwealth Act;

(ii) regulations proposed to be made under the Commonwealth Act (whether or not amending other regulations);

(iii) a proposed amendment of the *Companies (Acquisition of Shares—Fees) Act* 1980 of the Commonwealth;

or

(iv) regulations proposed to be made under that Act (whether or not amending other regulations);

and

(*b*) approves proposed regulations to be made under this Act in connection with the operation of the proposed amendment or regulations referred to in paragraph (*a*) of this section,

the Governor may make regulations amending schedule 1, 2 or 3 or section 9, as the case may be, of this Act, in accordance with that approval, and that schedule or section as so amended shall be schedule 1, 2 or 3 or section 9, as the case may be, of this Act.

Interpretation of references to the applied provisions.

17. (1) Where, by reason of section 5 of the Company Take-overs Act, 1980, the superseded take-over laws applied to and in relation to an offer or an invitation to acquire shares in a company—

(*a*) this Act, other than this section, does not apply to or in relation to an acquisition of shares pursuant to that offer or invitation;

and

(*b*) the superseded take-over laws continue to apply to and in relation to that offer or invitation and to the acquisition of shares pursuant to that offer or invitation,

notwithstanding that shares in the company are acquired pursuant to that offer or invitation on or after the commencement of this Act.

(2) Where, pursuant to the interim take-over laws, an offer to acquire shares in a company was—

(*a*) dispatched by or on behalf of an offeror under a take-over scheme in relation to that company;

or

(*b*) made by causing a take-over announcement to be made on behalf of an on-market offeror in relation to that company,

then—

(*c*) this Act, other than this section, does not apply to or in relation to—

(i) the take-over scheme or the take-over announcement;

(ii) the acquisition of shares in that company pursuant to that offer;

or

(iii) any other acquisition of shares in the company of the same class as the shares to which the take-over scheme or the take-over announcement relates, during the

period during which that offer was to remain open, by that offeror or on-market offeror;

and

(*d*) the interim take-over laws continue to apply to and in relation to—

(i) the take-over scheme or the take-over announcement;

and

(ii) any acquisition referred to in paragraph (*c*).

(3) For the purpose of this section—

(*a*) "the superseded take-over laws" means the provisions of the law relating to take-overs in force immediately before the commencement of the Company Take-overs Act, 1980, including the provisions of Part VIB of and the tenth schedule to, the Companies Act, 1962-1980, and a reference to the application of the superseded take-over laws to and in relation to offers or invitations to acquire shares in a company includes, without limiting the generality of those words, a reference to the application of sections 180x and 180y of the Companies Act, 1962-1980, in force immediately before the date of commencement of the Company Take-overs Act, 1980, in relation to shares in that company consequent upon the making of those offers or the issuing of those invitations;

(*b*) "the interim take-over laws" means the provisions of the law relating to take-overs in force in South Australia immediately before the date of commencement of this Act, and a reference to the application of the interim take-over laws to and in relation to a take-over scheme or a take-over announcement in relation to, or an acquisition of shares in, a company includes, without limiting the generality of those words, a reference to the application of sections 42 and 43 of the Company Take-overs Act, 1980, in relation to shares in that company consequent upon that take-over scheme or take-over announcement or that acquisition of shares;

and

(*c*) except where the contrary intention appears, expressions used in this section have the same respective meanings as those expressions have in Part VIB of the Companies Act, 1962-1980, or, as the case requires, as those expressions have in the Company Take-overs Act, 1980.

Consequential amendment of Companies Act, 1962-1980.

18. (1) The Companies Act, 1962-1980, is amended—

(*a*) by inserting in paragraph (*d*) of subsection (6) of section 5 after the passage "in relation to shares of a company" the passage "or, within the meaning of section 42 of the *Companies (Acquisition of Shares) (South Australia) Code*, to a dissenting offeree in relation to shares of a company";

(*b*) by inserting in paragraph (*c*) of subsection (1) of section 122, after the passage "a Territory of the Commonwealth" (second occurring), the passage "or under section 44 of the *Companies (Acquisition of Shares) (South Australia) Code* or the corresponding provision of the law of another State or of a Territory of the Commonwealth";

(*c*) by inserting in paragraph (*c*) of subsection (1) of section 127, after the passage "Company Take-overs Act, 1980" the passage "or the *Companies (Acquisition of Shares) (South Australia) Code*";

(*d*) by inserting in subsection (2) of section 129 after the passage "Company Take-overs Act, 1980" the passage "or by virtue of the *Companies (Acquisition of Shares) (South Australia) Code*";

(*e*) by redesignating paragraphs (i), (ii) and (iii) of subsection (1) of section 185 as paragraphs (*a*), (*b*) and (*c*) respectively;

(*f*) by inserting in paragraph (*b*) of subsection (1) of section 185 after the passage "Company Take-overs Act, 1980" the passage "or section 16 of the *Companies (Acquisition of Shares) (South Australia) Code*";

(*g*) by inserting in paragraph (*c*) of subsection (1) of section 185 after the passage "Company Take-overs Act, 1980" the passage "or section 17 of the *Companies (Acquisition of Shares) (South Australia) Code*";

and

(*h*) by inserting in subsection (8) of section 354 after the passage "Company Take-overs Act, 1980" the passage "or section 42 of the *Companies (Acquisition of Shares) (South Australia) Code*".

(2) The Companies Act, 1962-1980, as amended by subsection (1) of this section, may be cited as the "Companies Act, 1962-1981".

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

K. D. SEAMAN, Governor

Section 4.

SCHEDULE 1

The provisions of the Commonwealth Act apply as if—

1. Unless inconsistent with another provision of this schedule—

(*a*) for the expression "*Companies Ordinance* 1962" in the Commonwealth Act (wherever occurring) there were substituted the words "*Companies Act*, 1962-1980";

(*b*) for the words "the Territory" in the Commonwealth Act (wherever occurring) there were substituted the words "South Australia";

(*c*) for the words "this Act" in the Commonwealth Act (wherever occurring except where occurring in conjunction with the words "commencement of") there were substituted the words "this Code";

(*d*) for the words "commencement of this Act" in the Commonwealth Act (wherever occurring) there were substituted the expression "commencement of the *Companies (Acquisition of Shares) (Application of Laws) Act*, 1981";

and

(*e*) for the words "law of a State or of another Territory" and "law of a State or another Territory" in the Commonwealth Act (wherever occurring) there were substituted the words "law of a State other than South Australia or of a Territory".

2. In section 6 of the Commonwealth Act—

(*a*) before the definition of "company" there were inserted the following definition:—

"*Companies (Acquisition of Shares) (South Australia) Code*" or "Code" means the provisions applying by reason of section 4 of the *Companies (Acquisition of Shares) (Application of Laws) Act*, 1981;;

(*b*) in the definition of "convertible note" after the expression "1936" there were inserted the words "of the Commonwealth as amended and in force for the time being";

(*c*) after the definition of "recorded" there were inserted the following definition:—

"regulations" means the provisions applying as regulations made under this Code by reason of section 6 of the Companies (Acquisition of Shares) (Application of Laws) Act, 1981;.

3. In subsection (7) of section 28 of the Commonwealth Act—

(*a*) for the words "stock exchange in a State or in another Territory" there were substituted the words "stock exchange in a State other than South Australia or in a Territory";

and

(*b*) for the words "other Territory" there were substituted the word "Territory".

4. In section 42 of the Commonwealth Act—

(*a*) for the words "*Unclaimed Moneys Ordinance* 1950" (wherever occurring) there were substituted the words "*Unclaimed Moneys Act* 1891-1975";

(*b*) for the words in subsection (15) "that Ordinance" there were substituted the words "that Act";

and

(*c*) in subsection (18) for the word "Commonwealth" there were substituted the word "State".

5. In subsection (5) of section 53 of the Commonwealth Act for the expression "section 5 of this Act" there were substituted the expression "section 5 of the *Companies (Acquisition of Shares) (Application of Laws) Act* 1981".

6. In subsections (1) and (2) of section 56 of the Commonwealth Act, for the expression ", or of a regulation made for the purposes of sub-section 62 (3) or (4)," there were substituted the words "or of the regulations".

7. Sections 62 and 64 of the Commonwealth Act were repealed.

Section 6.

SCHEDULE 2

The provisions of regulations in force for the time being under the Commonwealth Act apply as if in those regulations—

1. For the words "the Act" (wherever occurring) there were substituted the words "the Code".

2. For the expression "*Companies (Acquisition of Shares) Act* 1980" (wherever occurring) there were substituted the expression "*Companies (Acquisition of Shares) (South Australia) Code*".

3. For the words "Supreme Court of the Australian Capital Territory" (wherever occurring) there were substituted the words "Supreme Court of South Australia".

SCHEDULE 3

Section 9.

The provisions of regulations in force for the time being under the *Companies (Acquisition of Shares—Fees) Act* 1980 of the Commonwealth apply as if in those regulations—

1. For the words "the Act" (wherever occurring) there were substituted the words "the *Companies (Acquisition of Shares) (South Australia) Code*".

SCHEDULE 4

Section 11

The following headings and sections shall be included in the publication of the provisions of the Commonwealth Act under section 11 of this Act:—

COMPANIES (ACQUISITION OF SHARES) (SOUTH AUSTRALIA) CODE

RELATING TO THE ACQUISITION OF SHARES IN COMPANIES INCORPORATED IN SOUTH AUSTRALIA AND MATTERS CONNECTED THEREWITH

PART 1.—PRELIMINARY

1. This Code may be cited as the *Companies (Acquisition of Shares) (South Australia) Code.*

2. This Code comes into operation on the day on which the Companies (Acquisition of Shares) (Application of Laws) Act, 1981, comes into operation.

3. This Code shall be read and construed together with the agreement made on the twenty-second day of December, 1978, between the Commonwealth and the States in relation to a proposed scheme for the co-operative regulation of companies and the securities industry or, if that agreement is or has been amended or affected by another agreement, that agreement as so amended or affected.

4. This Code has effect subject to and in accordance with the Companies (Acquisition of Shares) (Application of Laws) Act, 1981.

5. This Code has effect subject to and in accordance with the Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Act, 1981.

SCHEDULE 5

Section 12.

The following headings and provisions shall be included in the publication under section 12 of this Act of the provisions of regulations in force for the time being under the Commonwealth Act:

COMPANIES (ACQUISITION OF SHARES) (SOUTH AUSTRALIA) REGULATIONS

1. (1) These regulations may be cited as the *Companies (Acquisition of Shares) (South Australia) Regulations.*

(2) These regulations shall come into operation on the day on which the Companies (Acquisition of Shares) (Application of Laws) Act, 1981, comes into operation.

(3) These regulations have effect subject to and in accordance with—

(*a*) the Companies (Acquisition of Shares) (Application of Laws) Act, 1981;

and

(*b*) the Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Act, 1981.

SCHEDULE 6

Section 13.

The following headings and provisions shall be included in the publication under section 13 of this Act of the schedule to regulations in force for the time being prescribing fees under the *Companies (Acquisition of Shares—Fees) Act* 1980 of the Commonwealth:—

COMPANIES (ACQUISITION OF SHARES—FEES) (SOUTH AUSTRALIA) REGULATIONS

1. These regulations may be cited as the *Companies (Acquisition of Shares—Fees) (South Australia) Regulations.*

2. These regulations shall come into operation on the day on which the Companies (Acquisition of Shares) (Application of Laws) Act, 1981, comes into operation.

3. These regulations have effect subject to and in accordance with—

(*a*) the Companies (Acquisition of Shares) (Application of Laws) Act, 1981;

and

(*b*) the Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Act, 1981.

4. The fees payable for the purposes of section 9 of the Companies (Acquisition of Shares) (Application of Laws) Act, 1981, are the fees specified in the schedule in relation to the respective matters so specified.

SCHEDULE

FEES

COMPANIES (ACQUISITION OF SHARES) (SOUTH AUSTRALIA) CODE

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COMPANIES (ACQUISITION OF SHARES) (SOUTH AUSTRALIA) CODE

RELATING TO THE ACQUISITION OF SHARES IN COMPANIES INCORPORATED IN SOUTH AUSTRALIA AND MATTERS CONNECTED THEREWITH

PART I.

PRELIMINARY

Short title.

1. This Code may be cited as the *Companies (Acquisition of Shares) (South Australia) Code.*

Commencement.

2. This Code comes into operation on the day on which the Companies (Acquisition of Shares) (Application of Laws) Act, 1981, comes into operation.

Agreement.

3. This Code shall be read and construed together with the Agreement made on the twenty-second day of December, 1978, between the Commonwealth and the States in relation to a proposed scheme for the co-operative regulation of companies and the securities industry or, if that agreement is or has been amended or affected by another agreement, that agreement as so amended or affected.

Code subject to Act.

4. This Code has effect subject to and in accordance with the Companies (Acquisition of Shares) (Application of Laws) Act, 1981.

Interpretation.

5. This Code has effect subject to and in accordance with the Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Act, 1981.

Definitions.

6. In this Code, unless the contrary intention appears—

"business rules", in relation to a stock exchange, means rules, regulations or by-laws—

(a) governing the activities or conduct of the stock exchange or of its members;

or

(b) governing the activities or conduct of other persons in relation to the stock market of the stock exchange,

being rules, regulations or by-laws made by the stock exchange or contained in any of the constituent documents of the stock exchange, but does not include rules, regulations or by-laws that are listing rules of the stock exchange;

"*Companies (Acquisition of Shares) (South Australia) Code*" or "*Code*" means the provisions applying by reason of section 4 of the Companies (Acquisition of Shares) (Application of Laws) Act, 1981;

"company" means a company as defined by subsection 5 (1) of the Companies Act, 1962-1981, and includes a body corporate incorporated in South Australia that has a share capital;

The publication of this document was authorized by the Attorney-General in accordance with section 11 of the Companies (Acquisition of Shares) (Application of Laws) Act, 1981 on the 25th June 1981.

The several provisions set out in this document come into operation in South Australia on the day on which the Companies (Acquisition of Shares) (Application of Laws) Act, 1981, comes into operation.

The provisions of this Code are incorporated with, and are to be read as one with, the Companies Act, 1962-1980, (other than Part VIB of, and the tenth schedule to, that Act). See section 5 (1) *(b)* of the Companies (Acquisition of Shares) (Application of Laws) Act, 1981.

"convertible note" has the same meaning as in Division 3A of Part III of the *Income Tax Assessment Act 1936* of the Commonwealth as amended and in force for the time being;

"dealing in securities" means (whether as principal or agent) acquiring, disposing of, subscribing for, underwriting or sub-underwriting securities or making or offering to make, or inducing or attempting to induce a person to make or to offer to make, an agreement—

(a) for or with respect to acquiring, disposing of, subscribing for, underwriting or sub-underwriting securities;

or

(b) the purpose or purported purpose of which is to secure a profit or gain to a person who acquires, disposes of, subscribes for, underwrites or sub-underwrites securities or to any of the parties to the agreement in relation to securities;

"director", in relation to a corporation, includes—

(a) any person occupying or acting in the position of director of the corporation, by whatever name called and whether or not validly appointed to occupy or duly authorized to act in the position;

and

(b) any person in accordance with whose directions or instructions the directors of the corporation are accustomed to act;

"executive officer", in relation to a corporation, means any person, by whatever name called and whether or not he is a director of the corporation, who is concerned, or takes part, in the management of affairs of the corporation;

"expert", in relation to a matter, means any person whose profession or reputation gives authority to a statement made by him in relation to that matter;

"home exchange", in relation to a listed public company, means the stock exchange designated to the company as its Home Exchange by the Australian Associated Stock Exchanges;

"invitation" means a statement, however expressed, that is not an offer but expressly or impliedly invites a holder of shares to offer to dispose of shares or a holder of a right, being a right to acquire a share or an interest in a share under an option, to dispose of the right;

"listed public company" means a company shares in which are listed for quotation on the stock market of a stock exchange;

"listing rules", in relation to a stock exchange, means rules, regulations or by-laws governing or relating to—

(a) the admission to, or removal from, the official list of the stock exchange of bodies corporate, governments, unincorporate bodies or other persons for the purposes of the quotation on the stock market of the stock exchange of securities of, or made

available by, bodies corporate, governments, unincorporate bodies or other persons and for other purposes;

or

(b) the activities or conduct of bodies corporate, governments, unincorporate bodies and other persons who are admitted to that list,

whether those rules, regulations or by-laws—

(c) are made by the stock exchange or are contained in any of the constituent documents of the stock exchange;

or

(d) are made by another person and adopted by the stock exchange;

"marketable parcel", in relation to shares in a listed public company, means a marketable parcel of shares in that listed public company within the meaning of the relevant business rules or listing rules of the stock exchange that is the home exchange in relation to that listed public company;

"marketable securities" means debentures, stocks, shares or bonds of any Government, of any local government authority or of any corporation, association or society, and includes any right or option in respect of shares in any corporation and any prescribed interest;

"nominee corporation" means a corporation whose principal business is the business of holding marketable securities as a trustee or nominee;

"non-voting share", in relation to a company, means an issued share in the company that is not a voting share;

"offeror" means—

(a) a person who dispatches or proposes to dispatch a take-over offer, whether he dispatches or proposes to dispatch the offer himself or by an agent or nominee;

or

(b) 2 or more persons who together dispatch or propose to dispatch a take-over offer, whether they dispatch or propose to dispatch the offer themselves or by an agent or nominee;

"officer", in relation to a corporation, means—

(a) a director, secretary or executive officer of the corporation;

(b) a receiver and manager of the property or any part of the property of the corporation appointed under a power contained in an instrument;

(c) an official manager or deputy official manager of the corporation appointed under the provisions of Part IX of the Companies Act, 1962-1980, or under the provisions of the law of a State other than South Australia or of a Territory that correspond with that Part;

(d) a liquidator of the corporation appointed in a voluntary winding up of the corporation;

and

(e) a trustee or other person administering a compromise or arrangement made between the corporation and its creditors,

but does not include—

(f) a receiver who is not also a manager;

(g) a receiver and manager appointed by a court;

or

(h) a liquidator appointed by a court;

"on-market offeror" means—

(a) a person who makes, or proposes to make, offers to acquire shares in accordance with section 17;

or

(b) 2 or more persons who together make, or propose to make, offers to acquire shares in accordance with section 17;

"Part A statement" means a statement in writing that complies with the requirements of Part A of the Schedule;

"Part B statement" means a statement in writing that complies with the requirements of Part B of the Schedule;

"Part C statement" means a statement in writing that complies with the requirements of Part C of the Schedule;

"Part D statement" means a statement in writing that complies with the requirements of Part D of the Schedule;

"prescribed condition", in relation to a take-over offer, means—

(a) a condition that will, in circumstances referred to in the condition, result in the rescission of, or entitle the offeror to rescind, a contract that results from an acceptance of the offer;

or

(b) a condition that prevents a binding contract from resulting from an acceptance of the offer unless or until the condition is fulfilled;

"prescribed interest" means an interest as defined in subsection 76 (1) of the Companies Act, 1962-1980;

"prescribed occurrence", in relation to a target company, means—

(a) any one or more of the provisions of the constituent documents of the target company or of a subsidiary of the target company being altered in any of the ways mentioned in subsection 62 (1) of the Companies Act, 1962-1980;

(b) the target company or a subsidiary of the target company resolving to reduce its share capital in any way;

(c) the target company or a subsidiary of the target company making an allotment of, or granting an option to subscribe for, any of its shares, or agreeing to make such an allotment or grant such an option;

(d) the target company or a subsidiary of the target company issuing, or agreeing to issue, convertible notes;

(e) the target company or a subsidiary of the target company disposing, or agreeing to dispose, of the whole, or a substantial part, of its business or property;

(f) the target company or a subsidiary of the target company charging, or agreeing to charge, the whole, or a substantial part, of its business or property;

(g) the target company or a subsidiary of the target company resolving that it be wound up;

(h) the appointment of a provisional liquidator of the target company or of a subsidiary of the target company;

(j) the making of an order by a court for the winding up of the target company or of a subsidiary of the target company;

(k) the target company or a subsidiary of the target company being placed under official management;

or

(l) the appointment of a receiver, or a receiver and manager, in relation to the whole, or a substantial part, of the property of the target company or of a subsidiary of the target company;

"recorded", in relation to a dealing in shares in a listed public company, means recorded by a stock exchange;

"regulations" means the provisions applying as regulations made under this Code by reason of section 6 of the Companies (Acquisition of Shares) (Application of Laws) Act, 1981;

"renounceable option" means an option to have an allotment of shares in a corporation made to the holder of the option, being an option that is capable of being assigned;

"securities", in relation to a corporation, means—

(a) shares in, or debentures of, the corporation;

(b) any right or option in respect of any such shares or debentures;

and

(c) any prescribed interest made available by the corporation;

"stock exchange" means a body corporate (whether or not incorporated in South Australia) that is declared by the regulations to be a stock exchange for the purposes of this Code;

"stock market" means a market, exchange or other place (whether or not in South Australia) at which, or a facility (whether or not in South Australia) by means of which, securities of corporations are regularly offered for sale, purchase or exchange;

"take-over announcement" means an announcement made in accordance with section 17;

"take-over offer" means an offer to acquire shares made under a take-over scheme;

"take-over scheme" means a take-over scheme referred to in section 16;

"target company" means—

(a) in relation to a take-over offer—the company for the acquisition of shares in which that offer has been, or is proposed to be, dispatched;

(b) in relation to a take-over scheme—the company shares in which are proposed to be acquired under the scheme;

and

(c) in relation to a take-over announcement—the company in relation to shares in which the take-over announcement has been, or is proposed to be, made;

"trading day", in relation to a stock exchange, means a day on which the stock market of that stock exchange is open for the sale, purchase or exchange of securities.

Provisions relating to acquisition and disposal of, and entitlement to, shares, and associated persons.

7. (1) For the purposes of this Code, a person shall be taken to acquire shares in a company (in this subsection referred to as the "shares concerned") if, and only if—

(a) he acquires a relevant interest in the shares concerned as a direct or indirect result of a transaction entered into by him or on his behalf in relation to those shares, in relation to any other securities of that company or in relation to securities of any other corporation;

or

(b) he acquires any legal or equitable interest in securities of that company or in securities of any other corporation and, as a direct or indirect result of the acquisition, another person acquires a relevant interest in the shares concerned.

(2) For the purposes of this Code, a person shall be taken to dispose of shares in a company if, and only if, having a relevant interest in those shares, he ceases to have a relevant interest in those shares as a result of the doing of any act, the entering into of any transaction or the occurrence of any circumstance.

(3) For the purposes of this Code, the shares in a company to which a person (in this subsection and subsection (4) referred to as the "person concerned") is entitled include—

(a) shares in which the person concerned has a relevant interest;

and

(b) except where the person concerned is a nominee corporation in respect of which a certificate by the Commission is in force under subsection (8)—shares in which a person who is an associate of the person concerned has a relevant interest.

(4) A reference in paragraph (3) *(b)* to a person who is an associate of the person concerned shall be construed as a reference to—

(a) if the person concerned is a corporation—

(i) a director or secretary of the corporation;

(ii) a corporation that is related to the person concerned; or

(iii) a director or secretary of such a related corporation;

(b) a person with whom the person concerned has, or proposes to enter into, an agreement, arrangement, understanding or undertaking, whether formal or informal and whether express or implied—

(i) by reason of which either of those persons may exercise, directly or indirectly control the exercise of, or substantially influence the exercise of, any voting power attached to shares in the company referred to in subsection (3);

(ii) with a view to controlling or influencing the composition of the board of directors, or the conduct of affairs, of the company referred to in subsection (3); or

(iii) under which either of those persons may acquire from the other of them shares in the company referred to in subsection (3) or may be required to dispose of such shares in accordance with the directions of the other of them;

(c) a person in concert with whom the person concerned is acting, or proposes to act, in relation to the acquisition or proposed acquisition of shares in the company referred to in subsection (3);

(d) a person with whom the person concerned is, or proposes to become, associated, whether formally or informally with a view to controlling or influencing the composition of the board of directors, or the conduct of affairs, of the company referred to in subsection (3);

(e) a person with whom the person concerned is, by virtue of the regulations, to be regarded as associated in relation to the acquisition or proposed acquisition of shares in the company referred to in subsection (3);

(f) a person with whom the person concerned is, or proposes to become, associated, whether formally or informally, in any other way in relation to shares in the company referred to in subsection (3);

or

(g) if the person concerned has entered into, or proposes to enter into, a transaction, or has done, or proposes to do, any other act or thing, with a view to becoming associated with another person as mentioned in paragraph *(b)*, *(c)*, *(d)*, *(e)* or *(f)*—that other person.

(5) A reference in this Code other than subsection (4) to a person associated with another person shall be construed as a reference to—

(a) if the other person is a corporation—

(i) a director or secretary of the corporation;

(ii) a corporation that is related to the other person; or

(iii) a director or secretary of such a related corporation;

(b) where the matter to which the reference relates is a take-over offer or take-over announcement relating to shares in a company, or the extent of a power to exercise, or to control the exercise of, the voting power attached to voting shares in a corporation—a person with whom the other person has, or proposes to enter into, an agreement, arrangement, understanding or undertaking, whether formal or informal and whether express or implied—

(i) by reason of which either of those persons may exercise, directly or indirectly control the exercise of, or substantially influence the exercise of, any voting power attached to a share in the company or corporation, as the case may be;

(ii) with a view to controlling or influencing the composition of the board of directors, or the conduct of affairs, of the company or corporation, as the case may be;

or

(iii) under which either of those persons may acquire from the other of them shares in the company or corporation, as the case may be, or may be required to dispose of such shares in accordance with the directions of the other of them;

(c) a person in concert with whom the other person is acting, or proposes to act, in respect of the matter to which the reference relates;

(d) a person with whom the other person is, by virtue of the regulations, to be regarded as associated in respect of the matter to which the reference relates;

(e) a person with whom the other person is, or proposes to become, associated, whether formally or informally, in any other way in respect of the matter to which the reference relates;

or

(f) if the other person has entered into, or proposes to enter into, a transaction, or has done, or proposes to do, any other act or thing, with a view to becoming associated with a person as mentioned in paragraph *(b)*, *(c)*, *(d)* or *(e)*—that last-mentioned person.

(6) A person shall not be taken to be an associate of another person by virtue of paragraph (4) *(b)*, *(c)*, *(d)*, *(f)* or *(g)* or to be associated with another person by virtue of paragraph (5) *(b)*, *(c)*, *(e)* or *(f)* by reason only that—

(a) one of those persons furnishes advice to, or acts on behalf of, the other person in a professional capacity;

(b) without limiting the generality of paragraph *(a)*, where the ordinary business of one of those persons includes dealing in securities—specific instructions are given to the person by or on behalf of the other person to acquire shares on behalf of the other person in the ordinary course of that business;

or

(c) one of those persons—

(i) has dispatched or proposes to dispatch to the other person a take-over offer in relation to shares in a company held by the other person;

or

(ii) has made, or proposes to make, a take-over announcement that relates to shares held by the other person.

(7) For the purposes of paragraphs (4) *(b)* and (5) *(b)*, it is immaterial that the power of a person to exercise, control the exercise of, or influence the exercise of, voting power is in any way qualified.

(8) The Commission may, in its discretion, issue to a nominee corporation a certificate declaring the nominee corporation to be an approved nominee corporation for the purposes of this section and may at any time, in its discretion, by notice in writing to the nominee corporation, revoke the certificate.

Other interpretative and evidentiary provisions.

8. (1) For the purposes of this Code, where the shares in a company are not divided into 2 or more classes, those shares shall be deemed to constitute a class.

(2) In this Code—

(a) a reference to an offeror who does not propose to acquire all the shares in a company that are included in a class of shares shall be construed as a reference to an offeror who has made offers under a take-over scheme in accordance with subparagraph 16 (2) *(a)* (i) in respect of shares included in that class of shares, being offers in which the number of shares specified in accordance with subparagraph 16 (2) *(f)* (iii) (or, if that number is expressed as a percentage, the number of shares represented by that percentage) is less than the total number of shares in the target company included in that class of shares (excluding any shares included in that class to which the offeror is entitled), and a reference to the number of shares proposed to be acquired by such an offeror shall be construed as a reference to the number of shares so specified;

and

(b) a reference to an offeror who proposes to acquire all the shares in a company that are included in a class of shares shall be construed as a reference to an offeror who has made offers under a take-over scheme in accordance with subparagraph 16 (2) *(a)* (i) in respect of shares included in that class of shares other than an offeror referred to in paragraph *(a)* of this subsection.

(3) A reference in this Code other than section 25 to the period during which an offer under a take-over scheme or made by virtue of a take-over announcement remains open shall, in the case of an offer that is accepted, be construed as a reference to the period during which the offer would have remained open if it had not been accepted.

(4) In relation to a company the whole or a portion of the share capital of which consists of stock, a reference in this Code to a number of shares (including a number expressed as a percentage) shall, in relation to an amount of stock, be construed as a reference to the amount of stock that represents that number of shares.

(5) For the purposes of this Code—

(a) a parcel of shares in a listed public company constitutes an odd lot if the number of shares in that parcel is less than one marketable parcel of shares in that company;

and

(b) if the number of shares in a parcel of shares in a listed public company is greater than one marketable parcel of shares in that company and, after excluding so many of the shares in that parcel as constitute a marketable parcel or marketable parcels of shares in that company, a number of shares remains, that remaining number of shares constitutes an odd lot.

(6) In this Code—

(a) a reference to an offeror or an on-market offeror shall, if 2 or more persons constitute an offeror or an on-market offeror, be construed as a reference to those persons or either or any of them;

and

(b) a reference to a person associated with an offeror or an on-market offeror shall, if 2 or more persons constitute an offeror or an on-market offeror, be construed as a reference to a person associated with those persons or with either or any of them.

(7) In this Code, a reference to entering into a transaction in relation to shares includes—

(a) a reference to entering into or becoming a party to an agreement, arrangement, understanding or undertaking, whether formal or informal and whether express or implied, in relation to shares;

and

(b) a reference to exercising an option to have shares allotted.

(8) In this Code, a reference to a corporation or to a body corporate includes a reference to an unincorporated society, association or other body that is for the time being declared by the Commission, by notice in writing published in the *Gazette*, to be a corporation or to be a body corporate, as the case may be, for the purposes of this Code.

(9) A reference in subsection 13 (3) or 40 (3) to an acquisition of shares in a company at an official meeting of a stock exchange in the ordinary course of trading on the stock market of that stock exchange does not include—

(a) a reference to an acquisition of shares pursuant to a transaction that is a "crossing" within the meaning of the business rules or listing rules of that stock exchange;

or

(b) a reference to an acquisition of shares pursuant to a transaction that, when it is reported to the relevant stock exchange, is, pursuant to the business rules or listing rules of that stock exchange, described as "special".

(10) In any proceedings under or arising out of this Code, a person shall, in the absence of proof to the contrary, be presumed to have been aware at a particular time of a fact or occurrence of which a servant or agent

of the person having duties or acting on behalf of his master or principal in connection with the matter to which the proceedings relate was aware at the time.

Relevant interest in shares.

9. (1) Subject to this section, a person has a relevant interest in a share in a corporation for the purposes of this Code if that person has power—

(a) where the share is a voting share—to exercise, or to control the exercise of, the right to vote attached to that share;

or

(b) to dispose of, or to exercise control over the disposal of, that share whether or not it is a voting share.

(2) It is immaterial for the purposes of this section whether the power of a person—

(a) to exercise, or to control the exercise of, the right to vote attached to a voting share;

or

(b) to dispose of, or to exercise control over the disposal of, a share,

is expressed or implied or formal or informal, is exercisable alone or jointly with another person or other persons, cannot be related to a particular share, or is, or is capable of being made, subject to restraint or restriction, and any such power exercisable by a person jointly with another person or other persons shall, for those purposes, be deemed to be exercisable by either or any of those persons.

(3) A reference in this section to power or control includes a reference to power or control that is direct or indirect or is, or is capable of being, exercised as a result of, or by means of, or in breach of, or by revocation of, trusts, agreements, arrangements, understandings and practices, or any of them, whether or not they are enforceable, and a reference in this section to a controlling interest includes a reference to such an interest as gives control.

(4) For the purposes of this section, where a body corporate has power—

(a) to exercise, or to control the exercise of, the right to vote attached to a voting share;

or

(b) to dispose of, or to exercise control over the disposal of, a share,

and—

(c) the body corporate is, or its directors are, accustomed or under an obligation, whether formal or informal, to act in accordance with the directions, instructions or wishes of a person in relation to the exercise of the power;

(d) a person has a controlling interest in the body corporate;

or

(e) a person has power to exercise, or to control the exercise of, the voting power attached to not less than the prescribed percentage of the voting shares in the body corporate,

that person shall be deemed to have the same power in relation to that share as the body corporate has.

(5) For the purposes of paragraph (4) *(e)*, a person shall be deemed to have the power referred to in that paragraph if—

(a) a person associated with the first-mentioned person has that power;

(b) persons associated with the first-mentioned person together have that power;

or

(c) the first-mentioned person and a person or persons associated with him together have that power.

(6) Where a person—

(a) has entered into an agreement with respect to an issued share;

(b) has a right relating to an issued share, whether the right is enforceable presently or in the future and whether on the fulfilment of a condition or not;

or

(c) has an option with respect to an issued share,

and, on performance of the agreement, enforcement of the right or exercise of the option, as the case may be, that person would have a relevant interest in the share, he shall, for the purposes of this section, be deemed to have that relevant interest in the share.

(7) For the purposes of this section, where a body corporate is deemed by subsection (6) to have a relevant interest in a share in a corporation and—

(a) the body corporate is, or its directors are, accustomed or under an obligation, whether formal or informal, to act in accordance with the directions, instructions or wishes of a person in relation to the exercise of, or the control of the exercise of, the right to vote attached to shares in the corporation, or in relation to the disposal of, or the exercise of control over the disposal of, shares in the corporation;

(b) a person has a controlling interest in the body corporate;

or

(c) a person has power to exercise, or to control the exercise of, the voting power attached to not less than the prescribed percentage of the voting shares in the body corporate,

that person shall be deemed to have a relevant interest in that share.

(8) A relevant interest in a share shall be disregarded—

(a) if the ordinary business of the person who has the relevant interest includes the lending of money and he has authority to exercise his powers as the holder of the relevant interest only by reason of a security given for the purposes of a transaction entered into in the ordinary course of business in connection with the lending of money, not being a transaction entered into with a person associated with the first-mentioned person;

(b) if the relevant interest is that of a person who has it by reason of his holding a prescribed office;

(c) if the share is subject to a trust, the relevant interest is that of a trustee and—

(i) a beneficiary is deemed, by subsection (6), to have a relevant interest in the share by virtue of a presently

enforceable and unconditional right referred to in paragraph *(b)* of that subsection;

or

(ii) the trustee is a bare trustee;

(d) if the ordinary business of the person who has the relevant interest includes dealing in securities and he has authority to exercise his powers as the holder of the relevant interest only by reason of instructions given to him by or on behalf of another person to dispose of that share on behalf of the other person in the ordinary course of business;

or

(e) if the relevant interest is that of a person who has it by reason of his having been appointed as a proxy or representative to vote at a meeting of members, or of a class of members, of a corporation, not being an appointment in return for the making of which the person or a person associated with the person provided valuable consideration.

(9) For the purposes of subparagraph (8) *(c)* (ii), a trustee shall not be taken not to be a bare trustee by reason only of the fact that the trustee is entitled in his capacity as a trustee to be remunerated out of the income or property of the trust.

(10) A relevant interest in a share shall not be disregarded by reason only of—

(a) its remoteness;

or

(b) the manner in which it arose.

(11) A reference in this section to the prescribed percentage is a reference to 20% or, where a lesser percentage is prescribed by regulations in force for the time being for the purposes of section 11, a reference to that lesser percentage.

Persons to whom Code applies.

10. (1) This Code applies to and in relation to all natural persons, whether resident in South Australia or in Australia or not and whether Australian citizens or not, and to all bodies corporate or unincorporate, whether incorporated or carrying on business in South Australia or in Australia or not, and extends to acts done or omitted to be done outside South Australia, whether in Australia or not.

(2) Nothing in subsection (1) extends the definition of "company" in section 6 so as to include a body corporate that is not incorporated in South Australia.

PART II

CONTROL OF ACQUISITION OF SHARES

Restriction on acquisition of shares.

11. (1) Except as provided by this Code, a person shall not, either alone or together with another person or other persons, acquire shares in a company if any person who is not entitled to any voting shares in the company or is entitled to less than the prescribed percentage of the voting shares in the company would, immediately after the acquisition, be entitled to more than the prescribed percentage of the voting shares in the company.

(2) Except as provided by this Code, a person shall not, either alone or together with another person or other persons, acquire shares in a company if any person (in this subsection referred to as a "relevant person") who is entitled to not less than the prescribed percentage, but less than 90%, of the voting shares in the company would, immediately after the acquisition, be entitled to a greater percentage of the number of voting shares in the company than the percentage to which that relevant person was entitled immediately before the acquisition.

(3) A person shall not offer to acquire, or issue an invitation in relation to, shares in a company if the person is prohibited by subsection (1) or (2) from acquiring those shares.

(4) It is a defence to a prosecution for a contravention of this section if the defendant establishes that the contravention was due to his inadvertence or mistake or to his not being aware of a relevant fact or occurrence.

(5) An acquisition of shares is not invalid by reason of a contravention of this section.

(6) * * * * * * * * * *

(7) A reference in this section to the prescribed percentage is a reference to 20% or, where a lesser percentage is prescribed by regulations in force for the time being for the purposes of this section, a reference to that lesser percentage.

Acquisitions to which section 11 does not apply.

12. Section 11 does not apply to or in relation to—

(a) an acquisition of shares by will or by operation of law;

(b) an acquisition of shares by virtue of an allotment or purchase pursuant to a prospectus—

(i) that contained an invitation to the public to subscribe for or purchase the shares or an offer to the public to accept subscriptions for or to sell the shares;

and

(ii) a copy of which has been registered under Division 1 of Part IV of the Companies Act, 1962-1980;

(c) an acquisition of shares in a company by virtue of an allotment made in accordance with a proposal particulars of which were set out in a prospectus where—

(i) the prospectus was the first prospectus issued by the company;

(ii) the person who acquired the shares was a promoter in respect of the prospectus;

and

(iii) a copy of the prospectus has been registered under Division 1 of Part IV of the Companies Act, 1962-1980;

(d) an acquisition of shares by virtue of an allotment or purchase of shares pursuant to—

(i) an underwriting agreement particulars of which were set out in a prospectus a copy of which has been registered under Division 1 of Part IV of the Companies Act, 1962-1980;

or

(ii) a sub-underwriting agreement that is related to such an underwriting agreement,

where the prospectus contained an invitation to the public to subscribe for or purchase the shares or an offer to the public to accept subscriptions for or to sell the shares;

(e) an acquisition of shares by virtue of an allotment made by a company that has not commenced any business and has not exercised any borrowing power;

(ea) an acquisition of shares pursuant to a compromise or arrangement approved by the Court under Part VII of the Companies Act, 1962-1980;

(f) an acquisition of shares pursuant to section 270 of the Companies Act, 1962-1980;

(g) an acquisition of shares in a company by virtue of an allotment or purchase where the company has agreed to the allotment or purchase by a resolution passed at a general meeting at which no votes were cast in relation to the resolution in respect of any shares held by—

(i) the person to whom the first-mentioned shares were to be allotted or by whom or from whom the first-mentioned shares were to be purchased, as the case may be;

or

(ii) a person associated with a person referred to in sub-paragraph (i);

(h) an acquisition of shares resulting from the exercise by a person of a renounceable option or of an option or right granted or conferred by a convertible note, where, if the person had acquired the shares at the time when he acquired the renounceable option or the convertible note, as the case may be, the acquisition of the shares would not, by reason of subsection 13 (3), have contravened this Code;

(j) an acquisition of shares by a person as a result of the acceptance by that person of a take-over offer, where the shares constituted, or formed part of, the consideration for the take-over offer;

(k) an acquisition of shares in a company as a result of the acquisition of shares in another corporation that are listed for quotation on the stock market of a stock exchange;

(l) an acquisition of shares by a person whose ordinary business includes the lending of money where the acquisition results

from the exercise by that person of a power in relation to the shares conferred on or vested in him pursuant to, by reason of or in connection with a transaction in connection with the lending of money entered into by him in the ordinary course of that business, not being a transaction entered into with a person associated with the first-mentioned person;

(m) an acquisition of forfeited shares at an auction conducted at a place at which, or by a facility by means of which, a stock exchange maintains or provides a stock market;

(n) any other acquisition of shares made in a prescribed manner or in prescribed circumstances;

or

(o) any other acquisition of shares approved by the Commission in writing.

Acquisition of shares permitted in certain circumstances.

13. (1) Section 11 does not—

(a) prohibit the acquisition of shares in a company that does not have more than 15 members;

or

(b) prohibit the acquisition of shares in a proprietary company that has more than 15 members where the members of the company have consented in writing to the provisions of this Code not applying to or with respect to the acquisition,

if the acquisition would not result in—

(c) a contravention of section 11 in relation to the acquisition of shares in another company;

or

(d) a contravention of a provision of a law of a State other than South Australia or of a Territory that corresponds with section 11 in relation to the acquisition of shares in a corporation in relation to which that provision applies.

(2) For the purposes of subsection (1), 2 or more persons holding jointly shares in a company shall be deemed to be one member of the company.

(3) Subject to subsection (4), section 11 does not—

(a) prohibit the acquisition of shares in a company at an official meeting of a stock exchange, in the ordinary course of trading on the stock market of that stock exchange, during the period commencing when a Part A statement relating to offers under a relevant take-over scheme in respect of shares in that company of the same class as the first-mentioned shares is served on the company and ending at the expiration of 28 days after the day on which the Part A statement is served or, if take-over offers are dispatched pursuant to the Part A statement within those 28 days, at the expiration of the period during which those take-over offers remain open, by the offeror under that take-over scheme;

or

(b) prohibit the acquisition of shares in a company at an official meeting of a stock exchange, in the ordinary course of trading on the stock market of that stock exchange, during the period

commencing when a take-over announcement is made in relation to shares in that company of the same class as the first-mentioned shares and ending at the expiration of the period in which offers constituted by that announcement remain open, by the on-market offeror who caused the announcement to be made.

(4) For the purposes of subsection (3), a take-over scheme is a relevant take-over scheme if, and only if—

(a) the offeror proposes to acquire all the shares in the company that are included in the class of shares to which the take-over scheme relates, other than shares to which the offeror was entitled at the time when the relevant Part A statement was served;

and

(b) no offer under the take-over scheme is subject to any prescribed condition other than any one or more of the following conditions:

(i) a condition that the offeror receives an acceptance or acceptances of an offer or offers under the take-over scheme in respect of a number of shares referred to in the condition, being a number that does not exceed a number equivalent to 90% of the shares in the company included in the class of shares concerned;

(ii) a condition that a prescribed occurrence in relation to the target company does not take place;

(iii) any other condition approved by the Commission.

(5) Where—

(a) a Part A statement relating to offers under a take-over scheme is served on a company;

(b) after the Part A statement is served the offeror referred to in the Part A statement acquires shares in the target company;

(c) the acquisition of those shares would, but for paragraph (3) *(a)*, have contravened section 11;

and

(d) the offeror does not dispatch the offers to which the Part A statement relates within the period of 28 days after the Part A statement is served on the target company,

the offeror is not entitled, without the consent of the Commission, to exercise, or to authorize another person to exercise, any voting rights attached to the shares referred to in paragraph *(b)* of this subsection.

Pari passu allotments.

14. (1) Section 11 does not prohibit the acquisition of shares in a company pursuant to an allotment if—

(a) the requirements set out in subsection (2) have been complied with in relation to the allotment;

and

(b) the allotment—

(i) is made to a person as a result of the acceptance by that person of an offer made to him in accordance with paragraph (2) *(b)*;

(ii) is made to a person in his capacity as an underwriter or sub-underwriter in relation to the allotment;

or

(iii) is made to a nominee in accordance with subsection (3).

(2) The requirements referred to in subsection (1) are as follows:

(a) the directors of the company shall pass a resolution agreeing to make available a number of shares in, or ascertained in accordance with, the resolution for allotment to all persons who were registered as the holders of shares in the company, or to all persons who were registered as the holders of voting shares in the company, on the date specified in the resolution;

(b) the company shall make an offer to each person to allot to him such number of those shares as he agrees to subscribe for, being a number that does not exceed the number specified in the offer in accordance with paragraph *(c)*;

and

(c) the number of shares to be specified in an offer for the purposes of paragraph *(b)* is the number that bears to the total number of shares agreed to be made available in accordance with paragraph *(a)* as nearly as practicable the same proportion as the number of shares in the company, or the number of voting shares in the company, as the case may be, held by the person to whom the offer is made immediately before the date specified in the resolution bears to the total number of shares in the company, or the total number of voting shares in the company, as the case may be, immediately before that date.

(3) A company shall be deemed to comply with the requirements of subsection (2) in relation to the holders of shares in the company whose addresses as shown in the register of members are places outside Australia and the external Territories (in this subsection referred to as "foreign shareholders") if the company, in lieu of making offers to the foreign shareholders in accordance with subsection (2)—

(a) allots to a nominee approved—

(i) where the company is a listed public company—by the stock exchange that is the home exchange in relation to the company;

or

(ii) where the company is not a listed public company—by the Commission,

a number of shares equal to the number of shares in respect of which the company would, but for this subsection, be required to make offers to foreign shareholders in accordance with subsection (2);

(b) causes the shares so allotted to be offered for sale in such manner, at such price and on such other terms and conditions as are approved by that stock exchange or the Commission, as the case may be;

and

(c) pays to each of the foreign shareholders so much of the amount (if any) remaining after deducting from the proceeds of sale—

(i) the expenses of the sale;

and

(ii) the amounts (if any) payable to the company in respect of the allotment of the shares,

as bears to that remaining amount the same proportion as the number of shares in respect of which the company would, but for this subsection, be required to make an offer to the foreign shareholder concerned in accordance with subsection (2) bears to the total number of shares allotted to the nominee in accordance with paragraph *(a)* of this subsection.

Acquisition of not more than 3% of voting shares permitted in each 6 months.

15. (1) Section 11 does not prohibit an acquisition of voting shares in a company by reason of the effect of the acquisition on the entitlement to voting shares in the company of a person (in this section referred to as a "relevant person") if the relevant person has been entitled to not less than the prescribed percentage of the voting shares in the company for a continuous period of not less than 6 months immediately preceding the acquisition and the number ascertained in accordance with the formula $\frac{100\ (a+b-c)}{d}$ does not exceed 3, where—

a is the number of voting shares to be acquired;

b is the number of voting shares in the company that were acquired by any person during the period of 6 months immediately preceding the first-mentioned acquisition, being voting shares the acquisition of which by the person concerned increased the number of voting shares in the company to which the relevant person was entitled;

c is the number of voting shares in the company that were disposed of by any person during the period of 6 months immediately preceding the first-mentioned acquisition, being voting shares the disposal of which by the person concerned decreased the number of voting shares in the company to which the relevant person was entitled;

d is the number of voting shares in the company.

(2) A reference in subsection (1) to the prescribed percentage is—

(a) a reference to 19%;

or

(b) where a lesser percentage is prescribed by regulations in force for the time being for the purposes of this section—a reference to that lesser percentage.

Take-over offers.

16. (1) Section 11 does not prohibit the acquisition of shares in a company as a result of the acceptance of offers to acquire those shares made under a take-over scheme in relation to that company.

(2) For the purposes of this Code, offers to acquire shares are made under a take-over scheme if, and only if, the offers relate only to shares included in a class of shares (in this section referred to as the "relevant class of shares") and—

(a) one of the following sub-paragraphs is applicable in relation to the offers:

(i) each offer relates to all the shares in the target company included in the relevant class of shares that the offeree holds, whether the offeror proposes to acquire all the shares in the target company to which he is not already entitled that are included in the

relevant class of shares or proposes to acquire only a proportion of the shares in the target company to which he is not already entitled that are included in the relevant class of shares;

(ii) each offer relates to a proportion of the shares in the target company included in the relevant class of shares that the offeree holds, being a proportion that is the same in respect of each offer;

(b) the offers are the same disregarding—

(i) the fact that the offerees are different persons and the fact that the number of shares that may be acquired under each offer is limited by the number of shares held by the offeree;

and

(ii) any differences in the consideration specified for each share in the offers that are attributable only to the fact that the offers relate to shares having different accrued dividend entitlements or relate to shares on which different amounts are paid up;

(c) an offer is dispatched in a manner approved by the Commission to each holder of shares in the target company (other than the offeror) included in the relevant class of shares;

(d) the offeror has, not earlier than 28 days and not later than 14 days before the offers are dispatched, served on the target company—

(i) a Part A statement relating to the offers that—

(A) is signed, where the offeror is, or includes, a natural person or natural persons, by that person or by each of those persons and, where the offeror is, or includes, a corporation or corporations, by not less than 2 directors of the corporation, or by 2 directors of each of those corporations, authorized so to sign pursuant to a resolution passed at a meeting of the directors, or, in the case of a corporation that has only one director, by that director;

and

(B) has endorsed on it a statement that a copy of the Part A statement has been registered by the Commission and that the Commission takes no responsibility as to its contents and specifying the date on which the copy was so registered;

and

(ii) a copy of one of the proposed offers to which the Part A statement referred to in subparagraph (i) relates, being a copy that need not include the name or address of the offeree, the date that the offer will bear or any other date that is related to or dependent upon that date or the particulars referred to in subparagraph *(f)* (iv);

(e) the offeror has, on the day on which the Part A statement is served under paragraph *(d)*—

(i) lodged with the Commission a notice in writing stating that the Part A statement has been so served;

and

(ii) if the target company is a listed public company—served on the stock exchange that is the home exchange in relation to that company a copy of each of the documents served on that company in accordance with paragraph *(d)*;

and

(f) each offer is in writing and—

(i) bears the same date, being a date that is not more than 3 days before the date on which the offer is dispatched and is not later than the date on which the offer is dispatched;

(ii) states that the offer will, unless withdrawn, remain open during a period ending on a specified date, being a date that is not earlier than one month, or later than 6 months, after the date that the offer bears;

(iii) in the case of an offer that relates to all the shares held by the offeree in the target company that are included in the relevant class of shares—specifies the maximum number of shares included in that class that are proposed to be acquired after the Part A statement is served but before the expiration of the period in which the offer remains open (which may be expressed as a number of shares or as a percentage of the total number of shares included in that class of shares or of the total number of shares included in that class of shares to which the offeror is not entitled);

(iv) specifies the number of shares included in each class of shares in the target company to which the offeror was entitled immediately before the offer was dispatched (which may be expressed as a number of shares or as a percentage of the total number of shares included in the class of shares concerned);

(v) in the case of an offer that is subject to a prescribed condition—specifies a date, being a date that is not less than 7 days and not more than 14 days before the end of the period during which the offer remains open, for the publication of the notice referred to in subsection 28 (4);

(vi) sets out how the obligations of the offeror are to be satisfied;

(vii) contains a provision setting out when the obligations of the offeror are to be satisfied, being a provision under which the consideration for the offer is to be paid or provided—

(A) in the case of an offer that is not subject to a prescribed condition—within 30 days after the offer is accepted;

or

(B) in the case of an offer that is subject to a prescribed condition—within 30 days after the offer is accepted or the offer or the contract resulting from the acceptance of the offer becomes unconditional, whichever is the later;

and

(viii) is accompanied by—

(A) a copy of the Part A statement referred to in subparagraph *(d)* (i);

and

(B) if the target company has given to the offeror a Part B statement in relation to the offers—a copy of that statement and a copy of any report that accompanied that statement.

(3) A Part A statement referred to in this section may contain, in addition to the information referred to in Part A of the Schedule, such information as the offeror thinks fit, not being information that is false in a material particular or materially misleading in the form or context in which it appears.

Take-over announcements.

17. (1) Section 11 does not prohibit the acquisition of shares in a listed public company if—

(a) the shares are acquired as a result of the acceptance of offers made in accordance with this section;

(b) the requirements of this section that are applicable to the person acquiring the shares are complied with;

and

(c) the acquisition of shares does not take place pursuant to a transaction that is a 'crossing' within the meaning of the business rules or listing rules of the stock exchange that is the home exchange in relation to the listed public company.

(2) Subject to the following provisions of this section, a person, or 2 or more persons together, may make offers to acquire shares in a listed public company that are included in a class of shares by causing an announcement to be made on his or their behalf by a member of the stock exchange that is the home exchange in relation to that company at an official meeting of that stock exchange to the effect that, during the period of one month commencing on the first trading day after the expiration of 14 days after the day on which the announcement is made, the member offers, on behalf of that person or those persons, to acquire, at a cash price per share specified in the announcement, all the shares included in that class of shares in that company in respect of which any such offers are accepted—

(a) at an official meeting of that stock exchange;

or

(b) if the offers cannot be accepted at a particular meeting of that stock exchange, whether by reason that the member of the stock exchange by whom or on whose behalf the announcement was made or his representative is not present at the meeting or the committee of management, board of directors or other governing authority of that stock exchange do not or does not permit dealings in the shares at that meeting or otherwise—by notice in writing signed by or on

behalf of a holder of shares to which the offers relate and served on that stock exchange on the day on which that meeting is held.

(3) Except with the consent of the Commission, a person is not entitled, or 2 or more persons together are not entitled, to make offers pursuant to subsection (2) in relation to shares in a company if that person, or either or any of those persons—

(a) is entitled to not less than 30% of the voting shares in the company;

or

(b) in the case of a company the voting shares in which are divided into 2 or more classes of shares—is entitled to not less than 30% of the shares in one of those classes.

(4) For the purposes of this section, an announcement made at an official meeting of a stock exchange by a representative of a member of a stock exchange shall be deemed to have been made by the member.

(5) Where a notice accepting an offer made by virtue of an announcement made at a meeting of a stock exchange in South Australia by a member of that stock exchange pursuant to subsection (2) or the corresponding provision of a law of a State other than South Australia or of a Territory is served on the stock exchange in accordance with that subsection or that corresponding provision, the stock exchange shall as soon as practicable notify that member of the stock exchange of the acceptance of the offer.

(6) The price to be specified in an announcement made in accordance with subsection (2) on behalf of an on-market offeror in respect of a class of shares in a company as the price per share at which shares will be acquired shall, if the on-market offeror or a person associated with the on-market offeror, in the 4 months immediately preceding the day of the announcement, purchased or agreed to purchase shares in that company included in that class of shares, be not less than the highest price per share paid or agreed to be paid in respect of any of those shares pursuant to any such purchase or agreement to purchase.

(7) Where, in the 4 months immediately preceding the date of a take-over announcement, the on-market offeror or a person associated with the on-market offeror has entered into an agreement for the purchase of a share or shares in the target company, being an agreement that provides that the price specified in the agreement as the price payable for the share or any of the shares may be increased in accordance with the terms of the agreement, then, for the purposes of subsection (6), the price agreed to be paid for the share or any of the shares shall be taken to be the price so specified in the agreement.

(8) Nothing in this section prohibits an on-market offeror from acquiring in accordance with paragraph 13 (3) *(b)*, during the period commencing when the take-over announcement is made and ending at the expiration of the sixth trading day before the expiration of the period in which offers constituted by the take-over announcement remain open, shares to which the relevant take-over announcement relates at a price (in this subsection referred to as a "relevant price") that is higher than the price specified in the announcement or is higher than any price that is deemed by a previous operation of this subsection or of subsection (11) to be specified in the announcement but, if the on-market offeror acquires shares at a relevant price during that period, that relevant price shall, for the purposes

of any offer that is accepted after the acquisition takes place, be deemed to be the price specified in the announcement unless and until another price is deemed by virtue of the operation of this subsection or of subsection (11) to be specified in the announcement.

(9) An on-market offeror shall not, during the period commencing at the end of the period referred to in subsection (8) and ending at the expiration of the period during which offers constituted by the take-over announcement remain open, acquire shares to which the take-over announcement relates at a price that is higher than the price that, at the expiration of the period referred to in subsection (8), is, or is deemed to be, the price specified in the announcement.

(10) An on-market offeror who makes offers constituted by a take-over announcement in relation to shares in a company shall—

(a) on the day on which the announcement is made—

(i) serve on the target company a Part C statement relating to the offers that is signed, where the on-market offeror is, or includes, a natural person or natural persons, by that person or by each of those persons and, where the on-market offeror is, or includes, a corporation or corporations, by not less than 2 directors of the corporation, or by 2 directors of each of those corporations, authorized so to sign pursuant to a resolution passed at a meeting of the directors, or, in the case of a corporation that has only one director, by that director;

(ii) serve a copy of the statement on the stock exchange that is the home exchange in relation to the target company;

and

(iii) lodge a copy of the statement with the Commission;

and

(b) within 14 days after the day on which the announcement is made, dispatch a copy of the statement in a manner approved by the Commission to each holder of shares included in the class of shares to which the announcement relates.

(11) If, at any time after the making of a take-over announcement and before the end of the period during which offers constituted by the take-over announcement remain open—

(a) the target company makes an allotment of, or grants an option to subscribe for, any of its shares, or agrees to make such an allotment or to grant such an option;

(b) the target company issues, or agrees to issue, convertible notes; or

(c) the target company declares a dividend,

the on-market offeror may, with the consent of the Commission, cause an announcement to be made on behalf of the on-market offeror by a member of the stock exchange that is referred to in subsection (2) at an official meeting of that stock exchange stating that a specified lower price per share is to be substituted for the price per share specified in the take-over announcement and, where such an announcement is made, that lower price shall, unless and until a different price is deemed to be specified in the take-over announcement by virtue of the operation of this subsection or of subsection (8), be deemed to be the price specified in the take-over announcement.

(12) An on-market offeror who has made offers constituted by a take-over announcement in relation to shares in a company may cause an announcement to be made on his behalf by a member of the stock exchange that is referred to in subsection (2) at an official meeting of that stock exchange before the expiration of the sixth trading day before—

(a) the end of the period of one month referred to in that subsection;

or

(b) if that period has been extended pursuant to the previous exercise on one or more occasions of the power conferred by this subsection—the end of the extended period,

extending that period or that extended period, as the case may be, for a further period of one month, but so that the total period for which the offers remain open does not exceed 6 months.

(13) Where an on-market offeror causes an announcement to be made pursuant to subsection (11) or (12), the on-market offeror shall, on the day on which the announcement is made—

(a) serve on the stock exchange at an official meeting of which the announcement is made and on the target company;

and

(b) lodge with the Commission,

a notice setting out the terms of the announcement.

(14) Subject to section 33, offers constituted by an announcement made in accordance with subsection (2) of this section remain open for the period of one month referred to in that subsection or, if that period has been extended in accordance with subsection (12) of this section, for that period as so extended.

(15) Where an offer to acquire shares in a company or other corporation that is made by virtue of an announcement made at a meeting of a stock exchange in South Australia by a member of that stock exchange in accordance with subsection (2) or the corresponding provision of a law of a State other than South Australia or of a Territory is accepted—

(a) if the member is not acting as agent for a member of another stock exchange—the member who made the announcement;

or

(b) if the member is acting as agent for a member of another stock exchange—the member of that other stock exchange,

shall be deemed to have contracted as principal with the person who (whether on his own behalf or on behalf of another person) accepted the offer to acquire the shares to which the acceptance relates, but nothing in this subsection affects the rights and obligations between the member who is so deemed to have contracted as principal and the on-market offeror.

(16) Where, in respect of a contract that resulted from the acceptance of an offer made by virtue of a take-over announcement, a member of a stock exchange who contracted, or is deemed by subsection (15) to have contracted, as principal with the person who accepted the offer was, at the time when the contract was made, a partner in a partnership that carried on a business of dealing in securities, any liabilities of the member arising by reason of his so having contracted, or being deemed to have contracted, as principal are joint and several liabilities of the persons who were the partners in the partnership at that time.

(17) A Part C statement referred to in paragraph (10) *(a)* may contain, in addition to the information referred to in Part C of the Schedule, such information as the on-market offeror thinks fit, not being information that is false in a material particular or materially misleading in the form or context in which it appears.

(18) A reference in this section to a member of the stock exchange that is the home exchange in relation to a company shall be construed as including a reference to a member of another stock exchange who is entitled to trade in securities on the stock market of the first-mentioned stock exchange.

(19) A reference in this section to a representative of a member of a stock exchange includes a reference to—

(a) an employee of the member;
and

(b) if the member is a partner in a partnership that carries on a business of dealing in securities—

(i) another partner in the partnership;
or

(ii) an employee of the partnership.

PART III

PROVISIONS RELATING TO TAKE-OVER OFFERS

Registration of Part A statements and offers.

18. (1) A person, or 2 or more persons together, shall not cause a Part A statement to be served on a target company unless—

(a) a copy of that Part A statement;
and

(b) a copy of one of the proposed offers to which that Part A statement relates, being a copy that need not include—

(i) the name or address of the offeree;

(ii) the date that the offer will bear or any other date that is related to or dependent upon that date;

or

(iii) the particulars referred to in subparagraph 16 (2) *(f)* (iv),

have been registered by the Commission not earlier than 21 days before that Part A statement is served.

(2) Where a copy of a Part A statement and a copy of a proposed offer are lodged with the Commission for registration under subsection (1), the Commission shall not register the copy of the statement or the copy of the proposed offer unless—

(a) the statement and proposed offer appear to comply with the requirements of this Code and the Commission is of the opinion that the statement and the proposed offer do not contain any matter that is false in a material particular or materially misleading in the form or context in which it appears;
and

(b) in respect of each report referred to in paragraph 1 *(e)* of Part A of the Schedule that is set out in the copy of the statement—there is lodged with the Commission a notice in writing signed by the person or persons by whom the report is made to the effect that the person consents, or that each of those persons consents, to the inclusion of the report in the statement in the form and context in which it is included.

(3) A Part A statement served on a target company in contravention of this section shall, for the purposes of this Code other than this section and section 44, be deemed not to have been served.

Extension of time for paying consideration.

19. (1) The Commission may, on application made by an offeror before the time by which the consideration specified in the relevant take-over offer is required by the terms of the offer to be paid or provided, fix a later time as the time by which that consideration is to be paid or provided and, where a later time is so fixed, the offer or, if the offer has been accepted, the contract that resulted from the acceptance shall be deemed to be varied accordingly.

(2) An offeror shall ensure that the consideration specified in the relevant take-over offer is paid or provided not later than the time by which that consideration is required by the terms of that take-over offer to be paid or provided or, if a later time has been fixed under subsection (1), not later than the time so fixed.

Take-over offers not to be subject to certain terms or conditions.

20. (1) An offeror shall not make a take-over offer that requires the offeree to approve or consent to—

(a) a payment or other benefit being made or given to a director, secretary or executive officer of the target company as compensation for loss of, or as consideration for or in connection with his retirement from, his office as director, secretary or executive officer or any other office in connection with the management of affairs of the target company or of a corporation that is related to the target company;

or

(b) a payment or other benefit being made or given to a director, secretary or executive officer of a corporation that is related to the target company as compensation for loss of, or as consideration for or in connection with his retirement from, office as director, secretary or executive officer or any other office in connection with the management of affairs of the target company or of a corporation that is related to the target company,

and any such requirement is void.

(2) An offeror shall not make a take-over offer subject to a prescribed condition (however expressed) that the offeror receives an acceptance or acceptances of an offer or offers under the relevant take-over scheme in respect of a number of shares referred to in the take-over offer unless that number of shares is specified in the take-over offer, and—

(a) any provision in the take-over offer by virtue of which the number so specified may be varied is void;

and

(b) if a take-over offer is made subject to a condition in contravention of this subsection, the condition is void.

(3) The number of shares specified in a take-over offer in accordance with subsection (2) may be expressed as a number of shares or as a percentage of the total number of shares included in the class of shares to which the take-over offer relates or of the total number of shares included in that class of shares to which the offeror is not entitled.

Withdrawal of offers.

21. (1) A take-over offer is not capable of being withdrawn without the consent of the Commission during the period of 14 days after the day on which the offer was dispatched.

(2) A take-over offer is not capable of being withdrawn unless at the same time the offeror withdraws all other offers under the relevant take-over scheme that have not been accepted and, if the offeror so withdraws take-over offers—

(a) a contract that resulted from the acceptance of any other offer under the take-over scheme is voidable at the option of the offeree by notice in writing given to the offeror not later than one month after the take-over offers are withdrawn;

and

(b) no contract that resulted from the acceptance of any other offer under the take-over scheme is voidable at the option of the offeror by reason of the withdrawal of the take-over offers notwithstanding anything contained in that contract or in any agreement, arrangement, understanding or undertaking relating to that contract.

(3) Where a take-over offer or take-over offers is or are withdrawn, the person withdrawing the take-over offer or take-over offers shall—

(a) forthwith dispatch in a manner approved by the Commission to every person who, by virtue of the withdrawal, has an option under subsection (2) to rescind a contract referred to in that subsection a notice in writing informing that person of the withdrawal and setting out the terms of that subsection;

and

(b) on the day on which notices under paragraph *(a)* are dispatched—

(i) serve on the target company;

(ii) lodge with the Commission;

and

(iii) if the target company is a listed public company—serve on the stock exchange that is the home exchange in relation to that company,

a copy of one of the notices dispatched in accordance with paragraph *(a)*.

(4) For the purpose of calculating the period of one month referred to in paragraph (2) *(a)*, the take-over offers referred to in that paragraph shall be taken to have been withdrawn on the day on which notices are dispatched to offerees under paragraph (3) *(a)*.

(5) A take-over offer dispatched pursuant to an order made by the Court under paragraph 46 (1) *(f)* is not capable of being withdrawn without the approval of the Commission.

Part B statement.

22. (1) Where a target company receives a Part A statement served under paragraph 16 (2) *(d)*, the target company shall—

(a) not later than 14 days after receipt of the Part A statement, give a Part B statement to the offeror;

or

(b) not later than 14 days after the receipt of the notice mentioned in subsection 24 (1), give a Part B statement to the offeror and a copy of that statement to each person to whom an offer to which the Part A statement relates was made.

(2) The Part B statement shall—

(a) be signed by all the directors of the target company or by not less than 2 directors of the target company authorized so to sign pursuant to a resolution passed at a meeting of the directors or, in the case of a company that has only one director, by that director;

or

(b) if the company is in the course of being wound up or is under official management—be signed by the liquidator or official manager, as the case may be.

(3) A Part B statement shall not refer to any report made by an expert (other than a report set out in the Part A statement or a report that accompanies the Part B statement in accordance with section 23) unless—

(a) the report is set out in the Part B statement;

and

(b) the Part B statement contains or is accompanied by a statement that the person or each of the persons by whom the report is made consents to the inclusion of the report in the form and context in which it is included.

(4) A target company that gives a Part B statement under subsection (1) shall, on the day on which the Part B statement is given—

(a) if the company is a listed public company—serve on the stock exchange that is the home exchange in relation to the company a copy of the Part B statement and of any report or statement accompanying the Part B statement;

and

(b) lodge with the Commission—

(i) a copy of the Part B statement and of any report or statement accompanying the Part B statement;

and

(ii) in respect of any report accompanying the Part B statement—a notice in writing signed by the person or persons by whom the report is made to the effect that the person consents, or that each of those persons consents, to the report accompanying the Part B statement.

(5) A Part B statement may contain, in addition to the information referred to in Part B of the Schedule, such information (not being information that is false in a material particular or materially misleading in the form or context in which it appears) as the directors of the target company, or the liquidator or official manager, as the case may be, think or thinks fit.

Offeror connected with target company.

23. (1) Where—

(a) take-over offers are, or are to be, made in respect of shares in a company by an offeror who has a prescribed shareholding in the target company;

(b) take-over offers are, or are to be, made in respect of shares in a company by an offeror that is or includes a natural person who is a director of the target company;

or

(c) take-over offers are, or are to be, made in respect of shares in a company by an offeror that is or includes a corporation or corporations, and a director or directors of the target company is or are a director or directors of that corporation or of either or any of those corporations,

the Part B statement given in accordance with subsection 22 (1) shall be accompanied by a copy of a report made by an expert (not being a person who is associated with the offeror or with the target company) stating whether in his opinion, the take-over offers are fair and reasonable and setting out his reasons for forming that opinion.

(2) Where the target company obtains 2 or more reports each of which could be used for the purposes of compliance with subsection (1), the Part B statement given by the company shall be accompanied by a copy of each report.

(2A) Where—

(a) a target company obtains a report for the purposes of compliance with subsection (1);

and

(b) the report contains a statement to which subsection 37 (2) or 38 (2) would apply if the statement were to be made or issued by the target company,

the report shall not be used for the purposes of compliance with subsection (1), and, notwithstanding subsection (2), shall not accompany the relevant Part B statement, except with the consent in writing of the Commission and in accordance with such conditions (if any) as are specified by the Commission.

(3) For the purposes of subsection (1)—

(a) a person has a prescribed shareholding in a company if he is entitled to not less than 30% of the voting shares in the company;

and

(b) a person has a prescribed shareholding in a company, being a company the voting shares in which are divided into 2 or more classes of shares, if he is entitled to not less than 30% of the shares in one of those classes.

Notice of offers to be served.

24. (1) Where take-over offers have been dispatched, the offeror shall, on the day on which the last of the offers is dispatched—

(a) serve notice in writing on the target company that the offers have been dispatched and of the date that they bear;

(b) if the target company is a listed public company—serve a copy of the notice on the stock exchange that is the home exchange in relation to the target company;

and

(c) lodge a copy of the notice with the Commission.

(2) A notice or a copy of a notice referred to in subsection (1) shall be accompanied by a copy of one of the offers and a copy of every document that accompanied that offer.

Acceptance of take-over offers by third parties.

25. Where, at the time when a take-over offer is made to a person or at any time during the period in which the offer remains open, another person is, or is entitled to be registered as, the holder of shares to which the offer relates, then—

(a) a corresponding take-over offer shall be deemed to have been made to that other person in respect of those shares;

and

(b) a corresponding take-over offer shall be deemed to have been made to the first-mentioned person in respect of any other shares to which the offer relates.

Offeror not proposing to acquire all shares in class.

26. (1) Where—

(a) an offeror dispatches in accordance with subparagraph 16 (2) (a) (i) take-over offers in relation to shares in a company that are included in a class of shares and the offeror does not propose to acquire all the shares in the company included in that class of shares;

and

(b) the number of shares in respect of which the offeror receives acceptances of take-over offers (in this section referred to as the "available number of shares") is greater than the number

of shares proposed to be acquired by the offeror under the relevant take-over scheme (in this section referred to as the "desired number of shares"),

the following provisions of this section have effect.

(2) Each take-over offer that has been accepted shall, subject to subsection (3), be deemed to relate only to, and to have been accepted in relation only to, a number of shares that bears to the total number of shares in respect of which the offeree purported to accept the offer as nearly as practicable the same proportion as the desired number of shares bears to the available number of shares.

(3) Where—

(a) the number of shares in a listed public company in respect of which an offeree has accepted a take-over offer exceeds the number of shares to which the offer would, but for this subsection, be deemed by subsection (2) to relate (in this subsection referred to as the "primary number of shares");

and

(b) the excess number of shares consists of an odd lot of shares or consists of a marketable parcel or marketable parcels of shares and an odd lot of shares,

the take-over offer shall, notwithstanding subsection (2), be deemed to relate to, and to have been accepted in relation to, a number of shares equal to the sum of the primary number of shares and the number of shares in that odd lot of shares.

Variation of take-over offers.

27. (1) An offeror may not vary a take-over offer without the consent in writing of the Commission except—

(a) in accordance with the provisions of this section;

or

(b) where the regulations permit, either unconditionally or subject to conditions, variations of take-over offers or of a class of take-over offers in which the take-over offer is included—in accordance with the regulations.

(2) The Commission may consent to the variation of a take-over offer either unconditionally or subject to such conditions as are specified in the instrument of consent.

(3) Where an offeror varies an offer under a take-over scheme as mentioned in paragraph (1) *(a)*, he shall, at the same time, make a corresponding variation to each other offer (other than an offer that has been accepted before the variation is made) under the take-over scheme.

(4) An offeror may vary an offer under a take-over scheme by doing one or more of the following in relation to the whole or a part of the consideration that is specified in the offer as the consideration for the acquisition of the shares to which the offer relates—

(a) where a cash sum is so specified—by increasing the amount of that sum;

(b) where shares are, stock is, or debentures are, so specified—by specifying a cash sum in addition to the shares, stock or debentures;

(c) where shares are so specified—by increasing the number of those shares;

(d) where stock is so specified—by increasing the amount of that stock;

(e) where debentures are so specified—by increasing the rate of interest payable under those debentures;

(f) where debentures are so specified—by increasing the amount of those debentures;

(g) where an option to acquire unissued shares is so specified—by varying that option so as to increase the number of unissued shares that may be acquired under that option.

(5) Where the consideration specified in an offer under a take-over scheme as the consideration for the acquisition of the shares to which the offer relates is varied under subsection (4)—

(a) if another offer under the take-over scheme has been accepted before the variation, the contract resulting from the acceptance of that other offer shall be deemed to be varied so that the consideration under the contract is the consideration that would have been specified in that other offer if a corresponding variation had been made to that other offer before it was accepted;

and

(b) if the consideration under the contract referred to in paragraph *(a)* has already been received, the offeree is entitled to receive the additional consideration forthwith.

(6) An offeror may vary an offer under a take-over scheme in which the consideration specified does not include a cash sum or does not consist solely of a cash sum by offering as an alternative consideration to the consideration specified in the offer a consideration that consists solely of a cash sum.

(7) Where an offer under a take-over scheme is varied under subsection (6) so as to offer a cash sum as an alternative consideration and another offer under the take-over scheme was accepted before the variation—

(a) the contract resulting from the acceptance of that other offer shall be deemed to be varied so as to confer on the person who accepted that other offer the right, by notice in writing given to the offeror within the time mentioned in paragraph *(b)*, to elect to accept the cash sum in lieu of the consideration that was specified in that other offer;

(b) the offeror shall forthwith dispatch to the person who accepted that other offer a notice in writing informing that person that he may, within one month after receipt of the notice, give notice in writing to the offeror stating that he elects to accept the cash sum in lieu of the consideration that was specified in that other offer;

and

(c) if the consideration under the contract referred to in paragraph *(a)* was received by the person who accepted that other offer before he received the notice from the offeror under paragraph *(b)* and that person gives notice to the offeror in accordance with this subsection electing to accept the cash sum in lieu of the consideration that was specified in that other offer—that person shall return the consideration

(together with any necessary documents of transfer) with the notice of election and is entitled, upon receipt of the consideration by the offeror, to receive the cash sum.

(8) An offeror may vary an offer under a take-over scheme—

(a) in the case of an offer that is subject to a prescribed condition—before the publication of a notice pursuant to subsection 28 (4) in relation to offers under the take-over scheme;

or

(b) in the case of an offer to which paragraph *(a)* does not apply—before the expiration of the period during which the offer remains open,

by extending the period during which the offer remains open for a further period but, subject to subsection (11), so that the total period during which the offer remains open does not exceed 12 months.

(9) The references in subsection (8) to the period during which an offer remains open shall, if that period has been extended pursuant to the previous exercise on one or more occasions of the power conferred by that subsection, be construed as references to the period as so extended.

(10) Variations of offers under a take-over scheme shall be made by—

(a) serving on the target company a notice in writing signed in the same manner as a Part A statement is required by paragraph 16 (2) *(d)* to be signed and setting out the terms of the proposed variation and particulars of such modifications of the relevant Part A statement as are necessary having regard to the variation;

and

(b) dispatching in a manner approved by the Commission to each person to whom such an offer was made (including a person who has accepted an offer) a copy of that notice.

(11) Where an offeror purports, in accordance with subsection (8) to vary an offer under a take-over scheme that is open for a period not exceeding 6 months so that the total period during which the offer would remain open exceeds 6 months, the offeror shall, within the period of one month commencing 5 months after the date that the offer bears—

(a) serve on the target company a notice—

(i) signed in the same manner as a Part A statement is required by paragraph 16 (2) *(d)* to be signed and setting out any information that the offeror would have been required to include in the relevant Part A statement if the statement had been lodged with the Commission for registration 5 months after the date that the offer bears, being information that differs from the information included in that relevant Part A statement;

and

(ii) setting out the provisions of subsection (12);

(b) dispatch in a manner approved by the Commission to each person to whom an offer under the take-over scheme was made (including a person who has accepted an offer) a copy of that notice;

and

(c) if the target company is a listed public company—serve on the stock exchange that is the home exchange in relation to that company a copy of that notice.

(12) Where an offeree who has accepted a take-over offer that is subject to a prescribed condition receives a copy of a notice relating to the offer dispatched pursuant to subsection (11), the offeree may, by notice in writing given to the offeror within one month after receipt of the firstmentioned notice and accompanied by any consideration that has been received by the offeree (together with any necessary documents of transfer), withdraw his acceptance of the offer and, where such a notice is given by the offeree to the offeror and is accompanied by any such consideration and any necessary documents of transfer the offeror shall return to the offeree, within 14 days after receipt of the notice, any documents that were sent by the offeree to the offeror with the acceptance of the offer.

(13) An offeror is not entitled to serve a notice under subsection (10) or (11) unless a copy of the notice has been registered by the Commission.

(14) Where a copy of a notice is lodged with the Commission for registration under subsection (13), the Commission shall not register the copy of the notice unless—

(a) in the case of a notice under subsection (10)—the Commission is of the opinion that the proposed variation is permitted by this section;

and

(b) in the case of a notice under subsection (10) or (11)—the notice appears to comply with the requirements of this section and the Commission is of the opinion that the notice does not contain any matter that is false in a material particular or materially misleading in the form and context in which it appears.

(15) A copy of a notice referred to in subsection (10) or (11) shall, when dispatched in accordance with paragraph (10) *(b)* or (11) *(b)*, have endorsed on it a statement that another copy of the notice has been registered by the Commission and that the Commission takes no responsibility as to the contents of the notice and specifying the date on which that other copy was so registered.

(16) An acquisition of shares pursuant to a take-over offer is not invalid by reason that—

(a) the offeror has purported to vary the take-over offer in accordance with the requirements of this section but has contravened or failed to comply with a requirement of this section;

(b) the offeror has purported to vary the take-over offer in accordance with the regulations but has contravened or failed to comply with a requirement of the regulations;

or

(c) the offeror has purported to vary the take-over offer with the consent of the Commission given under subsection (2) but has contravened or failed to comply with a condition imposed by the Commission under that subsection.

(17) Nothing in this section affects the operation of section 19.

PART III

Declaration where take-over offers are conditional.

28. (1) Where an offeror makes a take-over offer that is subject to a prescribed condition, the offeror may not, except in accordance with this section, whether expressly or impliedly and whether in writing or by conduct, declare the take-over offer or any contract resulting from the acceptance of the take-over offer to be free from the condition, and may not otherwise treat the take-over offer or any contract resulting from the acceptance of the take-over offer as being free from the condition.

(2) Where an offer under a take-over scheme is subject to a prescribed condition, the offeror may declare the offer to be free from the condition if—

(a) it is a term of the offer that he may do so not less than 7 days before the end of the period during which the offer remains open and the offer is declared to be free from the condition in accordance with that term;

and

(b) at the same time he declares all other offers under the take-over scheme, and all contracts formed by the acceptance of offers under the take-over scheme, to be free from the condition.

(3) If an offeror declares all offers under a take-over scheme to be free from a prescribed condition, he shall forthwith cause to be published a notice stating that the offers are free from the condition and specifying the proportion that the number of shares included in the class of shares to which the offers related to which, to his knowledge, he is entitled at the time of lodging the notice for publication bears to the number of shares included in that class.

(4) The offeror shall, whether or not he has caused a notice to be published under subsection (3), cause to be published on the prescribed date a notice—

(a) stating whether he has declared the offers to be free from the condition;

(b) stating whether the offers have become free from the condition by reason of the operation of subsection 30 (1);

and

(c) stating whether, to his knowledge, the condition was, at the time of lodging the notice for publication, fulfilled.

(5) A reference in subsection (4) to the prescribed date shall be construed as a reference to—

(a) the date specified in the take-over offers in accordance with subparagraph 16 (2) *(f)* (v);

or

(b) if the period for which the take-over offers are to remain open has been extended as provided by section 27—the date that is later than the date referred to in paragraph *(a)* by a period equal to the period of the extension.

(6) Where a notice under subsection (4) states that the offeror has declared the offers to be, or that the offers have become, free from a prescribed condition or that a prescribed condition has been fulfilled, the notice shall also specify the proportion that the number of shares included in the class of shares to which the offers related to which, to his knowledge, he is entitled at the time of lodging the notice for publication bears to the number of shares included in that class.

(7) A notice under subsection (3) or (4) shall be published in a newspaper circulating generally in South Australia and, if shares in the target company are listed for quotation on the stock market of a stock exchange in a State other than South Australia or in a Territory and that newspaper does not circulate generally in that State or Territory, in a newspaper that does so circulate.

(8) Where a notice referred to in subsection (3) or (4) is lodged for publication, the offeror shall, on the first day on which the notice is lodged for publication—

(a) lodge a copy of the notice with the Commission;
and

(b) if the target company is a listed public company—serve a copy of the notice on the stock exchange that is the home exchange in relation to the target company.

(9) Where a prescribed condition to which a take-over offer is subject has not been fulfilled and a notice referred to in subsection (4) has not been published as required by this section, all contracts formed by the acceptance of offers under the relevant take-over scheme are void.

(10) In this section, a reference to lodgment of a notice for publication shall be construed as a reference to lodgment of the notice at an office of the publisher of the newspaper in which the notice is proposed to be published or at an office of an agent of the publisher of that newspaper.

Conditional take-over offers not to be made unconditional in certain circumstances, &c.

29. (1) Where—

(a) take-over offers are made in respect of shares in a company;

(b) each of those offers is subject to a prescribed condition (however expressed) that the offeror receives an acceptance or acceptances of an offer or offers under the relevant take-over scheme in respect of a number of shares referred to in the condition;

and

(c) the offeror would, if he acquired the number of shares referred to in paragraph *(b)*, be entitled to more than 50% of the voting shares in the company,

the offeror may not declare any of the offers to be free from the condition unless he is entitled, or, if the offers were free from the condition, he would be entitled, to more than 50% of the voting shares in the company.

(2) If an offeror declares take-over offers to be free from a condition of a kind mentioned in subsection (1), the copy of the relevant notice lodged by him with the Commission under subsection 28 (8) shall be accompanied by a statement setting out particulars of the matters by virtue of which the offeror was entitled under this section to declare the offers to be free from that condition.

(3) Nothing in this section affects the operation of section 30.

Take-over offers subject to conditions.

30. (1) Where—

(a) a take-over offer made in respect of shares in a company is subject to a prescribed condition (however expressed) that the offeror receives an acceptance or acceptances of an offer or offers under the relevant take-over scheme in respect of a number of shares referred to in the condition;

(b) after the relevant Part A statement was served on the target company and before the expiration of the period during which the offer remains open, the offeror becomes entitled to shares in the company included in the same class as the first-mentioned shares otherwise than as a result of the acceptance of an offer under that take-over scheme;

and

(c) the shares to which the offeror became entitled as mentioned in paragraph *(b)* constitute, in the aggregate, more than 20% of the voting shares in the company, other than shares to which the offeror was entitled at the time when the Part A statement was served,

the offer shall be deemed to be free from that condition.

(2) Where—

(a) a take-over offer made in respect of shares in a company is subject to a prescribed condition (however expressed) that the offeror receives an acceptance or acceptances of an offer or offers under the relevant take-over scheme in respect of a number of shares referred to in the condition;

(b) after the relevant Part A statement was served on the target company and before the expiration of the period during which the offer remains open, the offeror becomes entitled to shares in the company included in the same class as the first-mentioned shares otherwise than as a result of the acceptance of an offer under that take-over scheme;

and

(c) subsection (1) does not operate to deem the offer to be free from the condition,

then, for the purpose of determining whether the condition has been fulfilled, the offeror shall be deemed to have become entitled to the shares referred to in paragraph *(b)* as a result of receiving an acceptance or acceptances of an offer or offers under that take-over scheme.

Effect of acquiring shares otherwise than under take-over scheme.

31. (1) Where—

(a) a take-over offer is made in respect of shares in a company;

(b) the consideration payable under the offer consists solely of a cash sum or includes alternative considerations one of which consists solely of a cash sum;

(c) after the relevant Part A statement was served on the target company and before the offer is accepted, the offeror purchased or purchases shares in the company included in the same class as the first-mentioned shares, otherwise than as a result of the acceptance of an offer under the relevant take-over scheme, for a consideration that consists solely of a cash sum;

and

(d) the amount paid or payable for any of the shares referred to in paragraph *(c)* is higher than the cash sum payable under the offer for each share to which the offer relates,

the offer shall be deemed to be varied so that the cash sum payable for each share to which the offer relates is an amount equal to the highest amount paid or payable by the offeror for any of the shares referred to in paragraph *(c)*.

(2) Where—

(a) a take-over offer made in respect of shares in a company is accepted;

(b) the consideration paid or payable under the contract resulting from the acceptance of the offer consisted or consists solely of a cash sum;

(c) after the acceptance of the offer and before the expiration of the period in which the offer, if it had not been accepted, would have remained open, the offeror purchases shares in the company included in the same class as the first-mentioned shares, otherwise than as a result of the acceptance of an offer under the relevant take-over scheme, for a consideration that consists solely of a cash sum;

and

(d) the amount paid or payable for any of the shares referred to in paragraph *(c)* is higher than the consideration paid or payable for each share under the contract referred to in paragraph *(b)*,

that contract shall be deemed to be varied so that the consideration payable for each share under the contract is an amount equal to the highest amount paid or payable by the offeror for any of the shares referred to in paragraph *(c)* and, if the offeree has already received the whole or any part of the consideration under the contract, he is entitled to receive forthwith the additional consideration resulting from the variation.

(3) Where—

(a) a take-over offer made in respect of shares in a company is accepted;

(b) the consideration paid or provided or to be paid or provided under the contract resulting from the acceptance of the offer does not consist solely of a cash sum;

and

(c) after the relevant Part A statement was served on the target company and before the expiration of the period in which the offer, if it had not been accepted, would have remained open, the offeror purchased or purchases shares in the company included in the same class as the first-mentioned shares, otherwise than as a result of the acceptance of an offer under the relevant take-over scheme, for a consideration that consists solely of a cash sum,

the offeror shall, within 14 days after the expiration of that period, give notice in writing to the offeree setting out the highest price paid or payable by the offeror for any of the shares referred to in paragraph *(c)* and informing the offeree that he may, within 28 days after the receipt by him of the notice, by writing given to the offeror, elect to receive for each share in respect of which he has accepted the offer an amount equal to that price in substitution for the consideration under the contract and, where such an election is made, the offeree is entitled to receive for each such share the substituted amount and is entitled to receive that amount forthwith or, if he has already received the whole or any part of the consideration under the contract, forthwith upon returning that consideration (together with any necessary documents of transfer) to the offeror.

(4) Where—

(a) a take-over offer made in respect of shares in a company is accepted;

(b) the consideration under the contract resulting from the acceptance of the offer consists solely of a cash sum and it is a term of the contract that the offeree makes, or that the sum is applied in whole or in part in making, a payment by way of a deposit or loan;

and

(c) after the relevant Part A statement was served on the target company and before the expiration of the period in which the offer, if it had not been accepted, would have remained open, the offeror purchased or purchases shares in the company included in the same class as the firstmentioned shares, otherwise than as a result of the acceptance of an offer under the relevant take-over scheme, for a consideration that consists solely of a cash sum and the contract for the purchase of those shares does not contain a term of the kind mentioned in paragraph *(b)*,

the offeror shall, within 14 days after the expiration of that period, give notice in writing to the offeree setting out the highest price paid or payable by the offeror for any of the shares referred to in paragraph *(c)* and informing the offeree that he may, within 28 days after the receipt by him of the notice, by writing given to the offeror, elect to receive for each share in respect of which he has accepted the offer an amount equal to that price in substitution for the consideration under the contract and, where such an election is made—

(d) the contract referred to in paragraph *(b)* shall be deemed not to have included the term referred to in that paragraph;

(e) the offeree is entitled to receive the substituted amount for each share to which the contract relates and is entitled to receive that amount forthwith;

(f) the offeree shall forthwith return to the offeror any consideration that the offeree has received under the contract (not including any consideration that has been applied, or an amount equivalent to which has been applied, in making a payment by way of deposit or loan in accordance with the term referred to in paragraph *(b))* and any document evidencing any payment by way of a deposit or loan that the offeree has made in accordance with that term;

and

(g) upon the payment of the substituted amount to the offeree, any debt due to the offeree arising out of any payment by way of a deposit or loan in accordance with the term referred to in paragraph *(b)* or arising out of the application of the consideration under the contract is, by force of this paragraph, discharged.

(5) Where, in accordance with subsection (3) or the provision of a law of a participating State or a participating Territory that corresponds with that subsection, an offeree returns to a company any certificates (together with any necessary documents of transfer) in respect of shares allotted by that company as the consideration or part of the consideration for the acquisition of shares in a corporation, the company may cancel the allotment of those shares, and any such cancellation shall not be taken to be a reduction of capital.

PART IV

PROVISIONS RELATING TO TAKE-OVER ANNOUNCEMENTS

Part D statement.

32. (1) Where a target company receives a statement that purports to be a Part C statement served under subsection 17 (10), the target company shall, not later than 14 days after the relevant take-over announcement was made, serve a Part D statement on the stock exchange that is the home exchange in relation to that company.

(2) The Part D statement shall—

(a) be signed by all the directors of the target company or by not less than 2 directors of the target company authorized so to sign pursuant to a resolution passed at a meeting of the directors or, in the case of a company that has only one director, by that director;

or

(b) if the company is in the course of being wound up or is under official management—be signed by the liquidator or official manager, as the case may be.

(3) A Part D statement shall not refer to any report made by an expert (other than a report set out in the Part C statement) unless—

(a) the report is set out in the Part D statement;

and

(b) the Part D statement contains or is accompanied by a statement that the person or each of the persons by whom the report is made consents to the inclusion of the report in the form and context in which it is included.

(4) A target company that serves a Part D statement under subsection (1) shall, on the day on which the Part D statement is served, lodge with the Commission and give to the on-market offeror a copy of the Part D statement and of any statement accompanying the Part D statement.

(5) A Part D statement may contain, in addition to the information referred to in Part D of the Schedule, such information (not being information that is false in a material particular or materially misleading in the form or context in which it appears) as the directors of the target company, or the liquidator or official manager, as the case may be, think or thinks fit.

Withdrawal of on-market offers.

33. (1) If, after the making of a take-over announcement in relation to shares in a target company and before the end of the period in which offers constituted by the take-over announcement remain open, a prescribed occurrence takes place, the on-market offeror may, before the end of that period, withdraw such of the offers as have not been accepted by causing an announcement to that effect to be made on his behalf by a member of the stock exchange that is referred to in subsection 17 (2) at an official meeting of that stock exchange.

(2) An on-market offeror is not entitled, by reason of any of the occurrences referred to in paragraphs *(a)* to *(g)*, inclusive, of the definition of "prescribed occurrence" in section 6, to withdraw offers made by virtue of a take-over announcement if, at the time of the relevant occurrence, the on-market offeror was entitled to more than 50% of the voting shares in the target company.

(3) If, after the making of a take-over announcement in relation to shares in a company and before the end of the period in which offers constituted by the take-over announcement remain open, being a take-over announcement made on behalf of a natural person or on behalf of 2 or more persons at least one of whom is a natural person, that natural person or, if there are 2 or more natural persons, either or any of them—

(a) dies;

(b) becomes bankrupt;

or

(c) is declared by a court to be incapable of managing his affairs,

such of the offers made by virtue of the take-over announcement as have not been accepted shall be deemed to have been withdrawn on the day on which the person died, became bankrupt or was declared to be so incapable, as the case may be.

(4) If, after the making of a take-over announcement in relation to shares in a company and before the end of the period in which offers constituted by the take-over announcement remain open, being a take-over announcement made on behalf of a corporation or on behalf of 2 or more persons at least one of whom is a corporation—

(a) that corporation or, if there are 2 or more corporations, either or any of those corporations is placed under official management;

(b) an order is made by a court for the winding up of that corporation or, if there are 2 or more corporations, of either or any of those corporations;

or

(c) a provisional liquidator of that corporation, or, if there are 2 or more corporations, of either or any of those corporations, is appointed,

such of the offers made by virtue of the take-over announcement as have not been accepted shall be deemed to have been withdrawn on the day on which the corporation was placed under official management, the winding up order was made or the provisional liquidator was appointed, as the case may be.

(5) If, after the making of a take-over announcement by a member of a stock exchange in relation to shares in a company and before the end of the period in which offers constituted by the take-over announcement remain open—

(a) where the member is not acting as agent for a member of another stock exchange—the member who made the announcement;

or

(b) where the member is acting as agent for a member of another stock exchange—the member of that other stock exchange,

becomes bankrupt, is directed by the committee of management, board of directors or other governing authority of the stock exchange of which he is a member to cease to carry on the business of dealing in securities or, in the case of a member who carries on a business of dealing in securities otherwise than as a partner in a partnership, dies or is declared by a court to be incapable of managing his affairs, such of the offers made by virtue of the take-over announcement as have not been accepted shall be deemed to have been withdrawn on the day on which the member became bankrupt,

was so directed to cease to carry on business, died or was so declared to be incapable, as the case may be.

(6) After the making of a take-over announcement and before the end of the period in which offers constituted by the take-over announcement remain open—

(a) the on-market offeror may, with the consent of the Commission, withdraw such of the offers as have not been accepted by causing an announcement to that effect to be made on his behalf by a member of the stock exchange that is referred to in subsection 17 (2) at an official meeting of that stock exchange;

or

(b) the member of the stock exchange that is referred to in subsection 17 (2) who made the take-over announcement on behalf of the on-market offeror may with the consent of the Commission, withdraw such of the offers as have not been accepted by making an announcement to that effect at an official meeting of that stock exchange,

but the Commission shall not grant its consent to such a withdrawal unless it is satisfied that in all the circumstances it is just and equitable to permit the withdrawal of the offers.

Suspension of acceptance of offers made pursuant to take-over announcement.

34. After the making of a take-over announcement and before the end of the period in which offers constituted by the take-over announcement remain open, the Commission may, on the application of the on-market offeror or the member of the stock exchange that is referred to in subsection 17(2) who made the take-over announcement on behalf of the on-market offeror, by order in writing declare that such of the offers as have not been accepted are not capable of being accepted while the order is in force but, where such an order is made, the period for which the offers remain open shall be ascertained for the purposes of this Code as if the order had not been made.

PART V
PROVISIONS RELATING TO BOTH TAKE-OVER OFFERS AND TAKE-OVER ANNOUNCEMENTS

Restriction on disposal of shares by offeror or on-market offeror.

35. (1) During—

(a) the period commencing when a Part A statement is served on the target company and ending at the expiration of 28 days after the day on which the statement is served or, if take-over offers are dispatched pursuant to the statement within those 28 days, at the expiration of the period during which the take-over offers remain open;

and

(b) if take-over offers are dispatched, in accordance with an order under section 46, pursuant to the statement—the period during which the take-over offers remain open,

the offeror shall not dispose of any shares in the target company included in the same class of shares as the shares to which the Part A statement relates unless another person (not being a person associated with the offeror) has, after the Part A statement is served and before the disposal takes place, made a take-over offer or caused a take-over announcement to be made in respect of shares in the target company included in that class of shares.

(2) After the making of a take-over announcement in relation to shares in a company and before the end of the period in which offers constituted by the take-over announcement remain open, the on-market offeror shall not dispose of any shares in the target company included in the same class of shares as the first-mentioned shares unless another person (not being a person associated with the on-market offeror) has, after the making of the announcement and before the disposal takes place, made a take-over offer or caused a take-over announcement to be made in respect of shares in the target company included in that class of shares.

Obligations of target company to provide information.

36. Where a Part A statement or a Part C statement has been served on a target company, the offeror or on-market offeror may request the company to supply a written statement setting out—

(a) the names and addresses (so far as they are known to the company) of the persons who, at the date of service of the Part A statement or the Part C statement, as the case may be, held shares in, or renounceable options or convertible notes granted or issued by, the company;

(b) in respect of each person who held shares—the number of shares held;

(c) in respect of each person who held renounceable options—particulars of the renounceable options and the number of shares to which the options relate;

and

(d) in respect of each person who held convertible notes—particulars of the convertible notes and the number of shares into which the notes may be converted,

and, where such a request is made and there is paid to the company such amount (not exceeding the prescribed amount) as the company requires, the company shall send the statement to the offeror or on-market offeror, as the case may be, within 7 days after the day on which the payment is received by the company.

37. (1) Subject to this section, where—

(a) a person proposes, or 2 or more persons together propose, to dispatch a take-over offer, or to cause a take-over announcement to be made, in respect of shares in a company;

or

(b) a person has, or 2 or more persons together have, dispatched a take-over offer, or caused a take-over announcement to be made, in respect of shares in a company and the period during which the take-over offer remains open, or the offers constituted by the take-over announcement remain open, has not expired,

the person, or either or any of those persons, or a person associated with the person or with either or any of those persons, or, if the person or either or any of those persons or any person associated with the person or with either or any of those persons is a corporation, an officer of the corporation or a person associated with such an officer, shall not make or issue, or cause to be made or issued, any statement to the public or to all or any members of the target company (including a statement included in a Part A statement or a Part C statement but not including a statement made or issued solely to officers of or advisers to the target company) that contains a forecast in respect of the profits or profitability of the target company or, if the person or either or any of those persons or any person associated with the person or with either or any of those persons is a corporation, a forecast in respect of the profits or profitability of that corporation.

(2) Subject to this section, where—

(a) the directors of a company have reason to believe that a person proposes, or 2 or more persons together propose, to dispatch a take-over offer, or to cause a take-over announcement to be made, in respect of shares in the company;

or

(b) a person has, or 2 or more persons together have, dispatched a take-over offer, or caused a take-over announcement to be made, in respect of shares in a company and the period during which the take-over offer remains open, or the offers constituted by the take-over announcement remain open, has not expired,

the target company or a person associated with the target company or with an officer of the target company, or, if a person associated with the target company is a corporation, an officer of that corporation, or a person associated with such an officer, shall not make or issue, or cause to be made or issued, any statement to the public or to all or any members of the target company (including a statement included in a Part B statement or a Part D statement but not including a statement made or issued solely to officers of or advisers to the target company) that contains a forecast in respect of the profits or profitability of the target company, or, if the person or either or any of the persons referred to in paragraph (a) or (b) or any person associated with the person or with either or any of those persons is a corporation, a forecast in respect of the profits or profitability of that corporation.

(3) Nothing in subsection (1) or (2) applies in relation to a statement that—

(a) is in writing and is issued with the consent in writing of the

Commission and in accordance with such conditions (if any) as are specified by the Commission;

or

(b) is contained in a report that accompanies a Part B statement—

(i) with the consent in writing of the Commission given under subsection 23 (2A);

and

(ii) in accordance with such conditions (if any) as are specified by the Commission in the instrument by which that consent is given.

(4) A reference in this section to a forecast in respect of the profits or profitability of a company or other corporation includes a reference to a forecast in respect of the profits or profitability of any business or income-producing activity of a kind engaged in by that company or other corporation or of any industry of which a business or income-producing activity engaged in by that company or other corporation forms part.

Statements on asset valuations.

38. (1) Subject to this section, where—

(a) a Part A statement has been served on a company in accordance with paragraph 16 (2) *(d)*;

(b) a Part C statement has been served on a company in accordance with paragraph 17 (10) *(a)*;

or

(c) the directors of a company otherwise have reason to believe that a person proposes, or 2 or more persons together propose, to make take-over offers, or cause a take-over announcement to be made, in respect of shares in the company,

the following subsections of this section have effect—

(d) in a case to which paragraph *(a)* applies—

(i) during the period commencing when the Part A statement was served and ending at the expiration of 28 days after the day on which that statement was served or, if take-over offers are dispatched pursuant to the statement within those 28 days, at the expiration of the period during which the take-over offers remain open;

and

(ii) if take-over offers are dispatched, in accordance with an order under section 46, pursuant to the Part A statement—during the period during which the take-over offers remain open;

(e) in a case to which paragraph *(b)* applies—until the end of the period during which offers constituted by the take-over announcement to which the Part C statement relates remain open;

or

(f) in a case to which paragraph *(c)* applies—during any period in which the directors have reason to believe the matters mentioned in that paragraph.

(2) The target company or a person associated with the target company or with an officer of the target company, or, if a person associated with the target company is a corporation, an officer of that corporation, or a person associated with such an officer, shall not make or issue, or cause or permit to be made or issued, any statement to the public or to all or any members of the target company (not being a statement made or issued solely to officers of or advisers to the target company) to the effect that the market value of an asset or assets of the target company or of a corporation that is related to the target company differs from an amount at which the value of the asset or assets is shown in the books of the target company or related corporation unless the statement—

(a) is in writing and is issued with the consent in writing of the Commission and in accordance with such conditions (if any) as are specified by the Commission;

or

(b) is contained in a report that accompanies a Part B statement—

(i) with the consent in writing of the Commission given under subsection 23 (2A);

and

(ii) in accordance with such conditions (if any) as are specified by the Commission in the instrument by which that consent is given.

(3) A reference in subsection (2) to an amount at which the value of an asset of a company or other corporation is shown in the books of the company or other corporation is a reference to an amount at which the value of the asset of the company or other corporation is shown in the most recently published accounts of the company or other corporation, being accounts required to be prepared by the law of the place where the company or other corporation is incorporated or formed.

(4) Nothing in subsection (2) applies to or in relation to—

(a) any accounts made out and laid before—

(i) a company at an annual general meeting in accordance with the Companies Act, 1962-1980;

or

(ii) a corporation at an annual general meeting in accordance with the law of the place where the corporation is incorporated or formed that corresponds with the Companies Act, 1962-1980;

(b) any accounts made out and lodged—

(i) in accordance with section 74F of the Companies Act, 1962-1980;

or

(ii) in accordance with a provision of a law of a State other than South Australia or of a Territory that corresponds with section 74F of the Companies Act, 1962-1980;

or

(c) any document attached to any such accounts in accordance with the Companies Act, 1962-1980, or such a corresponding law or corresponding provision.

PART V

Notification of acquisitions and disposals of shares.

39. (1) For the purposes of the application of this section in relation to a listed public company—

(a) each of the following periods is a relevant period:

(i) if a Part A statement is served on the company—

(A) the period commencing when the statement is served and ending at the expiration of 28 days after the day on which the statement is served or, if take-over offers are dispatched pursuant to the statement within those 28 days, at the expiration of the period during which the take-over offers remain open;

and

(B) if take-over offers are dispatched, in accordance with an order under section 46, pursuant to the statement—the period during which the take-over offers remain open;

and

(ii) if a take-over announcement is made in relation to shares in the company—the period commencing when the announcement is made and ending at the expiration of the period during which offers constituted by that announcement remain open;

and

(b) a person is, at a relevant time, a prescribed person in relation to a period that is, by reason of the service of a Part A statement or the making of a take-over announcement, a relevant period in relation to the company if—

(i) he is the person who is, or one of the persons who constitute, the offeror under the take-over scheme to which the Part A statement relates or is the person or one of the persons who caused the take-over announcement to be made;

or

(ii) he is, at that time, entitled to more than 5% of the voting shares in the company and he is not, and is not associated with, a person referred to in subparagraph (i).

(2) A person who, at the commencement of a period that is a relevant period in relation to a listed public company, is a prescribed person in relation to that period by reason of subparagraph (1) *(b)* (i) shall—

(a) serve on the stock exchange that is the home exchange in relation to the company, before 9.30 a.m. on the next trading day of that stock exchange after the date of commencement of that period, a notice in writing setting out—

(i) whether he has become entitled or ceased to be entitled to any voting shares in the company since the commencement of that period and, if so, the prescribed particulars of those shares;

and

(ii) whether he is entitled to any voting shares in the company at the time when the notice is served and, if so, the prescribed particulars of those shares;

and

(b) if, during that period, he becomes entitled or ceases to be entitled to any voting shares in the company and has not previously given a notice under this subsection to that stock exchange by reason of his having become entitled or ceased to be entitled, as the case may be, to those shares, serve on that stock exchange, before 9.30 a.m. on the next trading day of that stock exchange after the day on which he so became entitled or ceased to be entitled to shares in the company, a notice in writing setting out—

(i) the prescribed particulars of those shares;

and

(ii) if he is entitled to any voting shares in the company at the time when the notice is served—the prescribed particulars of those shares.

(3) A person who, during a period that is a relevant period in relation to a listed public company, becomes a prescribed person in relation to that period by reason of subparagraph (1) *(b)* (ii) (whether or not the person had previously been a prescribed person in relation to that period) shall serve on the stock exchange that is the home exchange in relation to the company, before 9.30 a.m. on the next trading day of that stock exchange after the day on which he so became a prescribed person, a notice in writing setting out—

(a) the prescribed particulars of the voting shares in the company to which he was entitled at the time when he so became a prescribed person;

and

(b) if he is entitled to any voting shares in the company at the time when the notice is served—the prescribed particulars of those shares.

(4) Where—

(a) during a period that is a relevant period in relation to a listed public company, a person who is a prescribed person in relation to that period by reason of subparagraph (1) *(b)* (ii) ceases to be entitled to voting shares in the company;

and

(b) as a result of his so ceasing to be entitled to those shares he ceases to be a prescribed person in relation to that period,

the person shall serve on the stock exchange that is the home exchange in relation to the company, before 9.30 a.m. on the next trading day of that stock exchange after the day on which he ceased to be entitled to those shares, a notice in writing setting out the prescribed particulars of those shares and of any other voting shares in the company to which he became entitled or ceased to be entitled since he last served a notice under this section in relation to the company during that period or, if he has not previously served a notice during that period, since the commencement of that period.

(5) Where—

(a) during a period that is a relevant period in relation to a listed

public company, a person becomes entitled or ceases to be entitled to voting shares in the company at a time when he is a prescribed person in relation to that period by reason of subparagraph (1) *(b)* (ii);

(b) the number of voting shares in the company to which he is entitled immediately after he becomes entitled or ceases to be entitled to the first-mentioned shares—

(i) is greater or less than the number of voting shares in the company to which he was entitled at the time when he last served a notice under this section in relation to the company during that period or, if he has not previously served a notice during that period, the number of voting shares in the company to which he was entitled at the commencement of that period;

and

(ii) is so greater or less by a number of voting shares that is not less than 1% of the voting shares in the company;

and

(c) the person has not ceased to be a prescribed person,

the person shall serve on the stock exchange that is the home exchange in relation to the company, before 9.30 a.m. on the next trading day of that stock exchange after the day on which he became entitled or ceased to be entitled to those first-mentioned shares, a notice in writing setting out—

(d) the prescribed particulars of those first-mentioned shares and of any other voting shares in the company to which he became entitled or ceased to be entitled since he last served a notice under this section in relation to the company during that period or, if he has not previously served a notice during that period, since the commencement of that period;

and

(e) if he is entitled to any voting shares in the company at the time when the notice is given—the prescribed particulars of those shares.

(6) In a prosecution of a person for failing to serve a notice on a stock exchange under this section, it is a defence if the defendant establishes that—

(a) at the time when he was required to serve the notice he was not aware of a fact or occurrence that gave rise to the requirement;

and

(b) he did not become aware of that fact or occurrence before the expiration of the relevant period or, if he became so aware before the expiration of that period, he served the notice on the next trading day of the stock exchange after he became so aware.

(7) A person is not required on any day to serve more than one notice under this section in relation to the same company.

(8) Where each of 2 or more persons would, but for this subsection, be required to serve a notice under subsection (5) in relation to the same shares in a company by reason that each of them has become entitled or

each of them has ceased to be entitled to those shares, it is sufficient compliance with that subsection if one only of them serves the notice.

(9) The prescribed particulars in relation to shares in a company to which a person is entitled (in this subsection referred to as "relevant shares") are—

(a) the number of relevant shares;

(b) if shares in the company are divided into 2 or more classes—the number of relevant shares in each class;

(c) if to the knowledge of the person another person is also entitled to the relevant shares—the name of that other person and a statement as to which of the persons entitled to the shares has a relevant interest in the shares;

and

(d) such other matters (if any) as are prescribed.

(10) The prescribed particulars in relation to shares in a company to which a person has become entitled (in this subsection referred to as "relevant shares") are—

(a) the number of relevant shares;

(b) the consideration (if any) for the acquisition of each share (whether in the company or in another corporation) by virtue of which the person became entitled to the relevant shares;

(c) if shares in the company are divided into 2 or more classes—the number of relevant shares in each class;

(d) if the person became entitled to the relevant shares by reason of a contract that contained provisions of a prescribed kind—particulars of those provisions;

and

(e) such other matters (if any) as are prescribed.

(11) The prescribed particulars in relation to shares in a company to which a person has ceased to be entitled (in this subsection referred to as "relevant shares") are—

(a) the number of relevant shares;

(b) the consideration (if any) for the disposal of each share (whether in the company or in another corporation) by virtue of which the person ceased to be entitled to the relevant shares;

(c) if shares in the company are divided into 2 or more classes—the number of relevant shares in each class;

(d) if the person ceased to be entitled to the relevant shares by reason of a contract that contained provisions of a prescribed kind—particulars of those provisions;

and

(e) such other matters (if any) as are prescribed.

(12) A notice served under this section that specifies, in accordance with paragraph (10) *(b)* or (11) *(b)*, consideration for 2 or more acquisitions of shares, 2 or more disposals of shares, or an acquisition or acquisitions of shares and a disposal or disposals of shares, shall, if the consideration in respect of 2 or more of the transactions consisted only of a cash sum, also specify separately the higher or highest such sum paid or payable or received or receivable for any of the shares referred to in that notice.

PART V

Offerees or on-market offerees not to be given benefits except under take-over scheme or take-over announcement.

40. (1) Subject to subsection (3), during the period commencing when a Part A statement is served on a target company and ending at the expiration of 28 days after the day on which the statement is served or, if take-over offers are dispatched pursuant to the statement within those 28 days, at the expiration of the period during which the take-over offers remain open the offeror, or a person associated with the offeror, shall not give, offer to give or agree to give to a person whose shares may be acquired under the relevant take-over scheme, or to a person associated with such a person, any benefit (whether by payment of cash or otherwise) not provided for under the take-over offers or, if the take-over offers are varied in accordance with section 27, under the take-over offers as so varied.

(2) Subject to subsection (3), during the period commencing when a take-over announcement is made in relation to shares in a company and ending at the expiration of the period during which offers constituted by that announcement remain open the on-market offeror, or a person associated with the on-market offeror, shall not give, offer to give or agree to give to a person whose shares may be acquired pursuant to the take-over announcement, or to a person associated with such a person, any benefit (whether by payment of cash or otherwise) not provided for under the terms of the take-over announcement or, if those terms have been varied under section 17, under the terms as so varied.

(3) Nothing in this section prohibits—

(a) the variation of a take-over offer as provided by section 27; or

(b) the acquisition of shares in a company at an official meeting of a stock exchange in the ordinary course of trading on the stock market of that stock exchange.

Expenses of directors of target company.

41. Notwithstanding anything in the constituent documents of a company, the directors of the company are entitled to have refunded to them by the company any expenses reasonably incurred by them in the interest of the members of the company in relation to a take-over scheme involving the acquisition of shares in the company or in relation to a take-over announcement relating to shares in the company.

Provisions relating to dissenting shareholders.

42. (1) For the purposes of this section—

(a) where take-over offers have been made in respect of shares included in a class of shares by an offeror who proposes to acquire all the shares included in that class, the shares in respect of which the offers were made constitute shares subject to acquisition;

(b) where a take-over announcement has been made in respect of shares included in a class of shares, the shares included in that class (other than shares to which the on-market offeror is entitled) constitute shares subject to acquisition;

(c) a reference to outstanding shares shall be construed as a reference to—

(i) shares subject to acquisition by virtue of paragraph *(a)* in respect of which a take-over offer was made but has not been accepted, not being shares acquired by the offeror otherwise than under the relevant take-over scheme;

or

(ii) shares subject to acquisition by virtue of paragraph *(b)* in respect of which an offer made by virtue of a take-over announcement has not been accepted, not being shares acquired by the on-market offeror otherwise than by virtue of the take-over announcement;

and

(d) a reference to a dissenting offeree shall be construed—

(i) in relation to shares in respect of which take-over offers have been made—as a reference to a person who is the holder of shares that are outstanding shares by virtue of subparagraph *(c)* (i);

and

(ii) in relation to shares in respect of which a take-over announcement has been made—as a reference to a person who is the holder of shares that are outstanding shares by virtue of subparagraph *(c)* (ii).

(2) Where—

(a) take-over offers have been made in respect of shares included in a class of shares by an offeror who proposes to acquire all the shares included in that class and, after the relevant Part A statement was served on the target company and before the end of the period during which the offers remain open, the number of shares included in that class to which the offeror is entitled became or becomes not less than 90% of the shares included in that class;

and

(b) if the shares subject to acquisition constitute less than 90% of the shares included in that class—three-quarters of the offerees have disposed of to the offeror (whether under the relevant take-over scheme or otherwise) the shares subject to acquisition that were held by them,

the offeror may, within one month after the last day upon which offers under the take-over scheme remained open, give notice, as prescribed, to a dissenting offeree to the effect that the offeror desires to acquire the outstanding shares held by the dissenting offeree.

(3) Where—

(a) a take-over announcement has been made in respect of shares included in a class of shares and, before the end of the period during which the offers constituted by that take-over announcement remain open, the number of shares included in that class to which the on-market offeror is entitled becomes not less than 90% of the shares included in that class;

and

(b) if the shares subject to acquisition constitute less than 90% of the shares included in that class—three-quarters of the offerees have disposed of to the on-market offeror (whether by acceptance of offers made by virtue of the take-over announcement or otherwise) the shares subject to acquisition that were held by them,

the on-market offeror may, within one month after the last day upon which offers constituted by the take-over announcement remained open, give notice, as prescribed, to a dissenting offeree to the effect that the on-market

offeror desires to acquire the outstanding shares held by the dissenting offeree.

(4) For the purposes of paragraph (2) *(b)* or (3) *(b)*, 2 or more persons holding jointly shares in respect of which a take-over offer has been made or an offer has been made by virtue of a take-over announcement shall be deemed to be one offeree.

(5) An offeror or on-market offeror to whom subsection (2) or (3) applies in relation to a particular company shall, on the day on which he first gives a notice under subsection (2) or (3), as the case may be, in relation to that company, lodge a copy of the notice with the Commission.

(6) Where a notice is given under subsection (2) or (3), the offeror or on-market offeror is entitled and bound, subject to this section, to acquire the shares to which the notice relates on the terms that were applicable in relation to the acquisition of shares under the take-over scheme or pursuant to the take-over announcement immediately before the expiration of the period for which offers under the take-over scheme or offers constituted by the take-over announcement remained open.

(7) Subsection (6) does not have effect in relation to a dissenting offeree where, on an application made by the dissenting offeree—

(a) within one month after the date on which the notice was given under subsection (2) or (3);

or

(b) within 14 days after the giving to him of a statement under subsection (10),

whichever is the later, the Court orders that subsection (6) is not to have effect in relation to him.

(8) Where alternative terms were offered under a take-over offer to which this section applies, the dissenting offeree may, by notice in writing given to the offeror—

(a) within one month after the date on which the notice was given under subsection (2);

or

(b) within 14 days after the giving to him of a statement under subsection (10),

whichever is the later, specify which of those terms he prefers, and the terms so specified shall apply to the acquisition of the outstanding shares held by him.

(9) If a dissenting offeree fails to give a notice within the period allowed by subsection (8), the offeror may, unless the Court otherwise orders, determine which of the terms referred to in that subsection is to apply to the acquisition of the outstanding shares of the dissenting offeree.

(10) Where the offeror or on-market offeror has given notice under subsection (2) or (3), the dissenting offeree may, by notice in writing served on the offeror or on-market offeror within one month after the date on which the first-mentioned notice was given, ask for a statement in writing of the names and addresses of all other dissenting offerees and the offeror or on-market offeror shall forthwith give a statement in writing accordingly.

(11) Where the offeror or on-market offeror has given notice under subsection (2) or (3) and the Court has not, on an application made under subsection (7), ordered to the contrary, the offeror or on-market offeror

shall, within 14 days after—

(a) the expiration of one month after the notice was given;

(b) the expiration of 14 days after the last day on which a statement under subsection (10) was given;

or

(c) where an application has been made to the Court under subsection (7)—the application has been disposed of,

whichever last happens, serve a copy of the notice on the company that issued the shares, together with an instrument of transfer of the shares executed on behalf of the holder of the shares by a person appointed by the offeror or on-market offeror and also executed by the offeror or on-market offeror, and pay, allot or transfer to the target company the consideration for the transfer, and the target company shall thereupon register the offeror or on-market offeror as the holder of those shares.

(12) The target company shall hold the consideration so received in trust for the former holder of the shares and shall forthwith notify him in writing that the consideration has been received by the target company and is being held by that company pending his instructions as to how it is to be dealt with.

(13) Where consideration held as provided by subsection (12) consists of or includes money, that money shall be paid into a bank account opened and maintained for that purpose only.

(14) Where money or other property is held in trust by a company for a person under this section and has been so held for not less than 2 years, the company shall, before the expiration of 10 years after the date on which the money or other property was received by the company, pay the money or transfer the property and any accretions (or, if any property has been substituted for the whole or any part of that money or property, the property so substituted) to the Minister administering the Unclaimed Moneys Act, 1891-1975.

(15) The Minister administering the Unclaimed Moneys Act, 1891-1975, shall sell or dispose of any property other than money so received and any property that becomes substituted for the whole or any part of that property as he thinks fit and shall deal with the proceeds of the sale or disposal and any money so received and any income derived from that property in accordance with that Act.

(16) Where any property transferred under this section to the Minister administering the Unclaimed Moneys Act, 1891-1975, or any property that becomes substituted for the whole or any part of that property, includes marketable securities of a corporation, that Minister is not subject to any obligation to pay any calls, to make any contribution to the debts and liabilities of the corporation, to discharge any other liability, or to do any other act or thing, in respect of the marketable securities, whether the obligation arises before or after the date of the transfer, but this subsection does not affect any right of the corporation to forfeit a share.

(17) Where, under the provision of the law of a State other than South Australia or of a Territory that corresponds with this section, marketable securities of a company are transferred to any authority specified in that law, that authority is not subject to any obligation as specified in subsection (16) in respect of those marketable securities, but this subsection does not affect any right of the company to forfeit a share.

(18) Neither the State nor the Minister administering the Unclaimed Moneys Act, 1891-1975, is liable for any loss or damage suffered by a person arising out of the exercise of, or the failure to exercise, any of the powers that are conferred on that Minister under this section or that that Minister has in relation to property transferred to him under this section or property that becomes substituted for the whole or any part of that property.

Rights of remaining shareholders and holders of options and notes.

43. (1) Where—

(a) a Part A statement has been served in respect of shares included in a class of shares in a company and, during the period (in this section referred to as a "relevant period") commencing when the statement was served and ending at the expiration of 28 days after the day on which the statement was served or, if take-over offers are dispatched pursuant to the statement within those 28 days, at the expiration of the period during which the take over offers remain open, the number of shares included in that class to which the offeror is entitled becomes not less than 90% of the shares included in that class;

or

(b) a take-over announcement has been made in respect of shares included in a class of shares in a company and, during the period (in this section also referred to as a "relevant period") commencing when the take-over announcement was made and ending at the expiration of the period during which the offers constituted by the take-over announcement remain open, the number of shares included in that class to which the on-market offeror is entitled becomes not less than 90% of the shares included in that class,

the offeror or on-market offeror shall, within one month after the last day upon which offers under the relevant take-over scheme remained open or offers constituted by the take-over announcement remained open, as the case may be, give, as prescribed, a notice to the holders of remaining shares included in that class who, when the notice is given, had not been given notice under subsection 42 (2) or (3) stating that he became entitled to shares as mentioned in paragraph *(a)* or *(b)*, as the case may be, and containing such other information (if any) as is prescribed.

(2) A holder of remaining shares referred to in subsection (1) may, within 3 months after the giving of notice to him under that subsection, require the offeror or on-market offeror to acquire shares included in the class concerned of which he is the holder and where, in the case of a take-over offer, alternative terms were offered in respect of shares included in that class in the take-over offer, elect which of those terms he will accept.

(3) Where a shareholder gives notice under subsection (2) with respect to his shares, the offeror or on-market offeror is entitled and bound to acquire those shares—

(a) in the case where a Part A statement was served—on the terms that were applicable in relation to the acquisition of shares under the relevant take-over scheme immediately before the expiration of the period for which offers under that take-over scheme remained open and, where alternative terms were applicable, on the terms for which the shareholder has elected or, where he has not elected, on whichever of the terms the offeror determines;

or

(b) in the case where a take-over announcement was made—on the terms that were applicable in relation to the acquisition of shares pursuant to the take-over announcement immediately before the expiration of the period for which offers constituted by the take-over announcement remained open,

or on such other terms as are agreed or as the Court, on the application of the offeror, on-market offeror or shareholder, thinks fit to order.

(4) Where—

(a) a Part A statement has been served as mentioned in paragraph (1) *(a)* and, during the relevant period referred to in that paragraph, the number of voting shares in the company to which the offeror is entitled becomes not less than 90% of the voting shares in the company;

or

(b) a take-over announcement has been made as mentioned in paragraph (1) *(b)* and, during the relevant period referred to in that paragraph, the number of voting shares in the company to which the on-market offeror is entitled becomes not less than 90% of the voting shares in the company,

the offeror or on-market offeror shall, within one month after the last day upon which offers under the relevant take-over scheme remained open or offers constituted by the take-over announcement remained open, as the case may be, give, as prescribed, a notice to the holders of non-voting shares in the company to which he is not entitled, and to the holders of renounceable options or convertible notes granted or issued by the company to which he is not entitled, stating that he became entitled to shares as mentioned in paragraph *(a)* or *(b)*, as the case may be, and containing such other information (if any) as is prescribed.

(5) A notice given under subsection (4) shall not propose terms for the acquisition by the offeror or on-market offeror of the shares, renounceable option or convertible note to which the notice relates unless the notice is accompanied by a report by an expert (other than an expert who, at the time when the report was obtained, was associated with the offeror or on-market offeror) stating that in his opinion the terms proposed in the notice are fair and reasonable.

(6) Where a notice is given under subsection (4) to the holder of any non-voting shares, renounceable option or convertible note—

(a) the holder of the shares, option or note may, within 3 months after the giving of the notice to him, require the offeror or on-market offeror to acquire the shares, option or note;

and

(b) if a holder of shares or of an option or note so gives notice with respect to the shares, option or note, the offeror or on-market offeror is entitled and bound to acquire those shares or that option or note on such terms as are agreed or as the Court, on the application of the offeror, on-market offeror or holder of the shares, option or note, thinks fit to order.

(7) Where an offeror or on-market offeror has given a notice or notices under subsection (1) or (4), he shall forthwith lodge with the Commission a copy of the notice or of one of the notices.

PART VI

MISCELLANEOUS

Liability for mis-statements.

44. (1) Where—

(a) there is, in a statement that purports to be a Part A statement served under paragraph 16 (2) *(d)*, in a take-over offer or in a notice given under subsection 42 (2) or subsection 43 (1) or (4), matter that is false in a material particular or materially misleading in the form or context in which it appears;

or

(b) there is an omission of material matter from such a statement, offer or notice,

a person to whom this subsection applies is, subject to this section, guilty of an offence.

(2) Where—

(a) there is, in a statement that purports to be a Part B statement given under subsection 22 (1) or a Part D statement served under subsection 32 (1), matter that is false in a material particular or materially misleading in the form or context in which it appears;

or

(b) there is an omission of material matter from such a statement,

a person to whom this subsection applies is, subject to this section, guilty of an offence.

(3) Where—

(a) there is, in a statement that purports to be a Part C statement served under paragraph 17 (10) *(a)*, or in a notice given under subsection 42 (3) or subsection 43 (1) or (4), matter that is false in a material particular or materially misleading in the form or context in which it appears;

or

(b) there is an omission of material matter from such a statement or notice,

a person to whom this subsection applies is, subject to this section, guilty of an offence.

(4) Where—

(a) there is—

(i) in a report that is set out in a Part B statement in accordance with paragraph 22 (3) *(a)* or accompanies a Part B statement in accordance with section 23;

(ii) in a report that is set out in a Part D statement in accordance with paragraph 32 (3) *(a)*;

(iii) in a report that accompanies, or is included in, a statement issued with the consent of the Commission under section 37 or 38;

or

(iv) in a report that accompanies a notice given under subsection 43 (4),

matter that is false in a material particular or materially misleading in the form or context in which it appears;

or

(b) there is an omission of material matter from such a report,

the person who made the report and, if that person is a corporation, any officer of the corporation who is in default are, subject to this section, each guilty of an offence.

(5) Where—

(a) a person proposes, or 2 or more persons together propose, to dispatch a take-over offer or to cause a take-over offer to be dispatched, or to cause a take-over announcement to be made, in respect of shares in a company;

(b) the person, or either or any of the persons, referred to in paragraph *(a)*, or a person associated with the person or with either or any of the persons, or, if the person or either or any of the persons or any person associated with the person or with either or any of the persons is a corporation, an officer of the corporation or a person associated with such an officer—

(i) makes or issues, or causes to be made or issued, an oral or written statement to the public, or publishes, or causes to be published an advertisement, relating to a prescribed matter;

or

(ii) dispatches, or causes to be dispatched, a document relating to a prescribed matter to any of the holders of shares in, or of renounceable options or convertible notes granted or issued by, the target company;

and

(c) there is in the statement or advertisement, or in the document, matter that is false in a material particular or materially misleading in the form or context in which is appears,

the person who made or issued the statement, published the advertisement or dispatched the document, or caused the statement to be made or issued, the advertisement to be published or the document to be dispatched, and if that person is a corporation, any officer of the corporation who is in default, are, subject to this section, each guilty of an offence.

(6) Where—

(a) the directors of a company have reason to believe that a person proposes, or 2 or more persons together propose, to dispatch a take-over offer or to cause a take-over offer to be dispatched, or to cause a take-over announcement to be made, in respect of shares in the company;

(b) the target company or a corporation that is related to the target company or an officer of the target company or of such a corporation or a person associated with such an officer—

(i) makes or issues, or causes to be made or issued, an oral or written statement to the public, or publishes, or causes to be published, an advertisement, relating to a prescribed matter;

or

(ii) dispatches, or causes to be dispatched, a document relating to a prescribed matter to any of the holders of shares in, or of renounceable options or convertible notes granted or issued by, the target company;

and

(c) there is in the statement or advertisement, or in the document, matter that is false in a material particular or materially misleading in the form or context in which it appears,

the person who made or issued the statement, published the advertisement or dispatched the document, or caused the statement to be made or issued, the advertisement to be published or the document to be dispatched, and, if that person is a corporation, any officer of the corporation who is in default, are, subject to this section, each guilty of an offence.

(7) Where—

(a) a take-over offer is dispatched, or a take-over announcement is made, in respect of shares in a company;

(b) at any time during the period commencing when the take-over offer is dispatched or the take-over announcement is made and ending at the expiration of the period during which the take-over offer remains open or the offers constituted by the take-over announcement remain open, a person to whom this section applies—

(i) makes or issues, or causes to be made or issued, an oral or written statement to the public, or publishes, or causes to be published, an advertisement, in connection with the offers under the relevant take-over scheme or in connection with the take-over announcement, relating to a prescribed matter;

or

(ii) dispatches, or causes to be dispatched, in connection with the offers under the relevant take-over scheme or in connection with the take-over announcement, a document relating to a prescribed matter to any of the holders of shares in, or of renounceable options or convertible notes granted or issued by, the target company (not being a document required by this Code to be so dispatched);

and

(c) there is in the statement or advertisement, or in the document, matter that is false in a material particular or materially misleading in the form or context in which it appears,

that person, and, if that person is a corporation, any officer of the corporation who is in default, are, subject to this section, each guilty of an offence.

(8) For the purposes of subsections (5), (6) and (7)—

(a) a reference to a document includes a reference to a disc, tape, cinematograph film or other article from which sounds or images can be reproduced;

and

(b) a prescribed matter is a matter relating to affairs of, or to marketable securities issued or to be issued by—

(i) the target company or a corporation that is related to the target company;

(ii) the offeror or on-market offeror, as the case may be, or a corporation that is related to the offeror or on-market offeror;

or

(iii) any other offeror or on-market offeror in relation to the target company, or any corporation that is related to such an offeror or on-market offeror.

(9) A person to whom subsection (1), (2) or (3) applies, or a person referred to in subsection (4), is, in the circumstances referred to in that subsection, whether or not he has been convicted of an offence under that subsection, liable, subject to this section, to pay compensation to a person who acts, or refrains from acting, on the faith of the contents of the relevant statement, offer, notice or report for any loss or damage sustained by that person by reason of his reliance on the false or misleading matter or by reason of the omission of material matter.

(10) A person referred to in subsection (5), (6) or (7) is, in the circumstances referred to in that subsection, whether or not he has been convicted of an offence under that subsection, liable, subject to this section, to pay compensation to a person who acts, or refrains from acting, on the faith of the contents of the relevant statement, advertisement or document for any loss or damage sustained by that person by reason of his reliance on the false or misleading matter.

(11) the persons to whom subsection (1) applies are—

(a) the offeror;

(b) in a case where false or misleading matter appeared in, or material matter was omitted from, a statement—

(i) if the offeror is or includes a corporation—a person who was a director of that corporation at the time when the statement was served, not being—

(A) a director who was not present at the meeting at which the resolution authorizing the signing of the statement was agreed to;

or

(B) a director who voted against that resolution;

and

(ii) subject to subsection (15), a person a notice of whose consent to the inclusion in the statement of a report made by him has been lodged with the Commission under paragraph 18 (2) *(b)*;

and

(c) in a case where—

(i) false or misleading matter appeared in, or material matter was omitted from, an offer or notice;

and

(ii) the offeror is or includes a corporation,

a person who was a director of that corporation at the time when the offer was dispatched or the notice was given, as the case may be.

(12) The persons to whom subsection (2) applies are—

(a) the target company;

(b) where the statement was signed as mentioned in paragraph 22 (2) *(a)* or 32 (2) *(a)*—a person who was a director of the target company at the time when the statement was given or served, not being—

(i) a director who was not present at the meeting at which the resolution authorizing the signing of the statement was agreed to;

or

(ii) a director who voted against that resolution;

and

(c) where the statement was signed as mentioned in paragraph 22 (2) *(b)* or 32 (2) *(b)*—the person who signed the statement.

(13) The persons to whom subsection (3) applies are—

(a) the on-market offeror;

and

(b) in a case where—

(i) false or misleading matter appeared in, or material matter was omitted from, a statement;

and

(ii) the on-market offeror is or includes a corporation,

a person who was a director of that corporation at the time when the statement was served, not being—

(iii) a director who was not present at the meeting at which the resolution authorizing the signing of the statement was agreed to;

or

(iv) a director who voted against that resolution.

(14) The persons to whom subsection (7) applies are—

(a) the offeror or on-market offeror;

(b) a person associated with a person referred to in paragraph *(a)*;

(c) the target company;

(d) an officer of the target company or a person associated with such an officer;

or

(e) if a person referred to in paragraph *(a)* or *(b)* is a corporation—an officer of the corporation or a person associated with such an officer.

(15) A person referred to in subparagraph (11) *(b)* (ii) is guilty of an offence under subsection (1), and liable to pay compensation under subsection (9), only in respect of false or misleading matter in the report referred to in that subparagraph or an omission of material matter from that report.

(16) It is a defence to a prosecution of a person for an offence against subsection (1), (2), (3) or (4) if the person proves—

(a) that, when the statement was served or given, the offer was dispatched, the notice was given or the report was made, he—

(i) believed on reasonable grounds that the false matter was true;

(ii) believed on reasonable grounds that the misleading matter was not misleading;

(iii) in the case of an omission, believed on reasonable grounds that no material matter had been omitted;

or

(iv) in the case of an omission, did not know that the omitted matter was material;

and

(b) that—

(i) on the date of the information, he so believed or did not so know;

or

(ii) before that date, he ceased so to believe or came to know that the omitted matter was material, and forthwith gave reasonable notice containing such matters as were necessary to correct the false or misleading matter or the omission.

(17) It is a defence to a prosecution of a person for an offence against subsection (5), (6) or (7) if the person proves—

(a) that, when the statement was made or issued, the advertisement was published or the document was dispatched, he—

(i) believed on reasonable grounds that the false matter was true;

or

(ii) believed on reasonable grounds that the misleading matter was not misleading;

and

(b) that—

(i) on the date of the information, he so believed;

or

(ii) before that date, he ceased so to believe and forthwith gave reasonable notice containing such matters as were necessary to correct the false or misleading matter.

(18) It is a defence to an action under subsection (9) if the defendant proves—

(a) any matter referred to in paragraph (16) *(a)*;

and

(b) in a case where the action is brought by a person who acted on the faith of the contents of the relevant statement, offer, notice or report, that—

(i) when the plaintiff so acted, the defendant believed as mentioned in subparagraph (16) *(a)* (i), (ii) or (iii) or did not know that the omitted matter was material;

or

(ii) before the plaintiff so acted, the defendant ceased so to believe or came to know that the omitted matter was material, and forthwith gave reasonable notice

containing such matters as were necessary to correct the false or misleading matter or the omission.

(19) It is a defence to an action under subsection (10) if the defendant proves—

(a) any matter referred to in paragraph (17) *(a)*;
and

(b) in a case where the action is brought by a person who acted on the faith of the contents of the relevant statement, advertisement or document, that—

(i) when the plaintiff so acted, the defendant believed as mentioned in subparagraph (17) *(a)* (i) or (ii);
or

(ii) before the plaintiff so acted, the defendant ceased so to believe and forthwith gave reasonable notice containing such matters as were necessary to correct the false or misleading matter.

(20) The penalty for an offence arising under this section is a fine not exceeding $5,000 or imprisonment for a period not exceeding one year, or both.

(21) Nothing in this section affects any cause of action existing apart from this section.

Orders where prohibited acquisitions take place.

45. (1) Where a person has acquired shares in a company in contravention of section 11, the Court may, on the application of the Commission, the company, a member of the company or the person from whom the shares were acquired, make one or more of the following orders:

(a) an order restraining the person who acquired the shares from disposing of, or of any interest in, the shares or such of the shares as are specified in the order;

(b) an order restraining the exercise of any voting or other rights attached to the shares or such of the shares as are specified in the order;

(c) an order directing the company not to make payment, or to defer making payment, of any sum or sums due from the company in respect of the shares or such of the shares as are specified in the order;

(d) an order directing the disposal of, or of any interest in, the shares or such of the shares as are specified in the order;

(e) an order directing the company not to register the transfer or transmission of the shares or such of the shares as are specified in the order;

(f) an order that any exercise of the voting or other rights attached to the shares, or such of the shares as are specified in the order, be disregarded;

(g) for the purpose of securing compliance with any order referred to in any of the preceding paragraphs, an order directing the company or any other person to do or refrain from doing a specified act.

(2) Where, at the hearing of an application under subsection (1), it is proved to the satisfaction of the Court that—

(a) a person is entitled to shares in a company by reason that

another person who is, by virtue of subsection 7 (4), an associate of the first-mentioned person has a relevant interest in those shares;

and

(b) that other person became entitled to that relevant interest by reason of an acquisition of shares (whether in that company or in another corporation) that took place within 6 months immediately preceding the filing of the application with the Court,

then, in determining for the purposes of the application whether the acquisition referred to in paragraph *(b)* of this subsection was made in contravention of section 11, the proof to the satisfaction of the Court of the matters mentioned in paragraphs *(a)* and *(b)* of this subsection constitutes *prima facie* evidence that the other person was, for the purposes of subsection 7 (3), an associate of the first-mentioned person immediately after the acquisition took place.

(3) The Court shall not make an order under this section, other than an order restraining the exercise of voting rights, if it is satisfied—

(a) that the contravention of section 11 by the person who acquired the shares was due to his inadvertence or mistake or to his not being aware of a relevant fact or occurrence;

and

(b) that, in all the circumstances, the contravention ought to be excused.

Orders where offers not dispatched pursuant to Part A statement.

46. (1) Where—

(a) a Part A statement relating to offers under a take-over scheme is served on a target company;

(b) after the Part A statement is served the offeror referred to in the Part A statement acquires shares in the company;

(c) the acquisition of those shares would, but for paragraph 13 (3) *(a)*, have contravened section 11;

and

(d) the offeror does not dispatch the offers to which the Part A statement relates within the period of 28 days after the Part A statement is served on the target company,

the Court may, on the application of the Commission, do either or both of the following:

(e) make one or more of the orders referred to in subsection 45 (1);

(f) order the offeror, within such time as is specified in the order, to dispatch in a manner approved by the Commission the offers to which the Part A statement relates.

(2) Where, under paragraph (1) *(f)*, the Court orders a person to dispatch offers, the Court may also order the person—

(a) to dispatch with each offer a notice setting out such information as the Court specifies;

and

(b) within such period as is specified in the order, to serve on the target company, lodge with the Commission, and, if the target company is a listed public company, serve on the stock exchange that is the home exchange in relation to the target company, a copy of the notice.

(3) Where offers are dispatched pursuant to an order made by the Court under paragraph (1) *(f)*, the offers shall be deemed to be made under a take-over scheme.

Orders to protect rights under take-over schemes or announcements.

47. (1) Where a Part A statement relating to offers under a take-over scheme has been served on a target company or a take-over announcement has been made, the Court may, on the application of the Commission, the offeror, the on-market offeror, the target company or any person who holds shares in the target company or held shares in the target company at the time when the Part A statement was so served or the take-over announcement was made, if the Court is satisfied that a provision of this Code has been contravened or has not been complied with, make such orders as it thinks necessary or expedient to protect the rights of a person affected by the take-over scheme or take-over announcement (including a person who is the holder of non-voting shares in, or renounceable options or convertible notes granted or issued by, the target company), including, but without limiting the generality of the foregoing, one or more of the following orders:

(a) an order directing the offeror, the on-market offeror or the target company to supply to the holders of shares in the target company such information as is specified in the order;

(b) where a person has failed to do an act or thing that he was required by this Code to do—an order directing that person to do that act or thing within such time as is specified in the order, notwithstanding that the time specified in this Code for the doing of that act or thing has expired;

(c) an order restraining the exercise of any voting or other rights attached to any shares;

(d) an order restraining the disposal of, or of any interest in, shares in the target company;

(e) an order directing the disposal of, or of any interest in, shares in the target company;

(f) an order directing the target company not to register the transfer or transmission of shares;

(g) an order cancelling a contract, arrangement or offer relating to the take-over scheme or take-over announcement;

(h) an order declaring a contract, arrangement or offer relating to the take-over scheme or take-over announcement to be voidable;

(j) for the purpose of securing compliance with any other order made under this section, an order directing a person to do or refrain from doing a specified act.

(2) In this section, "shares", in relation to a company, includes—

(a) shares in the company that are not voting shares; and

(b) renounceable options and convertible notes granted or issued by the company.

Court may excuse contravention or non-compliance due to inadvertence, &c.

48. (1) Where a person has contravened or failed to comply with a provision of this Code and the Court is satisfied that the contravention or failure was due to inadvertence, mistake or circumstances beyond his control and that the contravention or failure ought to be excused or is

satisfied on any other grounds that the contravention or failure ought to be excused, the Court may, on the application of an interested person, make such order as it thinks fit declaring any act or matter not to be invalid by reason of the contravention or failure and declaring any act or matter to have force or effect as if there had been no such contravention or failure.

(2) Where—

(a) offers to acquire shares in a company, being offers that purported to be made under a take-over scheme, have been made;

(b) a requirement of subsection 16 (2) has not been complied with; and

(c) the Court is satisfied, on application made by the person who made the offers, that the non-compliance was due to inadvertence, mistake or circumstances beyond his control and that the non-compliance ought to be disregarded, or is satisfied on any other grounds that the non-compliance ought to be disregarded,

the Court may make an order directing that the offers shall be deemed to have been made under a take-over scheme.

(3) Where—

(a) a document purporting to be a Part A statement or a Part C statement is served on a company;

(b) the document does not comply with all the requirements of Part A or Part C, as the case may be, of the Schedule; and

(c) the Court is satisfied, on application by the person by whom or on whose behalf the document was served, that the non-compliance was due to inadvertence, mistake or circumstances beyond his control and that the non-compliance ought to be disregarded, or is satisfied on any other grounds that the non-compliance ought to be disregarded,

the Court may make an order directing that the document shall be deemed to be, and at all relevant times to have been, a Part A statement or a Part C statement, as the case may be.

(3A) Where—

(a) an offeror purports to vary offers under a take-over scheme in accordance with section 27 or in accordance with the regulations;

(b) a requirement of section 27, or of the regulations, as the case may be, has not been complied with; and

(c) the Court is satisfied, on application made by the offeror, that the non-compliance was due to inadvertence, mistake or circumstances beyond his control and that the non-compliance ought to be disregarded, or is satisfied on any other grounds that the non-compliance ought to be disregarded,

the Court may make an order directing that the offers shall be deemed to have been varied in accordance with section 27 or in accordance with the regulations, as the case requires.

(4) This section has effect notwithstanding anything contained in any other provision of this Code.

Miscellaneous provisions relating to orders.

49. (1) The Court shall, before making an order under section 45, 46, 47, 48, 57 or 60 and in determining the terms of such an order, satisfy itself, so far as it can reasonably do so, that the order would not unfairly prejudice any person.

(2) The Court may, before making an order under section 45, 46, 47, 48, 57 or 60, direct that notice of the application be given to such persons as it thinks fit or direct that notice of the application be published in such manner as it thinks fit, or both.

(3) An order under section 45, 46, 47, 48, 57 or 60 may include such ancillary or consequential provisions as the Court thinks just.

(4) An order under section 45, 46, 47 or 60 directing the disposal of, or of an interest in, a share may provide that the disposal shall be made within such time and subject to such conditions (if any) as the Court thinks fit, including, if the Court thinks fit, a condition that the disposal shall not be made to a particular person or persons or to persons included in a particular class or classes of persons.

(5) The Court may direct that, where a share or an interest in a share is not disposed of in accordance with an order of the Court under section 45, 46, 47 or 60, the share or interest in the share shall vest in the Commission.

(6) Section 311 of the Companies Act, 1962-1980, applies in relation to a share or an interest in a share that vests in the Commission under this section in like manner as it applies in relation to an estate or interest in property referred to in the first-mentioned section.

(7) The Court may rescind, vary or discharge an order made by it under section 45, 46, 47, 48, 57 or 60 or suspend the operation of such an order.

(8) A person who contravenes or fails to comply with an order under section 45, 46, 47, 57 or 60 that is applicable to him is guilty of an offence.

(9) Where an offence under subsection (8) is committed by a corporation, any officer of the corporation who is in default is guilty of an offence.

(10) The penalty for an offence arising under this section is a fine not exceeding $1,000 or imprisonment for a period not exceeding 3 months, or both.

(11) Subsections (8) and (9) do not affect the powers of the Court in relation to the punishment of contempts of the Court.

(12) In the application of a provision of this section in relation to orders under section 47, the expression "share" has, in that provision, the meaning given to that expression by subsection 47 (2).

Reduction of capital or cancellation of allotment.

49A. Section 64 of the Companies Act, 1962-1980, does not apply in relation to a reduction of capital, or to a cancellation of shares that have been allotted, where the reduction or cancellation results from, or is necessary by reason of, the operation of this Code, and nothing in that section operates to invalidate any such reduction of capital or cancellation of shares.

50. (1) Subject to subsection (3), this section applies to—

(a) an agreement entered into by a corporation for the making of a payment by the corporation to, or for the provision of a benefit by the corporation for, a person who is a director, secretary or executive officer of the corporation or of a corporation that is related to the corporation;

or

(b) a payment or benefit made or provided by a corporation, otherwise than pusuant to an agreement, to or for such a person,

where the agreement is entered into or the payment or benefit is made or provided by the corporation—

(c) if the corporation is a company—

(i) during the period of 12 months after a Part A statement has been served on, or a take-over announcement has been made in respect of shares in, the company or a corporation that is related to the company;

or

(ii) at a time when the directors of the company have reason to believe that a take-over offer or take-over announcement is to be made in respect of shares in the company or in a corporation that is related to the company;

or

(d) if the corporation is not a company—

(i) during the period of 12 months after a Part A statement has been served on, or a take-over announcement has been made in respect of shares in, a company that is related to the corporation;

or

(ii) at a time when the directors of the corporation have reason to believe that a take-over offer or take-over announcement is to be made in respect of shares in a company that is related to the corporation.

(2) For the purposes of paragraph (1) *(a)*, a corporation that enters into a contract with a person for the employment of, or for the performance of services by, that person for a fixed period shall be taken to have entered into an agreement for the provision of a benefit for that person.

(3) This section does not apply to an agreement that has been entered into, or to a payment or benefit that has been made or provided, by the company (in this subsection referred to as the "target company") to shares in which the Part A statement or take-over announcement relates, or in respect of shares in which the directors believe that a take-over offer or take-over announcement is to be made, or by a corporation that is related to the target company if—

(a) the agreement, payment or benefit has been approved by an ordinary resolution of the target company (whether before or after the agreement was entered into or the payment or benefit was made or provided);

and

(b) where the person who is entitled to receive, or has received, the payment or benefit, or a person associated with that person,

was a member of the target company at the time when the resolution was passed—that member did not vote, either personally or by proxy, on the resolution.

(4) Where a corporation enters into an agreement, or makes or provides a payment or benefit, to which this section applies and the Court is satisfied, on application by the corporation, by the Commission, or by a person who holds, or persons who between them hold, shares in the corporation or in a corporation that is related to the corporation that represent not less than 10% of the aggregate nominal value of the shares in the corporation or in the related corporation, as the case may be, being an application made within 12 months, or such longer period as the Court thinks reasonable in the circumstances, after the agreement was entered into, or the payment or benefit was made or provided, as the case may be, that the entering into the agreement, or the making or provision of the payment or benefit, was unfair or unconscionable having regard to the interests of the corporation, the Court may—

(a) in the case of an agreement—

(i) make an order declaring the agreement or any part of the agreement to be void and, if the Court thinks fit, to have always been void;

and

(ii) if the Court thinks it just and equitable to do so—make an order directing any person to whom a payment was made or for whom a benefit was provided under the agreement, or another person specified in the order, to make a payment or transfer property to the corporation or to do any other act for the benefit of the corporation;

(b) in the case of a payment or benefit—if the Court thinks it just and equitable to do so, make an order directing the person to whom the payment was made or for whom the benefit was provided, or another person specified in the order, to make a payment or transfer property to the corporation or to do any other act for the benefit of the corporation;

and

(c) in either case—make any other order that the Court thinks appropriate.

(5) The references in paragraph (1) *(c)* to a Part A statement having been served on, or a take-over announcement having been made in respect of shares in, a corporation or to a take-over offer or take-over announcement that is to be made in respect of shares in a corporation shall, in the case of a corporation that is not a company, be construed as a reference to a Part A statement, take-over announcement or take-over offer under the corresponding law of the State or Territory in which the corporation is incorporated.

Recording of resolutions.

51. The person who records the minute of a resolution passed for the purposes of this Code at a meeting of the directors of a corporation shall record in the minute the name of any director who is absent from the meeting when the resolution is passed, the name of any director who votes against the resolution and the name of any director who is present when the resolution is passed and abstains from voting on the resolution.

Statements as to proposed take-over offers or announcements.

52. (1) A person who does not propose, whether alone or together with another person or other persons, to make take-over offers or to cause take-over offers to be made, or to cause to be made a take-over announcement, in relation to shares in a company shall not, whether alone or together with another person or other persons, give notice or publicly announce that he proposes, or that he and another person or other persons propose together, to make take-over offers or to cause take-over offers to be made, or to cause to be made a take-over announcement, in relation to shares in that company.

(2) Where—

(a) a person whether alone or together with another person or other persons, gives notice or publicly announces that he proposes, or that he and another person or other persons propose together, to make take-over offers or to cause take-over offers to be made, or to cause to be made a take-over announcement, in relation to shares in a company;

and

(b) the person does not, within 2 months, or such further period as the Commission permits in writing, whether alone or together with another person or other persons, make take-over offers or cause take-over offers to be made, or cause to be made a take-over announcement, in relation to shares in that company,

the person shall be deemed to have contravened subsection (1) unless the person establishes that there was such a change in circumstances after the notice was given or the announcement was made that he could not reasonably be expected to make the take-over offers or cause the take-over offers to be made or cause the take-over announcement to be made.

(3) In any proceeding, if there is produced a certificate in writing by the Commission stating that the Commission has not, pursuant to paragraph (2) *(b)*, permitted a further period for a person or persons specified in the certificate to make take-over offers, or cause a take-over announcement to be made, in relation to shares in a company so specified, it shall be presumed, unless the contrary is established, that no such further period was permitted.

(4) A person shall not, whether alone or together with another person or other persons, make take-over offers or cause to be made a take-over announcement, or give notice or publicly announce, whether alone or together with another person or other persons, that he proposes, whether alone or together with another person or other persons, to make take-over offers or to cause to be made a take-over announcement, if he has no reasonable or probable grounds for believing that he, or that he and the other person or other persons, will be able to perform his or their obligations (including any obligations that may arise under section 43) if the take-over offers or proposed take-over offers or the offers constituted by the take-over announcement or proposed take-over announcement, as the case may be, are accepted.

(5) A person shall not, whether alone or together with another person or other persons, cause take-over offers to be made, or give a notice or publicly announce, whether alone or together with another person or other persons, that he proposes, whether alone or together with another person or other persons, to cause take-over offers to be made, if he has no reasonable or probable grounds for believing that the person or persons by

whom the take-over offers are to be made will be able to perform his or their obligations (including any obligations that may arise under section 43) if the take-over offers or proposed take-over offers are accepted.

Offences.

53. (1) A person who contravenes or fails to comply with a provision of this Code is guilty of an offence.

(2) Where an offence against this Code is committed by a corporation, an officer of the corporation who is in default is guilty of an offence.

(3) The penalty for an offence arising under this section is a fine not exceeding $2,500 or imprisonment for a period not exceeding 6 months, or both.

(4) The preceding provisions of this section do not apply in relation to sections 44 and 49.

(5) Notwithstanding anything in section 5 of the Companies (Acquisition of Shares) (Application of Laws) Act, 1981, sections 379 and 380 of the Companies Act, 1962-1980, do not apply in relation to this Code.

Continuing offences.

54. (1) Where—

(a) by or under a section, or a subsection of a section, of this Code an act or thing is required or directed to be done within a particular period or before a particular time;

(b) failure to do that act or thing within the period or before the time referred to in paragraph *(a)* constitutes an offence;

and

(c) that act or thing is not done within the period or before the time referred to in paragraph *(a)*,

the following provisions have effect:

(d) the obligation to do that act or thing continues, notwithstanding that that period has expired or that time has passed, until the act or thing is done;

(e) where a person is convicted of an offence that, by virtue of paragraph *(d)*, is constituted by failure to do that act or thing after the expiration of that period or after that time, as the case may be, that person is guilty of a separate and further offence in respect of each day after the day of the conviction during which the failure to do that act or thing continues;

and

(f) the penalty for each such separate and further offence is a fine not exceeding $50.

(2) Where—

(a) by or under a section, or a subsection of a section, of this Code an act or thing is required or directed to be done but no period within which or time by which that act or thing is to be done is specified;

(b) failure to do that act or thing constitutes an offence;

and

(c) a person is convicted of an offence in respect of a failure to do that act or thing,

that person is guilty of a separate and further offence in respect of each day after the day of the conviction during which the failure to do that act or

thing continues and the penalty for each such separate and further offence is a fine not exceeding $50.

(3) Charges against the same person for any number of offences under paragraph (1) *(e)* or subsection (2) may be joined in the same information if those offences relate to a failure to do the same act or thing.

(4) If a person is convicted of more than one offence under paragraph (1) *(e)* or more than one offence under subsection (2), the court by which he is convicted may impose one penalty in respect of all the offences of which the person is so convicted under that paragraph or subsection, as the case may be, but that penalty shall not exceed the sum of the maximum penalties that could be imposed if a penalty were imposed in respect of each offence separately.

Officers in default.

55. Where a provision of this Code provides that an officer of a corporation who is in default is guilty of an offence, the reference to the officer who is in default shall, in relation to a contravention of, or failure to comply with, the provision, be construed as a reference to any officer of the corporation (including a person who subsequently ceased to be an officer of the corporation) who is in any way, by act or omission, directly or indirectly, knowingly concerned in or party to the contravention or failure.

Service of documents and publication of notices.

56. (1) Where a document (not being a document that is required to be signed) is required by a provision of this Code or of the regulations to be served on a stock exchange, the document may be served by sending to the stock exchange, by telegraph, telex or other similar means of communication, a message to the effect of the document.

(2) Where a document is required by a provision of this Code or of the regulations to be served on a stock exchange or lodged with the Commission on a particular day—

(a) if that day is not a trading day of that stock exchange—the document shall be served on that stock exchange on the next day that is a trading day of that stock exchange;

or

(b) if the office of the Commission is not open on that day—the document shall be lodged at that office on the next day on which that office is open.

(3) Where a person is required by a provision of this Code to lodge with the Commission or serve on a stock exchange a copy of a notice dispatched by the person, it is not necessary for the copy to include the name or address of the person to whom the notice was dispatched.

(4) Where by a provision of this Code a person is required to cause a notice to be published in a newspaper and, due to circumstances beyond his control, the notice is not published in accordance with the provision, the provision shall be deemed to have been complied with if the person—

(a) did all things that would, but for those circumstances, have resulted in publication of the notice in accordance with the provision;

and

(b) caused the notice to be published on the first practicable date after those circumstances ceased to exist.

Power to exempt from compliance with Code.

57. (1) The Commission may, by instrument in writing, exempt a person, as specified in the instrument and subject to such conditions (if any)

as are specified in the instrument, from compliance with all or any of the requirements of this Code.

(2) A copy of an instrument executed under this section shall be published in the *Gazette*.

(3) A person who is exempted by the Commission, subject to a condition, from compliance with a requirement of this Code shall not contravene or fail to comply with the condition.

(4) Where a person has contravened or failed to comply with a condition to which an exemption under this section is subject the Court may, on the application of the Commission, order the person to comply with the condition.

Power to declare that Code applies as if modified.

58. (1) The Commission may, by instrument in writing, declare that this Code shall have effect in its application to or in relation to a particular person or persons in a particular case as if a provision or provisions of this Code specified in the instrument was or were omitted or was or were modified or varied in a manner specified in the instrument, and, where such a declaration is made, this Code has effect accordingly.

(2) A copy of an instrument executed under this section shall be published in the *Gazette*.

Commission to take account of certain matters.

59. In exercising any of its powers under section 57 or 58, the Commission shall take account of the desirability of ensuring that the acquisition of shares in companies takes place in an efficient, competitive and informed market and, without limiting the generality of the foregoing, shall have regard to the need to ensure—

(a) that the shareholders and directors of a company know the identity of any person who proposes to acquire a substantial interest in the company;

(b) that the shareholders and directors of a company have a reasonable time in which to consider any proposal under which a person would acquire a substantial interest in the company;

(c) that the shareholders and directors of a company are supplied with sufficient information to enable them to assess the merits of any proposal under which a person would acquire a substantial interest in the company;

and

(d) that, as far as practicable, all shareholders of a company have equal opportunities to participate in any benefits accruing to shareholders under any proposal under which a person would acquire a substantial interest in the company,

but nothing in this section shall be taken to require the Commission to exercise any of its powers in a particular way in a particular case.

Power of Commission to declare acquisition of shares or other conduct to be unacceptable.

60. (1) The Commission may, within 14 days after an acquisition of shares in a company, by instrument in writing, declare that acquisition of shares to have been an unacceptable acquisition and, where such a declaration is made, the person who acquired those shares shall be deemed, for the purposes only of section 45, to have acquired those shares in contravention of section 11.

(2) Where an application is made to the Court under section 45 in relation to an acquisition of shares that has been declared by the Commission pursuant to subsection (1) to have been an unacceptable acquisition of shares, the Court may, instead of making any of the orders referred to in section 45, declare that the acquisition of shares was not an unacceptable acquisition of shares and where the Court so declares, the declaration of the Commission has no further effect.

(3) Where a Part A statement has been served in respect of shares in a company, the Commission may, within 14 days after particular conduct has been engaged in by a specified person in relation to shares in, or the affairs of, the target company during the period commencing when the statement was served and ending at the expiration of 28 days after the day on which the statement was served or, if take-over offers are dispatched pursuant to the statement within those 28 days, at the expiration of the period during which the take-over offers remain open, by instrument in writing, declare that conduct to have been unacceptable conduct.

(4) Where a take-over announcement has been made in respect of shares in a company, the Commission may, within 14 days after particular conduct has been engaged in by a specified person in relation to shares in, or the affairs of, the target company during the period commencing when the take-over announcement was made and ending at the expiration of the period during which the offers constituted by the take-over announcement remain open, by instrument in writing, declare that conduct to have been unacceptable conduct.

(5) Where, pursuant to subsection (3) or (4), the Commission declares conduct that has been engaged in by a person to have been unacceptable conduct, the Court may, on the application of the Commission, make—

(a) any order that it thinks necessary or expedient to protect the rights of any person affected by the conduct or to ensure, as far as possible, that the relevant take-over scheme or take-over announcement proceeds as if that conduct had not taken place;

(b) without limiting the generality of paragraph *(a)*, any one or more orders of the kinds referred to in paragraphs 47 (1) *(a)*, *(c)*, *(d)*, *(e)*, *(f)*, *(g)* and *(h)*;

and

(c) for the purpose of securing compliance with any order made pursuant to paragraph *(a)* or *(b)*, an order directing a person to do or refrain from doing a specified act,

or, instead of making any order, the Court may declare that the conduct concerned was not unacceptable conduct, and, where the Court so declares, the declaration of the Commission has no further effect.

(6) Where the Commission makes a declaration under subsection (1), (3) or (4) in relation to an acquisition of shares by, or in relation to conduct engaged in by, a person, the Court may, on the application of that person, declare that the acquisition of shares, or the conduct, as the case may be, was not an unacceptable acquisition of shares or was not unacceptable conduct, as the case may be, and, where the Court so declares, the declaration of the Commission has no further effect.

(7) The Commission shall not make a declaration under subsection (1) unless it is satisfied that the acquisition of shares to which the declaration relates occurred in circumstances where—

(a) the shareholders and directors of a company did not know the identity of a person who proposed to acquire a substantial interest in the company;

(b) the shareholders and directors of a company did not have a reasonable time in which to consider a proposal under which a person would acquire a substantial interest in the company;

(c) the shareholders and directors of a company were not supplied with sufficient information to enable them to assess the merits of a proposal under which a person would acquire a substantial interest in the company;

or

(d) the shareholders of a company did not all have equal opportunities to participate in any benefits accruing to shareholders under a proposal under which a person would acquire a substantial interest in the company.

(7A) The Commission shall not make a declaration under subsection (3) or (4) unless it is satisfied that as a result of the conduct to which the declaration relates—

(a) the shareholders and directors of a company did not know the identity of a person who proposed to acquire a substantial interest in the company;

(b) the shareholders and directors of a company did not have a reasonable time in which to consider a proposal under which a person would acquire a substantial interest in the company;

(c) the shareholders and directors of a company were not supplied with sufficient information to enable them to assess the merits of a proposal under which a person would acquire a substantial interest in the company;

or

(d) the shareholders of a company did not have equal opportunities to participate in any benefits accruing to shareholders under a proposal under which a person would acquire a substantial interest in the company.

(8) Where the Commission makes a declaration under this section, the Commission shall as soon as practicable—

(a) cause a copy of the instrument of declaration to be given to, or served on, any person to whom the declaration relates;

and

(b) cause a copy of that instrument to be published in the *Gazette*.

Power of Commission to intervene in proceedings.

61. (1) The Commission may intervene in any proceeding relating to a matter arising under this Code.

(2) Where the Commission intervenes in any proceeding referred to in subsection (1), the Commission shall be deemed to be a party to the proceeding with all the rights, duties and liabilities of such a party.

(3) Without limiting the generality of subsection (2), the Commission may appear and be represented in any proceeding in which it wishes to intervene pursuant to subsection (1)—

(a) by an employee of the Commission;

(b) by a natural person to whom, or by an officer or employee of a person to whom or to which, the Commission has delegated its functions and powers under this Code or such of those functions and powers as relate to a matter to which the proceeding relates;

or

(c) by solicitor or counsel.

62. * * * * * * * * * *

Acquisition of shares within 6 months after commencement of Code.

63. Section 11 does not prohibit an acquisition of voting shares in a company during the period of 6 months immediately following the commencement of the Companies (Acquisition of Shares) (Application of Laws) Act, 1981, by reason of the effect of the acquisition on the entitlement to voting shares in the company of any person (in this section referred to as a "relevant person") if the number ascertained in accordance with the formula $\frac{100\ (a+b-c)}{d}$ does not exceed 3, where—

a is the number of voting shares to be acquired;

b is the number of voting shares in the company that were acquired by any person during the period of 6 months immediately preceding the first-mentioned acquisition, being voting shares the acquisition of which by the person concerned increased the number of voting shares in the company to which the relevant person was entitled;

c is the number of voting shares in the company that were disposed of by any person during the period of 6 months immediately preceding the first-mentioned acquisition, being voting shares the disposal of which by the person concerned decreased the number of voting shares in the company to which the relevant person was entitled;

d is the number of voting shares in the company.

64. * * * * * * * * * *

SCHEDULE

Sections 16, 17, 22 and 32

PART A

STATEMENT TO BE FURNISHED BY OFFEROR

1. The statement shall—

(a) set out the period during which the offers are intended to remain open;

(b) where the offeror is or includes a corporation or corporations—

(i) specify the names, occupations and addresses of all the directors of the corporation or of each corporation;

(ii) contain a summary of the principal activities of the corporation or of each corporation;

and

(iii) if the corporation or either or any of the corporations is included in a group of corporations consisting of a holding company and a subsidiary or subsidiaries—contain a summary of the principal activities of the group of corporations;

(c) set out full particulars of the shares in the target company to which the offeror is entitled or, if there are no such shares, set out a statement to that effect;

(d) set out full particulars of marketable securities of the target company (not being shares) to which the offeror is entitled or, if there are no such securities to which the offeror is entitled, set out a statement to that effect;

(e) where the offeror is or includes a corporation or corporations and shares may be acquired for a consideration that is or includes marketable securities of that corporation or of any of those corporations or each offer is subject to a condition requiring the making of a payment (whether by way of making a loan, subscribing for shares or otherwise) by the offeree to that corporation or any of those corporations, set out, in respect of that corporation or each of those corporations—

(i) the reports that, if the statement were a prospectus issued on the date on which the statement is registered under section 18, would be required to be set out in a statement under clauses 20 and 23, and, if the consideration includes debentures, in a statement under clauses 32, 33 and 34, of the Fifth Schedule to the Companies Act, 1962-1980;

(ii) in respect of each report referred to in subparagraph (i)—a statement that the person or each of the persons by whom the report is made consents to the inclusion of the report in the form and context in which it is included;

(iii) full particulars of any alterations in the capital structure of the corporation during the period of 5 years immediately preceding the date on which the statement is lodged with the Commission for registration and particulars of the dates of any such alterations and the source of any increase in its capital;

and

(iv) full particulars of any alterations in the capital structure of any corporation that, at any time during the period of 5 years referred to in subparagraph (iii), was a subsidiary of the corporation referred to in that subparagraph, being alterations occurring during the period in which the corporation was a subsidiary of the corporation referred to in that subparagraph, and particulars of the dates on which any such corporation became a subsidiary or ceased to be a subsidiary, the date of any alteration in its capital structure and the source of any increase in its capital;

(f) where the offeror is or includes a natural person or natural persons—specify the name, address and occupation of that person or of each of those persons, set out a summary of the principal business activities of that person or of each of those persons and specify the corporations (if any) of which that person or any of those persons is a director or other officer, it being sufficient, where a person is a director of one or more subsidiaries of the same holding company, to specify that he holds one or more directorships in a group of companies that may be described by the name of the holding company with the addition of the word "Group";

(g) where—

(i) the offeror has dispatched offers or invitations relating to the acquisition of shares in the target company (whether voting shares or not) of a different class from the shares to which the take-over offers relate or relating to the acquisition of renounceable options or convertible notes granted or issued by the target company, being offers or invitations that are open or expressed to be open on the day on which the statement is served on the target company;

or

(ii) the offeror proposes to dispatch, while the take-over offers remain open, offers or invitations relating to the acquisition of shares in the target company (whether voting shares or not) of a different class from the shares to which the take-over offers relate or relating to the acquisition of renounceable options or convertible notes granted or issued by the target company,

set out the terms or proposed terms of those offers or invitations;

and

(h) where the offeror intends, if he is required under subsection 43 (4) to give notice to the holders of any non-voting shares in, renounceable options granted by, or convertible notes issued by, the target company, to propose terms for the acquisition of those shares, renounceable options or convertible notes—set out those proposed terms.

2. The statement shall set out particulars of any restriction on the right to transfer shares to which the offers relate contained in the constituent documents of the target company that has the effect of requiring the holders of the shares, before transferring them, to offer them for purchase to members of the target company or to any other person and, if there is any such restriction, the arrangements (if any) being made to enable the shares to be transferred.

3. If the consideration for the acquisition of the shares to which the take-over offers relate or for the acquisition of any shares, renounceable options or convertible notes referred to in paragraph 1 *(h)* is to be satisfied in whole or in part by the payment of cash, the statement shall set out—

(a) if the offeror is to provide some or all of the cash from his own funds—particulars sufficient to identify the cash amounts held by the offeror for or in respect of payment of the consideration;

and

(b) if the offeror is not to provide all of the cash, or is not to provide any of it, from his own funds—particulars sufficient to identify the other person who is, or each of the other persons who are, to provide, whether directly or indirectly, some or all of the cash from his or their own funds and particulars of the arrangements by which that cash will be provided by that other person or those other persons.

4. The statement shall set out—

(a) where it is proposed in connection with the offers that any payment or other benefit will—

(i) be made or given to any director, secretary or executive officer of the target company as compensation for loss of, or as consideration for or in connection with his retirement from, office as a director, secretary or executive officer or any other office in connection with the management of affairs of the target company or of a corporation that is related to the target company;

or

(ii) be made or given to any director, secretary or executive officer of any corporation that is related to the target company as compensation for loss of, or as consideration for or in connection with his retirement from, office as a director, secretary or executive officer or any other office in connection with the management of affairs of the target company or of a corporation that is related to the target company,

particulars of the proposed payment or benefit;

(b) where there is any other agreement or arrangement made between the offeror and any of the directors of the target company in connection with or conditional upon the outcome of the offers—particulars of any such agreement or arrangement;

(c) whether, within the knowledge of the offeror, the financial position of the target company has materially changed since the date of the last balance-sheet laid before the company in general meeting and, if so, full particulars of the change known to the offeror;

(d) where there is any agreement or arrangement whereby any shares acquired by the offeror pursuant to the offers will or may be transferred to any other person—

(i) the names of the persons who are parties to the agreement or arrangement, the number, description and amount of the shares that will or may be so transferred and, if the transferee is not a party to the agreement or arrangement, the name of the transferee;

and

(ii) the number, description and amount of any shares in the target company held by or on behalf of each of the persons who are parties to the agreement or arrangement and, if the transferee is not a party to the agreement or arrangement, by or on behalf of the transferee or, if no such shares are so held, a statement to that effect;

(e) where there is any agreement or arrangement for the acquisition of shares in the target company by the offeror or by a person associated with the offeror, being an agreement or arrangement under which the person, or either or any of the persons, from whom the shares have been or are to be acquired or any person associated with that person or with either or any of those persons may, at any time after an offer is dispatched, become entitled to any benefit, whether by way of receiving an increased price for those shares or by payment of cash or otherwise, that is related to, dependent upon, or calculated in any way by reference to, the consideration payable for shares acquired after the agreement or arrangement was entered into—full particulars of that agreement or arrangement;

and

(*f*) any other information (other than matter that is not permitted to be included in a statement referred to in section 37 or 38 without the consent of the Commission) material to the making of a decision by an offeree whether or not to accept an offer, being information that is within the knowledge of the offeror and has not previously been disclosed to the holders of shares in the target company.

5. Where—

(*a*) the consideration to be offered in exchange for shares in the target company consists, in whole or in part, of marketable securities issued, or to be issued, by a corporation that is not, or is not included in, the offeror;

or

(*b*) the offer is subject to a condition requiring the making of a payment (whether by way of making a loan, subscribing for shares or otherwise) by the offeree to a corporation that is not, or is not included in, the offeror,

the statement shall contain the same information as would have to be given pursuant to a requirement of any other provision of this Schedule if the corporation were the offeror.

5A. The statement shall set out particulars of the offeror's intentions regarding—

(*a*) the continuation of the business of the target company;

(*b*) any major changes to be made to the business of the target company, including any redeployment of the fixed assets of the target company;

and

(*c*) the future employment of the present employees of the target company.

6. The succeeding provisions of this Part apply only where the consideration to be offered in exchange for shares in the target company consists, in whole or in part, of marketable securities issued, or to be issued, by a corporation.

7. Where the marketable securities are listed for quotation on the stock market of a stock exchange, the statement shall state the fact, specify the stock exchange concerned and specify—

(*a*) the latest recorded sale price before the date on which the statement is lodged with the Commission for registration;

(*b*) the highest and lowest recorded sale prices during the 3 months immediately preceding that date and the respective dates of the relevant sales;

and

(*c*) where the take-over offers have been the subject of a public announcement in newspapers or by any other means before the statement is served on the target company, the latest recorded sale price immediately before the public announcement.

8. Where the marketable securities are listed for quotation on or dealt in on more than one stock exchange, it is sufficient compliance with paragraphs 7 (*a*) and (*c*) if information with respect to the marketable securities is given in relation to the stock exchange at which there has been the greatest number of recorded dealings in the securities in the 3 months immediately preceding the date on which the statement is served on the target company.

9. Where the securities are not listed for quotation on the stock market of a stock exchange, the statement shall set out all the information that the offeror has as to the number of the securities that have been sold in the 3 months immediately preceding the date on which the statement is served on the target company and the amount of those securities and the prices at which they were sold and, if the offeror does not have any such information, a statement to that effect.

10. Where marketable securities are to be issued, the information required under clauses 7, 8 and 9 shall be given in respect of such marketable securities as have been issued and are of the same class as those to be issued.

PART B

STATEMENT TO BE FURNISHED BY TARGET COMPANY TO WHICH TAKE-OVER SCHEME RELATES

1. The statement shall set out—

(*a*) except in the case of a target company that is in the course of being wound up or is under official management, in relation to each director of the target company—

(i) if the director desires to make, and considers himself justified in making, a recommendation in relation to the offers—whether the director recommends the acceptance of offers made or to be made by the offeror or recommends against such acceptance and, in either case, his reasons for so recommending;

(ii) if the director is not available to consider the offers—that the director is not so available and the reasons for his being not so available;

or

(iii) in any other case—that the director does not desire to make a recommendation or does not consider himself justified in making a recommendation and his reasons for not so desiring or for so considering;

or

(b) in the case of a target company that is in the course of being wound up or is under official management, in relation to each liquidator or each official manager, as the case requires—

(i) if the liquidator or official manager, as the case may be, desires to make and considers himself justified in making, a recommendation in relation to the offers—whether the liquidator or official manager, as the case may be, recommends the acceptance of offers made or to be made by the offeror or recommends against such acceptance and, in either case, his reasons for so recommending;

or

(ii) in any other case—that the liquidator or official manager, as the case may be, does not desire to make a recommendation or does not consider himself justified in making a recommendation and his reasons for not so desiring or for so considering.

2. The statement shall set out—

(a) the number, description and amount of marketable securities of the target company held by or on behalf of each director of the company or, in the case of a director by or on behalf of whom none are so held, that fact;

(b) in respect of each director of the target company by whom, or on whose behalf, shares in the target company are held—

(i) whether the director intends to accept any offer that has been or may be made in respect of those shares;

or

(ii) that the director has not decided whether he will accept such an offer;

(c) the name of any director of the target company who voted against the relevant resolution authorizing the Part B statement and, if the director so requires, a statement by that director setting out his reasons for so voting;

(d) where the offeror is or includes a corporation or corporations, whether any marketable securities of that corporation or of any of those corporations are held by, or on behalf of, any director of the target company and, if so, the number, description and amount of those marketable securities;

(e) where it is proposed that any payment or other benefit will—

(i) be made or given to any director, secretary or executive officer of the target company as compensation for loss of, or as consideration for or in connection with his retirement from, office as a director, secretary or executive officer or any other office in connection with the management of affairs of the target company or of a corporation that is related to the target company;

or

(ii) be made or given to any director, secretary or executive officer of any corporation that is related to the target company as compensation for loss of, or as consideration for or in connection with his retirement from, office as a director, secretary or executive officer or any other office in connection with the management of affairs of the target company or of a corporation that is related to the target company,

particulars of the proposed payment or benefit;

(f) where there is any other agreement or arrangement made between any director of the target company and any other person in connection with or conditional upon the outcome of the offers—particulars of any such agreement or arrangement;

(g) whether any director of the target company has an interest in any contract entered into by the offeror and, if so, particulars of the nature and extent of each such interest;

(h) if the shares to which the offers relate are not listed for quotation on the stock market of a stock exchange, all the information that the target company has as to the number of any such shares that have been sold in the 6 months immediately preceding the date on which the Part A statement relating to the offers was served on the target company and the amount of those shares and the prices at which they were sold;

(j) whether, within the knowledge of—

(i) in the case of a Part B statement that is signed as mentioned in paragraph 22 (2) *(a)*—any of the directors of the target company;

or

(ii) in the case of a Part B statement that is signed as mentioned in paragraph 22 (2) *(b)*—the liquidator or official manager, as the case may be,

the financial position of the target company has materially changed since the date of the last balance-sheet laid before the company in general meeting or dispatched to shareholders in accordance with section 164 of the Companies Act, 1962-1980, and, if so, full particulars of any such change or changes;

and

(k) any other information (other than matter that is not permitted to be included in a statement referred to in section 37 or 38 without the consent of the Commission) material to the making of a decision by an offeree whether or not to accept an offer, being information that is within the knowledge of—

(i) in the case of a Part B statement that is signed as mentioned in paragraph 22 (2) *(a)*—any of the directors of the target company;

or

(ii) in the case of a Part B statement that is signed as mentioned in paragraph 22 (2) *(b)*—the liquidator or official manager, as the case may be,

and has not previously been disclosed to the holders of shares in the target company.

PART C

STATEMENT TO BE FURNISHED BY ON-MARKET OFFEROR

1. The statement shall set out full particulars of the offers constituted by the take-over announcement, including the period for which the offers will, unless withdrawn, remain open.

2. The statement shall—

(a) where the on-market offeror is or includes a corporation or corporations—

(i) specify the names, occupations and addresses of all the directors of the corporation or of each corporation;

(ii) contain a summary of the principal activities of the corporation or of each corporation;

and

(iii) if the corporation or either or any of the corporations is included in a group of corporations consisting of a holding company and a subsidiary or subsidiaries—contain a summary of the principal activities of the group of corporations;

(b) set out full particulars of the shares in the target company to which the on-market offeror is entitled or, if there are no such shares, set out a statement to that effect;

(c) set out full particulars of marketable securities of the target company (not being shares) to which the on-market offeror is entitled or, if there are no such securities to which the on-market offeror is entitled, set out a statement to that effect;

(d) where the on-market offeror is or includes a natural person or natural persons, specify the name, address and occupation of that person or of each of those persons and set out a summary of the principal business activities of that person or of each of those persons and specify the corporations (if any) of which that person or any of those persons is a director or other officer, it being sufficient, where a person is a director of one or more subsidiaries of the same holding company, to specify that he holds one or more directorships in a group of companies that may be described by the name of the holding company with the addition of the word "Group";

(e) particulars of all acquisitions or disposals of shares in the target company by the on-market offeror or any person associated with the offeror in the period of 3 months preceding the date of the take-over announcement, including particulars of the price per share in relation to each acquisition or disposal;

and

(f) where the on-market offeror intends, if he is required under subsection 43 (4) to give notice to the holders of any non-voting shares in, renounceable options granted by, or convertible notes issued by, the target company, to propose terms for the acquisition of those shares, renounceable options or convertible notes—set out those proposed terms.

3. The statement shall set out—

(a) if the on-market offeror is to provide from his own funds some or all of the cash payable as consideration for the acquisition of shares to which the take-over announcement relates or for the acquisition of any shares, renounceable options, or convertible notes referred to in paragraph 2 *(f)*—particulars sufficient to identify the cash amounts held by the on-market offeror for or in respect of payment of the consideration;

and

(b) if the on-market offeror is not to provide from his own funds all of the cash payable as consideration for the acquisition of shares to which the take-over announcement relates or for the acquisition of any shares, renounceable options or convertible notes referred to in paragraph 2 *(f)*, or is not to provide any of that cash from his own funds—particulars sufficient to identify the other person who is, or each of the other persons who are, to provide, whether directly or indirectly, some or all of the cash from his or their own funds and particulars of the arrangements by which that cash will be provided by that other person or those other persons.

4. The statement shall set out—

(a) where it is proposed in connection with the take-over announcement that any payment or other benefit will—

(i) be made or given to any director, secretary or executive officer of the target company as compensation for loss of, or as consideration for or in connection with his retirement from, office as a director, secretary or executive officer or any other office in connection with the management of affairs of the target company or of a corporation that is related to the target company;

or

(ii) be made or given to any director, secretary or executive officer of any corporation that is related to the target company as compensation for loss of, or as consideration for or in connection with his retirement from, office as a director, secretary or executive officer or any other office in connection with the management of affairs of the target company or of a corporation that is related to the target company,

particulars of the proposed payment or benefit;

(b) where there is any other agreement or arrangement made between the on-market offeror and any of the directors of the target company in connection with or conditional upon the outcome of the take-over announcement—particulars of any such agreement or arrangement;

(c) whether, within the knowledge of the on-market offeror, the financial position of the target company has materially changed since the date of the last balance-sheet laid before the company in general meeting and, if so, full particulars of the change known to the on-market offeror;

(d) where there is any agreement or arrangement whereby any shares acquired by the on-market offeror pursuant to the take-over announcement will or may be transferred to any other person—

(i) the names of the persons who are parties to the agreement or arrangement, the number, description and amount of the shares that will or may be so transferred and, if the transferee is not a party to the agreement or arrangement, the name of the transferee;

and

(ii) the number, description and amount of any shares in the target company held by or on behalf of each of the persons who are parties to the agreement or arrangement and, if the transferee is not a party to the agreement or arrangement, by or on behalf of the transferee or, if no such shares are so held, a statement to that effect;

(e) where there is any agreement or arrangement for the acquisition of shares in the target company by the on-market offeror or by a person associated with the on-market offeror, being an agreement or arrangement under which the person, or either or any of the persons, from whom the shares have been or are to be acquired or any person associated with that person or with either or any of those persons may, at any time after the take-over announcement is made, become entitled to any benefit, whether by way of receiving an increased price for those shares or by payment of cash or otherwise, that is related to, dependent upon, or calculated in any way by reference to, the consideration payable for shares acquired after the agreement or arrangement was entered into—full particulars of that agreement or arrangement;

and

(f) any other information (other than matter that is not permitted to be included in a statement referred to in section 37 or 38 without the consent of the Commission) material to the making of a decision by an offeree whether or not to accept an offer, being information that is within the knowledge of the on-market offeror and has not previously been disclosed to the holders of shares in the target company.

5. The statement shall set out particulars of the on-market offeror's intentions regarding—

(a) the continuation of the business of the target company;

(b) any major changes to be made to the business of the target company, including any redeployment of the fixed assets of the target company;

and

(c) the future employment of the present employees of the target company.

PART D

STATEMENT TO BE FURNISHED BY TARGET COMPANY TO WHICH TAKE-OVER ANNOUNCEMENT RELATES

1. The statement shall set out—

(a) except in the case of a target company that is in the course of being wound up or is under official management, in relation to each director of the target company—

(i) if the director desires to make, and considers himself justified in making, a recommendation in relation to the offers—where the director recommends the

acceptance offers constituted by the take-over announcement or recommends against such acceptance and, in either case, his reasons for so recommending;

(ii) if the director is not available to consider the offers—that the director is not so available and the reasons for his being not so available;

or

(iii) in any other case—that the director does not desire to make a recommendation or does not consider himself justified in making a recommendation and his reasons for not so desiring or for so considering;

or

(b) in the case of a target company that is in the course of being wound up or is under official management, in relation to each liquidator or each official manager, as the case requires—

(i) if the liquidator or official manager, as the case may be, desires to make and considers himself justified in making, a recommendation in relation to the offers—whether the liquidator or official manager, as the case may be, recommends the acceptance of offers constituted by the take-over announcement or recommends against such acceptance and, in either case, his reasons for so recommending;

or

(ii) in any other case—that the liquidator or official manager, as the case may be, does not desire to make a recommendation or does not consider himself justified in making a recommendation and his reasons for not so desiring or for so considering.

2. The statement shall set out—

(a) the number description and amount of marketable securities of the target company held by or on behalf of each director of the company or, in the case of a director by or on behalf of whom none are so held, that fact;

(b) in respect of each director of the target company by whom, or on whose behalf, shares in the target company are held—

(i) whether the director intends to accept any offer that has been made in respect of those shares;

or

(ii) that the director has not decided whether he will accept such an offer;

(c) the name of any director of the target company who voted against the relevant resolution authorizing the Part D statement and, if the director so requires, a statement by that director setting out his reasons for so voting;

(d) where the on-market offeror is or includes a corporation or corporations, whether any marketable securities of that corporation or of any of those corporations are held by, or on behalf of, any director of the target company and, if so, the number, description and amount of those marketable securities;

(e) where it is proposed in connection with the take-over announcement that any payment or other benefit will—

(i) be made or given to any director, secretary or executive officer of the target company as compensation for loss of, or as consideration for or in connection with his retirement from, office as a director, secretary or executive officer or any other office in connection with the management of affairs of the target company or of a corporation that is related to the target company;

or

(ii) be made or given to any director, secretary or executive officer of any corporation that is related to the target company as compensation for loss of, or as consideration for or in connection with his retirement from, office as a director, secretary or executive officer or any other office in connection with the management of affairs of the target company or of a corporation that is related to the target company,

particulars of the proposed payment or benefit;

(f) where there is any other agreement or arrangement made between any director of the target company and any other person in connection with or conditional upon the outcome of the offers constituted by the take-over announcement—particulars of any such agreement or arrangement;

(g) whether any director of the target company has an interest in any contract entered into by the on-market offeror and, if so, particulars of the nature and extent of each such interest;

(h) whether, within the knowledge of—

(i) in the case of a Part D statement that is signed as mentioned in paragraph 32 (2) *(a)*—any of the directors of the target company;

or

(ii) in the case of a Part D statement that is signed as mentioned in paragraph 32 (2) *(b)*—the liquidator or official manager, as the case may be,

the financial position of the target company has materially changed since the date of the last balance-sheet laid before the company in general meeting or dispatched to shareholders in accordance with section 164 of the Companies Act, 1962-1980, and, if so, full particulars of any such change or changes;

and

(j) any other information (other than matter that is not permitted to be included in a statement referred to in section 37 or 38 without the consent of the Commission) material to the making of a decision by an offeree whether or not to accept an offer made by virtue of the take-over announcement, being information that is within the knowledge of—

(i) in the case of a Part D statement that is signed as mentioned in paragraph 32 (2) *(a)*—any of the directors of the target company;

or

(ii) in the case of a Part D statement that is signed as mentioned in paragraph 32 (2) *(b)*—the liquidator or official manager, as the case may be,

and has not previously been disclosed to the holders of shares in the target company.

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

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No. 45 of 1981

An Act relating to the securities industry in South Australia.

[*Assented to* 19 *March* 1981]

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 "Securities Industry (Application of Laws) Act, 1981".

Commencement.

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

Arrangement of Act.

3. This Act is arranged as follows:—

PART I—PRELIMINARY

PART II—APPLICATION OF LAWS

PART III—TRANSITIONAL PROVISIONS

Interpretation.

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

"Agreement" means the agreement made on the twenty-second day of December, 1978, between the Commonwealth and the States in relation to a proposed scheme for the co-operative regulation of companies and the securities industry or, if that agreement is or has been amended or affected by another agreement, that agreement as so amended or affected:

"Commission" or "National Commission" means the National Companies and Securities Commission established by the *National Companies and Securities Commission Act* 1979 of the Commonwealth:

"Ministerial Council" means the Ministerial Council for Companies and Securities established by the Agreement:

"State Commission" means the Corporate Affairs Commission established by the Companies Act, 1962-1980:

"the applied provisions" means the provisions applying by reason of sections 6 and 7 of this Act:

"the Commonwealth Act" means the *Securities Industry Act* 1980 of the Commonwealth.

(2) In this Act, a reference to a Commonwealth Act shall be construed as including a reference to that Act as amended and in force for the time being and to an Act passed in substitution for that Act.

Interpretation of Securities Industry (South Australia) Code.

5. The Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Act, 1981, applies to the *Securities Industry (South Australia) Code*.

PART II

PART II

APPLICATION OF LAWS

Application of securities industry law.

6. Subject to this Act, the provisions of the Commonwealth Act (other than sections 1, 2 and 3) apply—

(*a*) as if amended as set out in schedule 1 of this Act;

and

(*b*) subject to and in accordance with the Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Act, 1981,

as laws of South Australia.

Application of securities industry regulations.

7. Subject to this Act, the provisions of regulations in force for the time being under the Commonwealth Act (other than provisions providing for the citation or commencement of the regulations) apply—

(*a*) as if amended as set out in schedule 2 of this Act;

and

(*b*) subject to and in accordance with the Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Act, 1981,

as regulations made under the provisions applying by reason of section 6 of this Act.

Fees payable.

8. (1) There shall be paid to the State Commission, for and on behalf of the State, for or in respect of—

(*a*) the lodgment of documents with the National Commission under the applied provisions;

(*b*) the registration of documents under the applied provisions or the inspection or search of registers kept by, or documents in the custody of, the National Commission under the applied provisions;

(*c*) the production by the National Commission, pursuant to a subpoena, of any registers kept by, or documents in the custody of, the National Commission under the applied provisions;

(*d*) the issuing of documents or copies of documents, the granting of licences, consents or approvals or the doing of other acts or things by the Ministerial Council or the National Commission under the applied provisions;

and

(*e*) the making of inquiries of, or applications to, the Ministerial Council or the National Commission in relation to matters arising under the applied provisions,

such fees (if any) as are prescribed by regulations in force for the time being under the *Securities Industry (Fees) Act* 1980 of the Commonwealth and specified in the schedule to those regulations as if amended as set out in schedule 3 of this Act, and as if, unless the contrary intention appears, expressions used had the same respective meanings as in the applied provisions.

(2) Where a fee is payable to the State Commission for and on behalf of the State under subsection (1) of this section for or in respect of the lodgment of a document with the National Commission and the document is submitted for lodgment without payment of the fee, the document shall be deemed not to have been lodged until the fee has been paid.

(3) Where a fee is payable to the State Commission for and on behalf of the State under subsection (1) of this section for or in respect of any matter involving the doing of any act or thing by the Ministerial Council or the National Commission, the Ministerial Council or the National Commission shall not do that act or thing until the fee has been paid.

(4) This section has effect notwithstanding anything contained in the applied provisions.

(5) Nothing in this section prevents the State Commission for and on behalf of the State from—

(*a*) waiving or reducing in a particular case or classes of cases, fees that would otherwise be payable pursuant to this section;

or

(*b*) refunding in whole or in part in a particular case or classes of cases, fees paid pursuant to this section.

(6) In this section, unless the contrary intention appears, expressions used have the same respective meanings as in the applied provisions.

Amendment of regulations pursuant to Agreement.

9. (1) Where, under the Agreement, the Ministerial Council approves a proposed amendment of regulations in force for the time being under the Commonwealth Act or the *Securities Industry* (*Fees*) *Act* 1980 of the Commonwealth and, upon the expiration of six months after the date on which the Ministerial Council so approved, the amendment has not been made or has been made and is subject to disallowance or has ceased to be in force by disallowance or, for any other reason, the Governor may make regulations in accordance with the proposed amendment approved by the Ministerial Council amending the provisions of regulations applying by reason of section 7 of this Act or the regulations referred to in section 8 of this Act, as the case may be.

(2) Regulations made by the Governor under subsection (1) of this section may amend schedule 2 or 3, as the case may be, of this Act and that schedule as so amended shall be schedule 2 or 3, as the case may be, of this Act.

(3) In this Act—

(*a*) a reference to provisions of regulations applying by reason of section 7 of this Act includes a reference to provisions as so applying as amended in accordance with this section;

and

(*b*) a reference to fees prescribed by regulations under the *Securities Industry* (*Fees*) *Act* 1980 of the Commonwealth includes a reference to those regulations as amended in accordance with this section.

Publication of Securities Industry (South Australia) Code.

10. (1) The Minister may from time to time authorize the publication by the Government Printer of the provisions of the Commonwealth Act (other than sections 1, 2 and 3), amended as set out in schedule 1 of this Act and in operation, or to come into operation, in South Australia.

(2) A document published under subsection (1) of this section—

(*a*) shall include the headings and sections set out in schedule 4 of this Act;

(*b*) shall include a notification of the date, or dates, on which the several provisions set out in the document came, or come, into operation in South Australia;

(*c*) shall include a statement of the date on which the Minister authorized the publication;

and

(*d*) may be cited as the *Securities Industry* (*South Australia*) *Code.*

(3) A document that is or purports to be a copy of the *Securities Industry* (*South Australia*) *Code* that has been, or purports to have been, published in accordance with this section is *prima facie* evidence of the provisions of the Commonwealth Act applying by reason of section 6 of this Act as in operation, or to come into operation, in South Australia as notified in the document in accordance with paragraph (*b*) of subsection (2) of this section.

Publication of Securities Industry (South Australia) Regulations.

11. (1) The Minister may from time to time authorize the publication by the Government Printer of the provisions of regulations under the Commonwealth Act (other than provisions providing for the citation or commencement of the regulations) amended as set out in schedule 2 of this Act and in operation, or to come into operation, in South Australia.

(2) A document published under subsection (1) of this section—

(*a*) shall include the headings and provisions set out in schedule 5 of this Act;

(*b*) shall include a notification of the date or dates on which the several provisions set out in the document came, or come, into operation in South Australia;

(*c*) shall include a statement of the date on which the Minister authorized the publication;

and

(*d*) may be cited as the *Securities Industry* (*South Australia*) *Regulations.*

(3) A document that is or purports to be a copy of the *Securities Industry* (*South Australia*) *Regulations* that has been, or purports to have been, published in accordance with this section is *prima facie* evidence of the provisions applying by reason of section 7 of this Act as in operation, or to come into operation, in South Australia as notified in the document in accordance with paragraph (*b*) of subsection (2) of this section.

Publication of Securities Industry (Fees) Regulations.

12. (1) The Minister may from time to time authorize the publication by the Government Printer of the schedule to regulations prescribing fees under the *Securities Industry* (*Fees*) *Act* 1980 of the Commonwealth amended as set out in schedule 3 of this Act and in operation, or to come into operation, in South Australia.

(2) A document published under subsection (1) of this section—

(*a*) shall include the headings and provisions set out in schedule 6 of this Act;

(*b*) shall include a notification of the date or dates on which the several provisions set out in the document came, or come, into operation in South Australia;

(*c*) shall include a statement of the date on which the Minister authorized the publication;

and

(*d*) may be cited as the *Securities Industry* (*Fees*) (*South Australia*) *Regulations*.

(3) A document that is or purports to be a copy of the *Securities Industry* (*Fees*) (*South Australia*) *Regulations* that has been, or purports to have been, published in accordance with this section is *prima facie* evidence of the provisions of the schedule to regulations referred to in section 8 as in operation, or to come into operation, in South Australia as notified in the document in accordance with paragraph (*b*) of subsection (2) of this section.

Publication of provisions amending Code or regulations.

13. (1) The Minister may from time to time authorize the publication by the Government Printer of a document setting out—

(*a*) provisions that by reason of—

(i) the enactment of an Act of the Commonwealth amending the Commonwealth Act;

and

(ii) the operation of section 6 (including the operation, if applicable, of schedule 1),

apply, or will apply, as laws of South Australia;

(*b*) provisions that by reason of—

(i) regulations under the Commonwealth Act;

and

(ii) the operation of section 7 (including the operation, if applicable, of schedule 2),

apply, or will apply, as regulations made under the provisions applying by reason of section 6;

or

(*c*) fees that by reason of—

(i) regulations under the *Securities Industry* (*Fees*) *Act* 1980 of the Commonwealth;

and

(ii) the operation of section 8 (including the operation, if applicable, of schedule 3),

are or will be, payable under that section.

(2) A document published under subsection (1) shall include a notification of the date, or dates, on which the provisions or fees set out in the document came, or come, into operation in South Australia.

(3) A document that has been or purports to have been published in accordance with this section is *prima facie* evidence of provisions or fees referred to in subsection (1) set out in the document.

Interpretation of references to the applied provisions.

14. (1) Unless the contrary intention appears, in this or any other Act or in a regulation or other instrument made under this or any other Act or in any other document made by or under the authority of, or for the purposes of, a law of South Australia—

(*a*) a reference to the *Securities Industry* (*South Australia*) *Code* is a reference to the provisions of the Commonwealth Act applying by reason of section 6 of this Act;

(*b*) a reference to a provision of that Code is a reference to the corresponding provision of the Commonwealth Act as so applying;

(*c*) a reference to the *Securities Industry* (*South Australia*) *Regulations* is a reference to the provisions of regulations in force under the Commonwealth Act applying by reason of section 7 of this Act;

(*d*) a reference to a provision of those regulations is a reference to the corresponding provision of the regulations in force under the Commonwealth Act as so applying;

(*e*) a reference to the *Securities Industry* (*Fees*) (*South Australia*) *Regulations* is a reference to the schedule to regulations prescribing fees under the *Securities Industry* (*Fees*) *Act* 1980 of the Commonwealth as referred to in section 8 of this Act;

and

(*f*) a reference to a provision of that schedule is a reference to the corresponding provision of the schedule to regulations in force under that Act as referred to in section 8 of this Act.

(2) In subsection (1) of this section, "provision" includes Part, Division, section, subsection, paragraph, subparagraph, schedule, form, regulation clause, subclause or other division.

Amendment of certain provisions in accordance with approval of Ministerial Council.

15. Where, under the Agreement, the Ministerial Council—

(*a*) approves—

(i) a proposed amendment of the Commonwealth Act;

(ii) regulations proposed to be made under the Commonwealth Act (whether or not amending other regulations);

(iii) a proposed amendment of the *Securities Industry* (*Fees*) *Act* 1980 of the Commonwealth;

or

(iv) regulations proposed to be made under that Act (whether or not amending other regulations);

and

(*b*) approves proposed regulations to be made under this Act in connection with the operation of the proposed amendment or regulations referred to in paragraph (*a*) of this section,

the Governor may make regulations amending schedule 1, 2 or 3 or section 8, as the case may be, of this Act, in accordance with that approval and that schedule or section as so amended shall be schedule 1, 2 or 3 or section 8, as the case may be, of this Act.

PART III

TRANSITIONAL PROVISIONS

Exclusion of Securities Industry Act, 1979-1980.

16. (1) The provisions applying by reason of section 6 of this Act operate to the exclusion of the provisions of the Securities Industry Act, 1979-1980, and the Companies Act, 1962-1980, in relation to acts, matters and things in relation to which the first mentioned provisions apply.

(2) The provisions of subsection (1) of this section do not, unless the contrary intention appears—

(*a*) revive anything not in force or existing at the time at which the exclusion of the provisions of the Securities Industry Act, 1979-1980, and the Companies Act, 1962-1980, takes effect;

(*b*) affect the previous operation of either of those Acts or anything duly done or suffered under either of those Acts;

(*c*) affect any right, privilege, obligation or liability acquired or incurred under either of those Acts;

(*d*) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against either of those Acts;

or

(*e*) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if subsection (1) of this section had not been enacted.

(3) For the purposes of subsection (2)—

(*a*) the provisions of section 8 of the Securities Industry Act, 1979-1980, and of any regulations prescribing fees for the purposes of that Act;

and

(*b*) any other provisions of that Act that are necessary for the effectual operation of the provisions mentioned in paragraph (*a*),

continue in force, but it is not a contravention of section 8 (3) of that Act as so continuing in force to divulge or communicate information to the Commission or to a person authorized by the Commission to receive the information.

General provisions.

17. Unless the contrary intention appears in this Act or in the *Securities Industry* (*South Australia*) *Code*—

(*a*) all persons, things and circumstances appointed or created by or under the Securities Industry Act, 1979-1980, or existing or continuing under that Act immediately before the commencement of this Act shall, under and subject to this Act, the *Securities Industry* (*South Australia*) *Code* and the Companies Act, 1962-1980, continue to have the same status, operation and effect as they respectively would have had if this Act had not been enacted;

and

(*b*) in particular and without affecting the generality of paragraph (*a*) of this section, this Act does not disturb the continuity of status, operation or effect of any order, rule, regulation, scale of fees, deed, agreement, direction, instrument, document, register, registration, right, priority, liability, duty, obligation, proceeding, matter or thing made, done, effected, given, issued, entered into, accrued, incurred, existing, pending or acquired by or under the Securities Industry Act, 1979-1980, before the commencement of this Act.

References to Securities Industry Act, 1979-1980.

18. A reference in an Act or document to a provision of the Securities Industry Act, 1979-1980, shall, unless the contrary intention appears, be construed as a reference to the provision as contained with or without modification in the *Securities Industry* (*South Australia*) *Code*.

Proceedings by or against Corporate Affairs Commission to be proceedings by or against National Commission.

19. (1) Where, before the commencement of this Act, a proceeding under the Securities Industry Act, 1979-1980, had been commenced by or against the State Commission, the proceeding may be continued by or against the National Commission.

(2) Where, but for the enactment of this Act, a proceeding under the Securities Industry Act, 1979-1980, could have been commenced by or against the State Commission, the proceeding may be commenced by or against the National Commission.

(3) Where, but for the enactment of this Act, a proceeding could have been commenced in relation to an offence against section 51 of the Securities Industry Act, 1979-1980, the proceeding may, notwithstanding subsection (1) of section 127 of that Act, be commenced by the National Commission or, with the consent of the Ministerial Council, by any other person.

Power of Minister to consent to institution of proceedings.

20. Where—

(*a*) the institution of the particular proceeding under the Securities Industry Act, 1979-1980, was subject to the consent of the Minister;

and

(*b*) the proceeding was not instituted before the commencement of this Act but may be instituted after that commencement by reason of the operation of section 16 of this Act,

the enactment of this Act does not affect the power of the Minister to consent to the institution of the proceeding.

Registers, funds, deposits and accounts.

21. (1) Any register, fund, deposit or account kept immediately before the commencement of this Act under any provision of the Securities Industry Act, 1979-1980, shall be deemed to be part of a register, fund, deposit or account kept under the corresponding provision of the *Securities Industry* (*South Australia*) *Code*.

(2) Where, under subsection (1) of this section, a register is to be deemed to form part of a register kept under section 89 of the *Securities Industry* (*South Australia*) *Code*, the register shall, unless notice of change of place at which it is kept is given under section 90 of that Code, be kept at the place at which, under the Securities Industry Act, 1979-1980, it was required to be kept immediately before the commencement of this Act.

(3) A person to whom section 89 of the *Securities Industry* (*South Australia*) *Code* applies at the commencement of this Act who did not, immediately before that commencement, keep a register under Part VII of the Securities Industry Act, 1979-1980, shall—

(*a*) give the notice referred to in section 90 (2) of that Code within one month after that commencement;

and

(*b*) give the notice notwithstanding that during that time he has ceased to be a person to whom section 89 of that Code applies.

Order of Court.

22. An order made by the Supreme Court under section 12 of the Securities Industry Act, 1979-1980, and in force immediately before the commencement of this Act shall be deemed to be an order made by the Supreme Court under section 14 of the *Securities Industry* (*South Australia*) *Code*.

Investigations.

23. (1) Division 2 of Part II of the *Securities Industry* (*South Australia*) *Code* applies to and in relation to an investigation to which Division II of Part II of the Securities Industry Act, 1979-1980, applied immediately before the commencement of this Act and so applies as if the inspector appointed to carry out the investigation was appointed, and the investigation is being carried out, pursuant to a direction given by the Minister in the exercise of a power under subsection (1) of section 16 of the *Securities Industry* (*South Australia*) *Code* otherwise than in response to a request made by the Commission under subsection (4) of section 16 of that Code.

(2) Where, before the commencement of this Act, an act, matter or thing had been done or had arisen in the course of an investigation to which Division II of Part II of the Securities Industry Act, 1979-1980, applied immediately before that commencement, that act, matter or thing shall have the same status, operation and effect in relation to the completion of the investigation after that commencement as if that act, matter or thing had been done or had arisen after that commencement.

(3) In particular and without affecting the generality of subsection (2) of this section, an order, application, examination, deposition, writ, summons, proceeding, record, note or report made, effected, issued or given in relation to an investigation to which Division II of Part II of the Securities Industry Act, 1979-1980, applied immediately before the commencement of this Act shall have the same status, operation and effect in relation to the investigation after that commencement as if the order, application, examination, deposition, writ, summons, proceeding, record, note or report had been made, effected, issued or given after that commencement.

Licences.

24. (1) A licence under Part IV of the Securities Industry Act, 1979-1980, and in force immediately before the commencement of this Act continues in force as if it were a licence issued by the National Commission under Part IV of the *Securities Industry* (*South Australia*) *Code* and, where the licence was so granted subject to a condition that the holder of the licence lodges with the State Commission a bond as referred to in section 40 (2) (*c*) of that Act, a bond so lodged and held by the State Commission immediately before the commencement of this Act shall be deemed to have been approved by the National Commission under section 51 (2) (*d*) of that Code and to be lodged with the local authority under that section, and that bond is a bond for the purposes of that Code and also continues to be subject to any claim in respect of it as if this Act had not been enacted.

(2) Where, before the commencement of this Act, a licence under the Securities Industry Act, 1979-1980, was suspended and the period of the suspension had not expired or been removed before that commencement, the licence shall, for the purpose of this Act, be deemed to be a licence issued under the *Securities Industry (South Australia) Code* and suspended by the National Commission under that Code for a period that, subject to this Act, expires at the time at which, immediately before the commencement of this Act, the firstmentioned suspension would have expired.

Statements by licensees.

25. (1) A person who was the holder of a licence within the meaning of the Securities Industry Act, 1979-1980, shall, in relation to a prescribed year, lodge with the National Commission a statement in such form and containing such information as was prescribed for the purposes of section 44 of that Act by regulations in force under that Act immediately before the commencement of this Act.

(2) The statement referred to in subsection (1) of this section shall be lodged within the period of two months or in the case of a body corporate, three months after the commencement of this Act.

(3) In this section, "prescribed year" means, in relation to a person, the whole or part of a year ending before the commencement of this Act, being a year or part of a year which commenced on the date, or on the anniversary of the date, on which a licence was granted to the person under the Securities Industry Act, 1979-1980, and in respect of which the person did not lodge a statement under section 44 of that Act.

Accounts.

26. (1) A dealer within the meaning of the Securities Industry Act, 1979-1980, who carried on a business of dealing in securities before the commencement of this Act shall, in relation to a prescribed financial year—

(*a*) prepare a true and fair profit and loss account and balance sheet on the basis of such accounting principles (if any) and containing such information and matters as were prescribed in that regard for the purposes of subsection (2) of section 64 of the Securities Industry Act, 1979-1980, by regulations in force under that Act immediately before the commencement of this Act;

and

(*b*) lodge the account and balance sheet with the Commission within the period of two months (or, in the case of a body corporate, three months) after the commencement of this Act together with an auditor's report containing the information and matters prescribed in that regard for the purposes of subsection (2) of section 64 of that Act by regulations in force under that Act immediately before the commencement of this Act.

(2) The Commission may, on application by a dealer and his auditor before the expiration of the period of two months or, as the case requires, the period of three months referred to in subsection (1) of this section or, if that period has been extended pursuant to an approval or approvals previously given under this subsection, before the expiration of the period as so extended, approve an extension or further extension of the period, and such an approval may be given subject to such conditions (if any) as the Commission imposes.

(3) Where an approval under subsection (2) of this section in relation to a dealer is given subject to conditions, the dealer shall comply with those conditions.

(4) In this section, "prescribed financial year" in relation to a dealer means—

(*a*) where the dealer is not a body corporate—a year ending on the thirtieth day of June before the commencement of this Act;

and

(*b*) where the dealer is a body corporate—a financial year of the body corporate within the meaning of the Companies Act, 1962-1980, that ended before the commencement of this Act,

being a year or financial year during which the dealer carried on business as a dealer and in respect of which he would, but for the enactment of this Act, have been required to lodge a profit and loss account and balance sheet under the Securities Industry Act, 1979-1980, but did not so do before the commencement of this Act.

Annual fee.

27. (1) A person who, by reason of section 24 of this Act, is the holder of a licence under the *Securities Industry* (*South Australia*) *Code* shall, in respect of a year commencing before, and expiring after, the commencement of this Act in respect of which, but for the enactment of this Act, he would have been required to pay a prescribed fee under section 43 of the Securities Industry Act, 1979-1980, pay that fee to the State Commission for and on behalf of the State at the time when, or during the period within which, he would, but for the enactment of this Act, have been required to pay that fee.

(2) Where a person pays a fee under subsection (1) of this section in respect of a year, he is not required to pay a fee in respect of the lodgment of a statement under section 56 of the *Securities Industry* (*South Australia*) *Code* in respect of that year.

(3) The State Commission may, in its discretion, extend, or further extend, the time for paying a fee under this section.

Orders relating to dealer's bank accounts.

28. (1) An order made by the Supreme Court under section 69 of the Securities Industry Act, 1979-1980, and in force immediately before the commencement of this Act shall be deemed to be an order made by the Court under section 83 of the *Securities Industry* (*South Australia*) *Code*.

(2) Nothing in subsection (1) of this section requires a banker to disclose an account to the Commission, or permit the Commission to make a copy of, or take an extract from, an account where the banker has, under section 70 of the Securities Industry Act, 1979-1980, disclosed that account to the State Commission or permitted the State Commission to make a copy of, or take an extract from, that account.

Investment of deposits with stock exchanges.

29. (1) A deposit received by a stock exchange under section 81 of the Securities Industry Act, 1979-1980, and held by the stock exchange immediately before the commencement of this Act shall be deemed to have been received by the stock exchange under section 95 of the *Securities Industry* (*South Australia*) *Code*.

(2) Where, under section 83 of the Securities Industry Act, 1979-1980, an amount had been deposited with the Treasurer, that amount is repayable on demand.

Accounts of deposits.

30. (1) A stock exchange shall, within one month after the commencement of this Act, cause a balance sheet to be made out as at each prescribed quarter day in relation to the accounts of deposits received by it under Part VIII of the Securities Industry Act, 1979-1980.

(2) A registered company auditor within the meaning of the Companies Act, 1962-1980, appointed by the stock exchange to audit its accounts relating to deposits shall audit the accounts to which each balance sheet under subsection (1) of this section relates and shall cause a report on the accounts and balance sheet to be laid before the committee of the stock exchange not later than one month after the balance sheet is made out.

(3) A stock exchange shall give to the Commission a copy of each report laid before the committee of the stock exchange under this section and of the balance sheet to which the report relates within fourteen days after the report is so laid before the committee.

(4) In this section, "prescribed quarter day" means a quarter day within the meaning of the Securities Industry Act, 1979-1980, occurring before the commencement of this Act and in relation to which the stock exchange was required to give but did not give a report and balance sheet to the State Commission under section 84 of that Act.

Accounts of fidelity fund.

31. (1) A stock exchange shall, within one month after the commencement of this Act, cause a balance sheet in respect of the accounts of its fidelity fund to be made out as at each prescribed day.

(2) A registered company auditor within the meaning of the Companies Act, 1962-1980, appointed by the stock exchange to audit the accounts of its fidelity fund shall audit the accounts to which each balance sheet under subsection (1) of this section relates and shall cause a report on the accounts and balance sheet to be laid before the committee of the stock exchange not later than one month after the balance sheet is made out.

(3) A stock exchange shall give to the Commission a copy of each report laid before the committee of the stock exchange under this section and of the balance sheet to which the report relates within fourteen days after the report is so laid before the committee.

(4) In this section, "prescribed day" means any thirtieth day of June occurring before the commencement of this Act and in relation to which the stock exchange was required to give but did not give a report and balance sheet to the State Commission under section 90 of the Securities Industry Act, 1979-1980.

Fidelity funds.

32. (1) Where, immediately before the commencement of this Act, there is an amount in the fidelity fund of a stock exchange kept under Part IX of the Securities Industry Act, 1979-1980, that amount shall form part of the fidelity fund of the stock exchange under Part IX of the *Securities Industry (South Australia) Code*.

(2) Where the whole or any part of an amount referred to in subsection (1) of this section is, immediately before the commencement of this Act, invested under section 96 of the Securities Industry Act, 1979-1980, the amount, or part, shall be deemed to be invested under section 110 of the *Securities Industry (South Australia) Code*.

Order of Court establishing claim on fidelity fund.

33. An order made by the Supreme Court under section 102 of the Securities Industry Act, 1979-1980, and in force immediately before the commencement of this Act shall be deemed to be an order made by the Court under section 116 of the *Securities Industry* (*South Australia*) *Code*.

Preservation of records.

34. (1) The provisions of section 136 (1) and (2) of the *Securities Industry* (*South Australia*) *Code* apply to and in relation to a register and an accounting or other record in relation to a business carried on by a person, being a register or record that the person was, before the commencement of this Act, required by section 120 of the Securities Industry Act, 1979-1980, to preserve for a specified period.

(2) Notwithstanding subsection (1) of this section, the provisions of section 136 (1) and (2) of the *Securities Industry* (*South Australia*) *Code* do not apply to or in relation to a contract note or copy of a contract note received or issued by a dealer who, at the time of the receipt or issue, was a member of a stock exchange if the matters referred to in subsection (2) of section 51 of the Securities Industry Act, 1979-1980, in relation to the contract note were recorded—

(*a*) by the stock exchange;

or

(*b*) subject to such conditions, if any, as the State Commission may have imposed, by the dealer,

in a manner approved by the State Commission and the record of those matters is retained for not less than five years.

(3) Notwithstanding subsection (1) of this section, the provisions of section 136 (1) and (2) of the *Securities Industry* (*South Australia*) *Code* do not apply in relation to an accounting record where the last day of the accounting period to which the record relates occurred at least five years before the commencement of this Act.

Offences.

35. The provisions of sections 125, 126, 127 and 131 of the Securities Industry Act, 1979-1980, apply to and in respect of a contravention of or failure to comply with the provisions of sections 21, 25, 26, 27, 30 or 31 of this Act as if a reference in those firstmentioned sections to the Securities Industry Act, 1979-1980, were a reference to sections 21, 25, 26, 27, 30 or 31 of this Act.

Court may resolve difficulties.

36. (1) Where any difficulty arises in the application to a particular matter of any of the provisions of the *Securities Industry* (*South Australia*) *Code* or the Securities Industry Act, 1979-1980, by reason of the operation of this Part, the Court may on the application of an interested person, make such order as it thinks proper to resolve the difficulty.

(2) An order made under subsection (1) of this section has effect notwithstanding anything contained in the *Securities Industry* (*South Australia*) *Code*, the Securities Industry Act, 1979-1980, or this Act.

(3) In subsection (1) of this section "Court" means the Supreme Court or a judge of the Supreme Court.

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

K. D. SEAMAN, Governor

SCHEDULE 1

Section 6.

The provisions of the Commonwealth Act apply as if—

1. Unless inconsistent with another provision of this Schedule—

(*a*) for the expression "Companies Ordinance, 1962" in the Commonwealth Act (wherever occurring) there were substituted the words "Companies Act, 1962-1980";

(*b*) for the words "the Territory" in the Commonwealth Act (wherever occurring) there were substituted the words "South Australia";

(*c*) for the words "law of a State or of another Territory" in the Commonwealth Act (wherever occurring) there were substituted the words "law of a State other than South Australia or of a Territory";

(*d*) for the words "this Act" in the Commonwealth Act (wherever occurring except where occurring in conjunction with the words "commencement of") there were substituted the words "this Code";

and

(*e*) for the words "commencement of this Act" in the Commonwealth Act (wherever occurring) there were substituted the expression "commencement of the Securities Industry (Application of Laws) Act, 1981".

2. (1) In subsection (1) of section 4 of the Commonwealth Act—

(*a*) after the definition of "banker's books" there were inserted the following definition:—

"*Banking Act* 1959" means the *Banking Act* 1959 of the Commonwealth as amended and in force for the time being;;

(*b*) after the definition of "banking corporation" there were inserted the following definition:—

"*Bankruptcy Act* 1966" means the *Bankruptcy Act* 1966 of the Commonwealth as amended and in force for the time being;;

(*c*) after the definition of "committee" there were inserted the following definition:—

"Commonwealth Minister" means the Minister of State for the Commonwealth for the time being administering the *Securities Industry Act* 1980 of the Commonwealth as amended and in force for the time being;;

(*d*) in the definition of "exempt dealer"—

(i) the word "or" at the end of paragraph (*c*) were repealed;

and

(ii) after paragraph (*d*) there were inserted the following word and paragraph:—

or

(*e*) a person who, as Public Trustee, carries on a business of dealing in securities by reason of his powers under the Administration and Probate Act, 1919-1980;;

(*e*) after the definition of "licence" there were inserted the following definition:—

"*Life Insurance Act* 1945" means the *Life Insurance Act* 1945 of the Commonwealth as amended and in force for the time being;;

(*f*) after the definition of "member firm" there were inserted the following definitions:—

"Minister" means the Minister of State for South Australia for the time being administering the Securities Industry (Application of Laws) Act, 1981;

"*National Companies and Securities Commission Act* 1979" means the *National Companies and Securities Commission Act* 1979 of the Commonwealth as amended and in force for the time being;;

(*g*) after the definition of "registered company auditor" there were inserted the following definition:—

"regulations" means the provisions applying as regulations made under this Code by reason of section 7 of the Securities Industry (Application of Laws) Act, 1981;;

(*h*) after the definition of "securities" there were inserted the following definition:—

"*Securities Industry (South Australia) Code*" or "Code" means the provisions applying by reason of section 6 of the Securities Industry (Application of Laws) Act, 1981;;

(*i*) for the definition of "stock exchange" there were substituted the following definition:—

"stock exchange" means the Stock Exchange of Adelaide Limited or any other body corporate that is approved by the Ministerial Council under section 38;;

and

(*j*) for the definition of "trust account" there were substituted the following definition:—

"trust account" means a trust account opened and maintained under section 73 of this Code, or under section 59 of the Securities Industry Act, 1979-1980, or under a corresponding previous enactment;.

(2) In subsection (7) of section 4 of the Commonwealth Act for the words "that Ordinance" there were substituted the words "that Act".

3. In section 8 (1A) of the Commonwealth Act—

(*a*) for paragraph (*a*) there were substituted the following paragraph:—

(*a*) for the purpose of the performance of a function or the exercise of a power by the Commission under a Code that is a relevant Code for the purposes of the *Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Act*, 1981; or;

and

(*b*) for subparagraph (i) of paragraph (*b*) there were substituted t he following subparagraph:—

(i) a contravention of, or failure to comply with, a provision of a relevant Code referred to in paragraph (*a*);

or.

4. In subsection (1) of section 9 of the Commonwealth Act for the words "Australian Federal Police" there were substituted the words "police force of South Australia".

5. In section 12 (3A) (*d*) and (*e*) of the Commonwealth Act for the expression "*Act* 1980" there were substituted the words "(*South Australia*) *Code*".

6. For paragraph (*a*) of the definition of "relevant authority" in section 15 (1) of the Commonwealth Act there were substituted the following paragraphs:—

(*a*) in the case of a direction given by the Commonwealth Minister other than a direction that has been approved by the Ministerial Council under subsection 16 (6)—the Commonwealth Minister;

or

(*aa*) in the case of a direction given by the Minister other than a direction that has been approved by the Ministerial Council under subsection 16 (6)—the Minister; or.

7. In section 16 of the Commonwealth Act—

(*a*) in subsection (2) for the words "the Minister" (twice occurring) there were substituted the words "the Commonwealth Minister";

and

(*b*) in subsections (4) and (6) for the words "the Minister" there were substituted the words "the Minister or the Commonwealth Minister".

8. In subsections (6) and (8) of section 17 of the Commonwealth Act after the word "*Gazette*" there were inserted the words "and *Government Gazette*".

9. Subsection (2) of section 19 of the Commonwealth Act were repealed.

10. Section 20 of the Commonwealth Act were repealed.

11. In section 30 of the Commonwealth Act—

(*a*) in subsection (4) for the word "Commonwealth" there were substituted the word "State";

and

(*b*) for paragraph (*b*) of subsection (5) there were substituted the following paragraph:—

(*b*) the Ministerial Council or the Minister, as the case may be, receives—

(i) a certificate of the Attorney-General stating that the publication of the report would be prejudicial to the administration of justice in the State;

(ii) a certificate of the Attorney-General of the Commonwealth stating that the publication of the report would be prejudicial to the administration of justice in a Territory (not being the Northern Territory) specified in the certificate;

or

(iii) a certificate of the Attorney-General of another State or of the Northern Territory stating that the publication of the report would be prejudicial to the administration of justice in that State or Territory.

12. After subsection (9) of section 30 of the Commonwealth Act there were inserted the following subsection:—

(10) Nothing in this section operates to diminish the protection afforded to witnesses by the Evidence Act, 1929-1979.

13. In subsection (1) of sections 43 and 45 of the Commonwealth Act and in sections 44 and 46 of the Commonwealth Act for the words "After the expiration of 3 months after the date of commencement of this Act, a person" there were substituted the words "A person".

14. For subsection (10) of section 51 of the Commonwealth Act there were substituted the following subsection:—

(10) In this section, "local authority" means the Corporate Affairs Commission of South Australia.

15. After subsection (6) of section 54 of the Commonwealth Act there were inserted the following subsection:—

(7) The particulars that, immediately before the commencement of the Securities Industry (Application of Laws) Act, 1981, were in, or were deemed to form part of, the register kept under section 41 of the Securities Industry Act, 1979-1980, shall be deemed to form part of the Register of Licence Holders.

16. For subsection (5) of section 60 of the Commonwealth Act there were substituted the following subsection:—

(5) A person disqualified or deemed to be disqualified, either permanently or for a period, from holding a licence—

(*a*) by reason of an order of the Court under section 47 of the Securities Industry Act, 1979-1980;

or

(*b*) under the corresponding law of a State other than South Australia or of a Territory by reason of an order of a court under that corresponding law or by reason of the operation of a provision of that corresponding law,

shall, while he is so disqualified or deemed to be disqualified, be deemed to be disqualified from holding a licence under this Code.

17. In paragraph (*c*) of subsection (2), paragraph (*c*) of subsection (3) and subsection (6) of section 75 of the Commonwealth Act for the words "this Act" there were substituted the words "this Code or Part III of the Securities Industry (Application of Laws) Act, 1981".

18. The present contents of section 101 of the Commonwealth Act were designated as subsection (1) and the following subsection were inserted in that section:—

(2) The Minister may exempt a stock exchange from compliance with subsection (1) (*a*) if he is satisfied that the stock exchange has entered into a contract in a form approved by the Minister with an insurer approved by the Minister under which the insurer undertakes to supplement the fund in the event of a claim being made on the fund so that the total amount available to satisfy the claim will be not less than one hundred thousand dollars.

19. In section 107 of the Commonwealth Act—

(*a*) for the symbol and figures "$2,000,000" in subsection (1) there were substituted the symbol and figures "$1,000,000";

(*b*) after the word "fund" in subsection (1) (*a*) (ii) there were inserted the words "(whether under this Part or Part IX of the Securities Industry Act, 1979-1980)";

(*c*) for the symbol and figures "$1,000,000" in subsection (4) there were substituted the symbol and figures "$500,000".

and

(*d*) there were added at the end thereof the following subsections:—

(6) Subject to subsections (1) and (4) the Governor in Council—

(*a*) may by Order in Council prescribe amounts for the purposes of those subsections;

and

(*b*) may, by like Order, vary or revoke any Order made under this subsection.

(7) The power of the Governor in Council to make, vary or revoke an Order under subsection (6) shall be exercised only in accordance with advice that is consistent with resolutions of the Ministerial Council.

(8) For the purposes of this section regulations made for the purposes of sections 93 (1) and (4) of the Securities Industry Act, 1979-1980, and in force immediately prior to the commencement of the Securities Industry (Application of Laws) Act, 1981—

(*a*) shall with all necessary adaptations be given effect to as though the provisions thereof were contained in an Order in Council made under subsection (6);

and

(*b*) shall continue to be given such effect until an Order in Council is made under that subsection.

20. In paragraph (*a*) of subsection (2) of section 112 of the Commonwealth Act for the words "this Act" there were substituted the words "Part IX of the Securities Industry Act, 1979-1980".

21. In subsection (1) of section 114 of the Commonwealth Act—

(*a*) for the words "any State or other Territory" there were substituted the words "any State other than South Australia or in any Territory";

and

(*b*) for the words "that State or other Territory" there were substituted the words "that other State or Territory".

22. After subsection (2) of section 120 of the Commonwealth Act there were inserted the following subsection:—

(3) For the purposes of this section, the amount in a fidelity fund of a stock exchange shall be deemed to include the amount of any indemnity to which the stock exchange is entitled under a contract of insurance in respect of claims under this Part against the fund.

23. In section 145 of the Commonwealth Act for the words "a State or in another Territory" there were substituted the words "a State other than South Australia or in a Territory".

24. Section 150 of the Commonwealth Act were repealed.

25. Section 151 of the Commonwealth Act were repealed and the following section was inserted in its place:—

152. (1) The Governor in Council—

(*a*) may by Order in Council exempt a member of a stock exchange from compliance with all or any of the provisions of sections 73 and 74 subject to such terms and conditions as are specified in the Order;

and

(*b*) may, by like Order, vary or revoke any Order made under this subsection.

(2) A reference in this Code, other than in section 73 and 74, to a trust account shall, unless the contrary intention appears in an Order in Council made under subsection (1), be construed as extending to a trust account required to be maintained by the terms or conditions of such an Order.

(3) A person who contravenes or fails to comply with a term or condition of an Order in Council made under subsection (1) that is applicable to him is guilty of an offence.

Penalty: $5 000 or imprisonment for one year, or both.

(4) A person who, with intent to defraud, contravenes or fails to comply with a term or condition or an Order in Council made under subsection (1) that is applicable to him is guilty of an offence.

Penalty: $10 000 or imprisonment for two years, or both.

(5) The power of the Governor in Council to make, vary or revoke an Order under subsection (1) shall be exercised only in accordance with advice that is consistent with resolutions of the Ministerial Council.

SCHEDULE 2

Section 7.

The provisions of regulations in force for the time being under the Commonwealth Act apply as if in those regulations—

1. For the words "the Act" (wherever occurring) there were substituted the words "the Code".

2. For the expression "Securities Industry Act 1980" (wherever occurring) there were substituted the expression "*Securities Industry (South Australia) Code*".

3. For the expression "Companies Ordinance 1962" (wherever occurring) there were substituted the expression "Companies Act, 1962-1980".

4. For the words "Supreme Court of the Australian Capital Territory" (wherever occurring) there were substituted the words "Supreme Court of South Australia".

5. For the words "the Territory" (wherever occurring) there were substituted the words "South Australia".

SCHEDULE 3

Section 8.

The provisions of regulations in force for the time being under the *Securities Industry (Fees) Act* 1980 of the Commonwealth apply as if in those regulations—

1. For the words "the Act" (wherever occurring) there were substituted the words "the Securities Industry (South Australia) Code".

SCHEDULE 4

Section 10.

The following headings and sections shall be included in the publication of the provisions of the Commonwealth Act under section 10 of this Act:—

SECURITIES INDUSTRY (SOUTH AUSTRALIA) CODE

RELATING TO THE SECURITIES INDUSTRY IN SOUTH AUSTRALIA

PART I

PRELIMINARY

1. This Code may be cited as the *Securities Industry (South Australia) Code.*

2. This Code comes into operation on the day on which the Securities Industry (Application of Laws) Act, 1981, comes into operation.

3. This Code shall be read and construed together with the agreement made on the twenty-second day of December, 1978, between the Commonwealth and the States in relation to a proposed scheme for the co-operative regulation of companies and the securites industry or, if that agreement is or has been amended or affected by another agreement, that agreement as so amended or affected and has effect subject to and in accordance with—

(*a*) the Securities Industry (Application of Laws) Act, 1981;

and

(*b*) the Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Act, 1981.

SCHEDULE 5

Section 11.

The following headings and provisions shall be included in the publication under section 11 of this Act of the provisions of regulations in force for the time being under the Commonwealth Act:—

SECURITIES INDUSTRY (SOUTH AUSTRALIA) REGULATIONS

1. (1) These regulations may be cited as the *Securities Industry (South Australia) Regulations.*

(2) These regulations shall come into operation on the day on which the Securities Industry (Application of Laws) Act, 1981, comes into operation.

(3) These regulations have effect subject to and in accordance with—

(*a*) the Securities Industry (Application of Laws) Act, 1981;

and

(*b*) the Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Act, 1981.

Section 12.

SCHEDULE 6

The following headings and provisions shall be included in the publication under section 12 of this Act of the schedule to regulations in force for the time being prescribing fees under the *Securities Industry* (*Fees*) *Act* 1980 of the Commonwealth:—

SECURITIES INDUSTRY (FEES) (SOUTH AUSTRALIA) REGULATIONS

1. These regulations may be cited as the *Securities Industry* (*Fees*) (*South Australia*) *Regulations.*

2. These regulations shall come into operation on the day on which the Securities Industry (Application of Laws) Act, 1981, comes into operation.

3. These regulations have effect subject to and in accordance with—

(*a*) the Securities Industry (Application of Laws) Act, 1981;

and

(*b*) the Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Act, 1981.

4. The fees payable for the purposes of section 8 of the Securities Industry (Application of Laws) Act, 1981, are the fees specified in the schedule in relation to the respective matters so specified.

SCHEDULE

FEES

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

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No. 46 of 1981

An Act to amend the Road Traffic Act, 1961-1981.

[*Assented to 18th June,* 1981]

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), 1981".

(2) The Road Traffic Act, 1961-1981, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Road Traffic Act, 1961-1981".

Commencement.

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

Insertion of new s. 5a.

3. The following section is inserted after section 5 of the principal Act:

Application of Road Traffic Act Amendment Act (No. 3), 1981.

5a. (1) This Act, as in force before the commencement of the Road Traffic Act Amendment Act (No. 3), 1981, applies in relation to offences against this Act committed before the commencement of that Act.

(2) This Act, as amended by the Road Traffic Act Amendment Act (No. 3), 1981, applies in relation to offences against this Act committed after the commencement of that Act.

Amendment of s. 46—

4. Section 46 of the principal Act is amended—

Reckless and dangerous driving.

(*a*) by striking out the penalty provision at the foot of subsection (1) and substituting the following provision:

Penalty—

For a first offence—a fine of not less than three hundred dollars and not more than six hundred dollars:

For a subsequent offence—

(*a*) a fine of not less than three hundred dollars and not more than six hundred dollars;

or

(*b*) imprisonment for not more than three months.;

and

(*b*) by striking out subsections (3) and (4) and substituting the following subsections:

(3) Where a court convicts a person of an offence against subsection (1), the following provisions shall apply:

(*a*) the court shall order that the person be disqualified from holding or obtaining a driver's licence—

(i) in the case of a first offence—for such period, being not less than six months, as the court thinks fit;

or

(ii) in the case of a subsequent offence—for such period, being not less than three years, as the court thinks fit;

(*b*) the disqualification prescribed by paragraph (*a*) shall not be reduced or mitigated in any way unless, in the case of a first offence, the court is satisfied by evidence given on oath that the offence is trifling, in which case, it may order a period of disqualification that is less than the prescribed minimum period but not less than one month;

(*c*) the order of disqualification shall, for the purposes of the Offenders Probation Act, 1913-1971, be deemed not to constitute a sentence or the imposition of a penalty.

(4) In determining whether an offence is a first or subsequent offence for the purposes of this section, only a previous offence (whether committed before or after the commencement of the Road Traffic Act Amendment Act (No. 3), 1981) against subsection (1) for which the defendant has been convicted that was committed within the period of five years immediately preceding the commission of the offence under consideration shall be taken into account.

Amendment of s. 47—Driving under influence of intoxicating liquor or drug.

5. Section 47 of the principal Act is amended—

(*a*) by striking out the penalty provision at the foot of subsection (1) and substituting the following provision:

Penalty—

If the vehicle concerned was a motor vehicle—

(*a*) for a first offence—

(i) a fine of not less than four hundred dollars and not more than seven hundred dollars;

or

(ii) imprisonment for not more than three months;

and

(*b*) for a subsequent offence—

(i) a fine of not less than six hundred dollars and not more than one thousand dollars;

or

(ii) imprisonment for not more than six months.

If the vehicle concerned was not a motor vehicle—

Three hundred dollars.;

and

(*b*) by striking out subsections (3) and (4) and substituting the following subsections:

(3) Where a court convicts a person of an offence against subsection (1) in which the vehicle concerned was a motor vehicle, the following provisions shall apply:

(*a*) the court shall order that the person be disqualified from holding or obtaining a driver's licence—

(i) in the case of a first offence—for such period, being not less than six months, as the court thinks fit;

or

(ii) in the case of a subsequent offence—for such period, being not less than three years, as the court thinks fit;

(*b*) the disqualification prescribed by paragraph (*a*) shall not be reduced or mitigated in any way unless, in the case of a first offence, the court is satisfied by evidence given on oath that the offence is trifling, in which case, it may order a period of disqualification that is less than the prescribed minimum period but not less than one month;

(*c*) the order of disqualification shall, for the purposes of the Offenders Probation Act, 1913-1971, be deemed not to constitute a sentence or the imposition of a penalty.

(4) In determining whether an offence is a first or subsequent offence for the purposes of this section, any previous offence (whether committed before or after the commencement of the Road Traffic Act Amendment Act (No. 3), 1981) against subsection (1) or against section 47b (1), section 47e (3) or section 47i (14) for which the defendant has been convicted shall be taken into account but only if the offence was committed within the period of five years immediately preceding the commission of the offence under consideration.

Amendment of s. 47a—Interpretation.

6. Section 47a of the principal Act is amended by inserting after the definition of "breath analysis" the following definition:

"breath test" means an alcotest or a breath analysis:.

Amendment of s. 47b—Driving whilst having prescribed concentration of alcohol in blood.

7. Section 47b of the principal Act is amended—

(*a*) by striking out the penalty provision at the foot of subsection (1) and substituting the following provision:

Penalty—

For a first offence—

(*a*) being a lesser offence—a fine of not less than three hundred dollars and not more than six hundred dollars;

or

(*b*) being a greater offence—a fine of not less than four hundred dollars and not more than seven hundred dollars.

For a second offence—

(*a*) being a lesser offence—a fine of not less than five hundred dollars and not more than eight hundred dollars;

or

(*b*) being a greater offence—a fine of not less than six hundred dollars and not more one thousand dollars.

For a subsequent offence—

(*a*) being a lesser offence—a fine of not less than six hundred dollars and not more than one thousand dollars;

or

(*b*) being a greater offence—a fine of not less than six hundred dollars and not more than one thousand dollars.;

and

(*b*) by striking out subsections (2a) and (3) and substituting the following subsections:

(3) Where a court convicts a person of an offence against subsection (1), the following provisions shall apply:

(*a*) the court shall order that the person be disqualified from holding or obtaining a driver's licence—

(i) in the case of a first offence—

A. being a lesser offence—for such period, being not less than three months, as the court thinks fit;

B. being a greater offence—for such period, being not less than six months, as the court thinks fit;

(ii) in the case of a second offence—

A. being a lesser offence—for such period, being not less than twelve months, as the court thinks fit;

B. being a greater offence—for such period, being not less than three years, as the court thinks fit;

(iii) in the case of a subsequent offence—

A. being a lesser offence—for such period, being not less than two years, as the court thinks fit;

B. being a greater offence—for such period, being not less than three years, as the court thinks fit;

(*b*) the disqualification prescribed by paragraph (*a*) shall not be reduced or mitigated in any way unless, in the case of a first offence, the court is satisfied by evidence given on oath that the offence is trifling, in which case, it may order a period of disqualification that is less than the prescribed minimum period but not less than one month;

(*c*) the order of disqualification shall, for the purposes of the Offenders Probation Act, 1913-1971, be deemed not to constitute a sentence or the imposition of a penalty.

(4) For the purposes of determining whether an offence is a first, second or subsequent offence for the purposes of this section, any previous offence (whether committed before or after the commencement of the Road Traffic Act Amendment Act (No. 3), 1981) against subsection (1) or against section 47 (1), section 47e (3), or section 47i (14) for which the defendant has been convicted shall be taken into account but only if the offence was committed within the period of five years immediately preceding the commission of the offence under consideration.

(5) In this section—

"lesser offence" means an offence against subsection (1) where the concentration of alcohol in the blood of the convicted person was less than .15 grams in 100 millilitres of blood:

"greater offence" means an offence against subsection (1) where the concentration of alcohol in the blood of the convicted person was .15 grams or more in 100 millilitres of blood.

Insertion of new s. 47da.

Commissioner of Police may authorize breath tests.

8. The following section is inserted after section 47d of the principal Act:

47da. (1) The Commissioner of Police may authorize members of the police force—

(*a*) to conduct breath tests in relation to persons driving motor vehicles on a part of a road and during a day specified by the Commissioner;

and

(*b*) to establish for that purpose a breath testing station on or in the vicinity of the part of a road specified by the Commissioner.

(2) A breath testing station shall be established in such a way and consist of such facilities and warning and other devices as the Commissioner of Police considers necessary in order to enable vehicles to be stopped in a safe and orderly manner and the breath tests to be made in quick succession.

(3) Any member of the police force carrying out duties in connection with the conduct of breath tests pursuant to this section shall be in uniform.

(4) The breath tests shall be so conducted as to avoid undue delay or inconvenience to those affected.

(5) The Commissioner of Police shall, as soon as practicable after the first, second and third anniversaries of the date of commencement of this section, submit to the Minister a report upon the operation and administration of this section during the preceding period of twelve months including a report of—

(*a*) the places and times at which breath tests were conducted pursuant to this section;

and

(*b*) the numbers of drivers required to submit to alcotests and analyses, respectively, conducted pursuant to this section and the results of those tests.

(6) The Minister shall cause the report of the Commissioner of Police to be laid before each House of Parliament as soon as practicable after his receipt of the report.

(7) The provisions of this section, other than subsections (5) and (6), shall expire on the expiration of the period of three years from the date of commencement of this section.

Amendment of s. 47e—Police may require alcotest or breath analysis.

9. Section 47e of the principal Act is amended—

(*a*) by inserting after paragraph (*aa*) of subsection (1) the following paragraph:

(*aaa*) has committed an offence against section 20, section 111 or section 122;;

(*b*) by inserting after subsection (2) the following subsections:

(2a) A member of the police force may require any person driving a motor vehicle on a day and on a part of a road specified in an authorization under section 47da to submit to an alcotest.

(2b) Where an alcotest conducted under subsection (2a) indicates that the prescribed concentration of alcohol may be present in the blood of any person, a member of the police force may require that person to submit to a breath analysis.;

(*c*) by striking out the penalty provision at the foot of subsection (3) and substituting the following provision:

Penalty—

For a first offence—a fine of not less than four hundred dollars and not more than seven hundred dollars.

For a subsequent offence—a fine of not less than six hundred dollars and not more than one thousand dollars.;

(*d*) by striking out subsection (3a);

and

(*e*) by striking out subsection (6) and substituting the following subsections:

(6) Where a court convicts a person of an offence against subsection (3), the following provisions shall apply:

(*a*) the court shall order that the person be disqualified from holding or obtaining a driver's licence—

(i) in the case of a first offence—for such period, being not less than six months, as the court thinks fit;

or

(ii) in the case of a subsequent offence—for such period, being not less than three years, as the court thinks fit;

(*b*) the disqualification prescribed by paragraph (*a*) shall not be reduced or mitigated in any way unless, in the case of a first offence, the court is satisfied by evidence given on oath that the offence is trifling, in which case, the court may order a period of disqualification that is less than the prescribed minimum period but not less than one month;

(*c*) the order of disqualification shall, for the purposes of the Offenders Probation Act, 1913-1971, be deemed not to constitute a sentence or the imposition of a penalty.

(7) In determining whether an offence is a first or subsequent offence for the purposes of this section, any previous offence (whether committed before or after the commencement of the Road Traffic Act Amendment Act (No. 3), 1981) against subsection (3) or against section 47 (1), section 47b (1) or section 47i (14) for which the defendant has been convicted shall be taken into account but only if the offence was committed within the period of five years immediately preceding the commission of the offence under consideration.

Amendment of s. 47g—Evidence, etc.

10. Section 47g of the principal Act is amended by inserting after subsection (3a) the following subsections:

(3b) A certificate purporting to be signed by a member of the police force and to certify that a person named in the certificate submitted to an alcotest on a specified day and at a specified time and that the alcotest indicated that the prescribed concentration of alcohol may then have been present in the blood of that person shall, in the absence of proof to the contrary, be proof of the matters so certified.

(3c) A certificate purporting to be signed by the Commissioner of Police and to certify that he authorized members of the police force to conduct breath tests in relation to persons driving motor vehicles during a day and on a part of a road stated in the certificate shall, in the absence of proof to the contrary, be proof of the matter so certified.

Amendment of s. 47i—Compulsory blood tests.

11. Section 47i of the principal Act is amended—

(*a*) by striking out the penalty provision at the foot of subsection (14) and substituting the following provision:

Penalty—

Where the convicted person was the driver of a motor vehicle involved in the accident—

(*a*) for a first offence—a fine of not less than four hundred dollars and not more than seven hundred dollars;

and

(*b*) for a subsequent offence—a fine of not less than six hundred dollars and not more than one thousand dollars.

In any other case—Three hundred dollars.;

and

(*b*) by striking out subsections (14a) and (14b) and substituting the following subsections:

(14a) Where a court convicts a person of an offence against subsection (14) in which the person was the driver of a motor vehicle involved in the accident, the following provisions shall apply:

(*a*) the court shall order that the person be disqualified from holding or obtaining a driver's licence—

(i) in the case of a first offence—for such period, being not less than six months, as the court thinks fit;

or

(ii) in the case of a second offence—for such period, being not less than three years, as the court thinks fit;

(*b*) the disqualification prescribed by paragraph (*a*) shall not be reduced or mitigated in any way unless, in the case of a first offence, the court is satisfied by evidence given on oath that the offence is trifling, in which case, the court may

order a period of disqualification less than the prescribed minimum period but not less than one month;

(*c*) the order of disqualification shall, for the purposes of the Offenders Probation Act, 1913-1971, be deemed not to constitute a sentence or the imposition of a penalty.

(14b) In determining whether an offence is a first or subsequent offence for the purposes of this section, any previous offence (whether committed before of after the commencement of the Road Traffic Act Amendment Act (No. 3), 1981) against subsection (14) or against section 47 (1), section 47b (1) or section 47e (3) for which the defendant has been convicted shall be taken into account but only if the offence was committed within the period of five years immediately preceding the commission of the offence under consideration.

12. The following section is inserted after section 47i of the principal Act: Insertion of new s. 47ia.

47ia. (1) Where the court before which a person is charged with a prescribed first or second offence convicts the person of the offence or finds that the charge is proved but does not proceed to conviction, the court shall, unless proper cause for not doing so is shown, order the person to attend, within a period fixed by the court, being not more than six months from the making of the order, a lecture conducted pursuant to the regulations. Certain offenders to attend lectures.

(2) A person shall not fail, without reasonable excuse, to comply with an order under subsection (1).

Penalty: One hundred dollars.

(3) In this section—

"prescribed first or second offence" means an offence against section 47 (1), section 47b (1), section 47e (3) or section 47i (14), being an offence that is, within the meaning of that section, a first or second offence against that section.

(4) A certificate purporting to be signed by the Commissioner of Police and to certify that a person named in the certificate failed to comply with an order under subsection (1) shall, in the absence of proof to the contrary, be proof of the matter so certified.

13. Section 111 of the principal Act is amended by inserting after the word "requirements" the passage "of sections 119, 120, 121 and 124 or". Amendment of s. 111— Duty to comply with requirements as to lamps and reflectors.

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1980

****

No. 47 of 1981

An Act to amend the Architects Act, 1939-1976.

[*Assented to* 18*th June,* 1981]

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 "Architects Act Amendment Act, 1981".

(2) The Architects Act, 1939-1976, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Architects Act, 1939-1981".

Amendment of s. 28—Offences.

2. Section 28 of the principal Act is amended--

(*a*) by striking out subsections (1), (2) and (3) and substituting the following subsections:

(1) An unregistered person shall not—

(*a*) use the word "architect" or "architectural" as part of his title or description;

or

(*b*) assume any title or description implying, or leading reasonably to the belief, that he is registered under this Act.

Penalty: Five hundred dollars.

(2) A person shall not—

(*a*) use the word "architect" or "architectural" as part of the title or description of an unregistered person;

or

(*b*) apply to an unregistered person a title or description implying, or leading reasonably to the belief, that he is registered under this Act.

Penalty: Five hundred dollars.

(3) Notwithstanding the provisions of subsection (1) and subsection (2), no offence is committed under this section by virtue only of the fact that—

(*a*) an unregistered person designs, or superintends the erection of, a building;

(*b*) a person who is a corporate member of the Australian Institute of Landscape Architects describes himself, or is described, as a landscape architect;

(*c*) a naval architect or a golfcourse architect describes himself, or is described, as such;

(*d*) an unregistered person who is employed by a registered architect as an architectural draftsman or architectural technician describes himself, or is described, in relation to that employment, as an architectural draftsman or architectural technician;

(*e*) an unregistered person who holds a qualification prescribed by by-law of the board states that he holds that qualification, or another person states that the unregistered person holds that qualification;

or

(*f*) an unregistered person describes himself, or is described, in a manner permitted by the regulations.

(3a) The Governor may make regulations for the purposes of subsection (3) (*f*).;

(*b*) by striking out from subsection (4) the passage "hold itself out, or be held out" and substituting the passage "describe itself, or be described";

and

(*c*) by striking out subsection (5).

Amendment of s. 32a—Registration of a company as an architect.

3. Section 32a of the principal Act is amended by striking out paragraph (*b*) of subsection (1) and substituting the following paragraphs:

(*b*) each director of the company must be a natural person;

(*ba*) where the company has two directors—

(i) both directors must be registered architects;

or

(ii) one director must be a registered architect and the other must be—

(A) a person who holds a qualification declared by by-law of the board pursuant to subsection (2) to be a prescribed qualification;

(B) a relative of the registered architect;

(C) an employee of the company;

or

(D) a qualified accountant or legal practitioner who acts for the company,

and where the board of directors is constituted in accordance with subparagraph (ii), the articles of association must provide that in the event of a disagreement arising between the directors, the opinion of the registered architect will prevail;

(*bb*) where the company has three or more directors, each director must hold a prescribed qualification and at least two-thirds of the directors must be registered architects;.

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

****

No. 48 of 1981

An Act to amend the Motor Vehicles Act, 1959-1981.

[*Assented to* 18*th June,* 1981]

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 "Motor Vehicles Act Amendment Act (No. 2), 1981".

(2) The Motor Vehicles Act, 1959-1981, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Motor Vehicles Act, 1959-1981".

Commencement.

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

Amendment of s. 75a—

3. Section 75a of the principal Act is amended—

Learner's permits.

(*a*) by striking out subsection (3) and substituting the following subsections:

(3) A learner's permit shall be subject to—

(*a*) a condition that the holder shall not drive a motor vehicle or attempt to put a motor vehicle in motion (being a motor vehicle that he is not authorized to drive pursuant to a driver's licence) while there is present in his blood the prescribed concentration of alcohol;

and

(*b*) such of the conditions and restrictions prescribed by the regulations as are inserted in the learner's permit by the Registrar (subject to any variations that may be made in a particular case by the Registrar).

(3a) In this section—

"prescribed concentration of alcohol" means a concentration of .05 or more but less than .08 grams of alcohol in a hundred millilitres of blood.;

and

(*b*) by inserting after subsection (5) the following subsections:

(5a) Sections 47b (2), 47c, 47d and 47g of the Road Traffic Act, 1961-1981, shall apply in relation to an offence against subsection (5) of contravening the condition referred to in subsection (3) (*a*) as if—

(*a*) a reference in any of those sections to an offence against that Act were a reference to an offence against subsection (5);

and

(*b*) a reference in any of those sections to the prescribed concentration of alcohol as defined in section 47a of that Act were a reference to the prescribed concentration of alcohol as defined in subsection (3a).

(5b) Where the court before which a person is charged with an offence against subsection (5) of contravening a condition referred to in subsection (3) (*a*) convicts the person of the offence or finds that the charge is proved but does not proceed to conviction, the court shall, unless proper cause for not doing so is shown, order the person to attend, within a period fixed by the court, being not more than six months from the making of the order, a lecture conducted pursuant to the regulations.

(5c) A person shall not fail, without reasonable excuse, to comply with an order under subsection (5b).

Penalty: One hundred dollars.

(5d) A certificate purporting to be signed by the Commissioner of Police and to certify that a person named in the certificate failed to comply with an order under subsection (5b) shall, in the absence of proof to the contrary, be proof to the matter so certified.

Amendment of s. 81a—
First licences must be subject to certain probationary conditions.

4. Section 81a of the principal Act is amended—

(*a*) by inserting before paragraph (*d*) of subsection (1) the following paragraph:

(*ca*) a condition that the holder of the licence shall not drive a motor vehicle or attempt to put a motor vehicle in motion while there is present in his blood the prescribed concentration of alcohol;;

(*b*) by inserting after subsection (1) the following subsection:

(1a) In this section—

"prescribed concentration of alcohol" means a concentration of .05 or more but less than .08 grams of alcohol in a hundred millilitres of blood.;

and

(*c*) by inserting after subsection (5) the following subsections:

(6) Sections 47b (2), 47c, 47d and 47g of the Road Traffic Act, 1961-1981, shall apply in relation to an offence against subsection (5) of contravening the condition referred to in subsection (1) (*ca*) as if—

(*a*) a reference in any of those sections to an offence against that Act were a reference to an offence against subsection (5);

and

(*b*) a reference in any of those sections to the prescribed concentration of alcohol as defined in section 47a of that Act were a reference to the prescribed concentration of alcohol as defined in subsection (1a).

(7) Where the court before which a person is charged with an offence against subsection (5) of contravening the condition referred to in subsection (1) (*ca*) convicts the person of the offence or finds that the charge is proved but does not proceed to conviction, the court shall, unless proper cause for not doing so is shown, order the person to attend, within a period fixed by the court, being not more than six months from the making of the order, a lecture conducted pursuant to the regulations.

(8) A person shall not fail, without reasonable excuse, to comply with an order under subsection (7).

Penalty: One hundred dollars.

(9) A certificate purporting to be signed by the Commissioner of Police and to certify that a person named in the certificate failed to comply with an order under subsection (7) shall, in the absence of proof to the contrary, be proof of the matter so certified.

Amendment of s. 81b—Cancellation of learner's permits and driver's licences for breach of probationary conditions, etc.

5. Section 81b of the principal Act is amended—

(*a*) by striking out paragraph (*a*) of subsection (1) and substituting the following paragraph:

(*a*) in relation to a learner's permit, means the condition referred to in section 75a (3) (*a*) together with, in the case of a learner's permit of a prescribed class, such of the conditions and restrictions prescribed for the purposes of section 75a (3) (*b*) as are in relation to that class of learner's permits designated as probationary conditions by the regulations;;

and

(*b*) by inserting in paragraph (*b*) of subsection (1) after the word "paragraphs" the passage "(*ca*),".

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

****

No. 49 of 1981

An Act to amend the Motor Vehicles Act, 1959-1981.

[*Assented to* 18*th June,* 1981]

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 "Motor Vehicles Act Amendment Act (No. 3), 1981".

(2) The Motor Vehicles Act, 1959-1981, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Motor Vehicles Act, 1959-1981".

Amendment of s. 5—Interpretation.

2. Section 5 of the principal Act is amended by striking out from subsection (1) the definition of "premium" and "insurance premium" and substituting the following definition:

"premium" or "insurance premium" in relation to a motor vehicle means the premium, appropriate to the motor vehicle, for a policy of insurance under Part IV—

(*a*) determined by the insurance premium committee established under that Part;

or

(*b*) notified to the Registrar by the insurer that has assumed, or is to assume, the risk under the policy,

whichever is the lesser:.

Insertion of new s. 46a.

3. The following section is inserted after section 46 of the principal Act:

Slogan number plates.

46a. (1) The Registrar may issue to the owner of a motor vehicle, upon payment of the prescribed fee, a slogan number plate for attachment to that vehicle.

(2) No person shall drive on a road a motor vehicle to which a slogan number plate is attached unless it is one that has been issued by the Registrar under this section.

Penalty: Two hundred dollars.

(3) No person other than a person approved by the Minister shall sell or supply slogan number plates.

Penalty: Two hundred dollars.

(4) For the purposes of this section "slogan number plate" means a number plate for attachment to a motor vehicle, being a plate that bears the slogan "S.A.—The Festival State".

Amendment of s. 145—Regulations.

4. Section 145 of the principal Act is amended by inserting after paragraph (*ga*) the following paragraph:

(*gb*) providing for the attachment of number plates to motor vehicles, or any class of motor vehicles, and prescribing the fees payable for number plates, or any class of number plates;.

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

****

No. 50 of 1981

An Act to apply, out of Consolidated Account, the sum of Two Hundred and Sixty Million Dollars for the Public Service of the State for the financial year ending on the thirtieth day of June, 1982.

[*Assented to* 18*th June,* 1981]

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 "Supply Act (No. 1), 1981".

Interpretation.

2. In this Act "the financial agreement" means the Financial Agreement made between the Commonwealth and the States as set out in the schedule to the Agreement contained in the Appendix to the Amending Financial Agreement Act, 1944, as amended by the Agreement set out in the schedule to the Amending Financial Agreement Act, 1966, and as amended by the Agreement set out in the schedule to the Amending Financial Agreement Act, 1976.

Issue and application of $260,000 000.

3. Out of Consolidated Account there may be issued and applied, for the Public Service of the State for the financial year ending on the thirtieth day of June, 1982, any moneys not exceeding in the aggregate two hundred and sixty million dollars.

Payments not to exceed amounts voted last year except in certain respects.

4. (1) No payments for any establishment or service shall be made out of the moneys referred to in section 3 in excess of the amounts voted for similar establishments or services for the financial year ended on the thirtieth day of June, 1981, but there may be paid out of those moneys increases of salaries or wages payable by the Government of the State 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.

(2) The Treasurer is hereby authorized to pay such increases out of those moneys.

Power to borrow money in 1981-1982.

5. The Treasurer may borrow, during the period between the thirtieth day of June, 1981, and the commencement of the Act authorizing the raising and expenditure of money for the financial year ending on the thirtieth day of June, 1982, on behalf of the State and in accordance with the financial agreement, any sums not exceeding eighty million dollars.

Power to borrow against Treasury Bills or by overdraft.

6. The Treasurer may during the financial year commencing on the first day of July, 1981, 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 Account and any amounts so borrowed shall be repaid on or before the thirtieth day of June, 1982;

and

(*b*) any sum or sums not exceeding four million dollars for any purpose by way of overdraft from the Reserve Bank of Australia and any amounts so borrowed shall be repaid within seven days.

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

****

No. 51 of 1981

An Act for the further appropriation of the revenue of the State for the financial year ending on the thirtieth day of June, 1981, and for other purposes.

[*Assented to* 18*th June,* 1981]

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), 1981".

Further issue.

2. Out of the moneys paid to the State by the Commonwealth and any other General Revenue of the 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 Government of the State for the financial year ending on the thirtieth day of June, 1981, any further sum or sums not exceeding in the aggregate thirty million five hundred thousand dollars.

Appropriation of General Revenue issued under this Act.

3. All moneys issued under this Act, not exceeding the aggregate amount referred to in section 2 of this Act, shall be applied and appropriated for the purposes mentioned in the schedule.

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 aggregate the amount specified in section 2 of this Act, 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 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 for the financial year ending on the thirtieth day of June, 1981, notwithstanding that the payment is in respect of a period prior to the first day of July, 1980.

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.

SCHEDULE

Further Amounts proposed to be expended from General Revenue during the Financial year ending 30th June, 1981

Purposes of Appropriation	Estimated Expenditure
	$
Treasury	1 000 000
Treasurer, Miscellaneous	2 000 000
Minister of Industrial Affairs, Miscellaneous	1 950 000
Public Buildings	3 500 000
Minister of Public Works, Miscellaneous	1 400 000
Education	7 700 000
Further Education	1 200 000
Police	1 250 000
Minister of Agriculture and Minister of Forests, Miscellaneous	2 300 000
Highways	1 750 000
Engineering and Water Supply	2 650 000
Minister of Water Resources and Minister of Irrigation, Miscellaneous	3 800 000
Total	30 500 000

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

****

No. 52 of 1981

An Act to amend the Business Franchise (Tobacco) Act, 1974-1978.

[*Assented to* 18*th June,* 1981]

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 "Business Franchise (Tobacco) Act Amendment Act, 1981".

(2) The Business Franchise (Tobacco) Act, 1974-1978, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Business Franchise (Tobacco) Act, 1974-1981".

Amendment of s. 11—Fees.

2. Section 11 of the principal Act is amended—

(*a*) by striking out paragraphs (*a*) and (*ab*) of subsection (1) and substituting the following paragraphs:

(*a*) for a wholesale tobacco merchant's licence—a fee of ten dollars together with—

(i) in the case of a licence that commences before the first day of August, 1981, an amount of 10 per centum;

(ii) in the case of a licence that commences on or after the first day of August, 1981, an amount of 12.5 per centum,

of the value of tobacco sold by the applicant in the course of tobacco wholesaling during the relevant period;

(*ab*) for a group wholesale tobacco merchant's licence—a fee of ten dollars together with—

(i) in the case of a licence that commences before the first day of August, 1981, an amount of 10 per centum;

(ii) in the case of a licence that commences on or after the first day of August, 1981, an amount of 12.5 per centum,

of the value of tobacco sold by all persons who are members of the group of wholesale tobacco merchants of which the applicant for the licence, or renewal of the licence, is a member (whether or not the application was made by them or on their behalf and whether or not they were members of that group during the whole or any part of the relevant period) in the course of tobacco wholesaling during the relevant period.;

and

(*b*) by striking out from paragraph (*b*) of subsection (1) the passage "ten per centum" and substituting the passage "12.5 per centum".

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

****

No. 53 of 1981

An Act to amend the Offenders Probation Act, 1913-1971.

[*Assented to 25th June,* 1981]

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 "Offenders Probation Act Amendment Act, 1981".

(2) The Offenders Probation Act, 1913-1971, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Offenders Probation Act, 1913-1981".

Commencement.

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

Amendment of s. 2—Interpretation.

3. Section 2 of the principal Act is amended—

(*a*) by inserting before the definition of "court" the following definitions:

"community service centre" means any premises declared to be a community service centre under this Act:

"community service officer" means a probation officer holding, or acting in, the office of community service officer:;

(*b*) by inserting after the definition of "court of summary jurisdiction" the following definition:

"Director" means the Director of Correctional Services:;

(*c*) by striking out the definition of "Minister";

(*d*) by inserting in paragraph (*a*) of the definition of "offence" after the passage "indictable offence" the passage "other than murder or treason";

(*e*) by inserting after the definition of "probationer" the following definitions:

"probation hostel" means any premises declared to be a probation hostel under this Act:

"probation officer" means an officer of the Department of Correctional Services holding, or acting in, the office of probation officer:;

(*f*) by inserting in the definition of "probation order" after the word "offender" the passage ", or for the conditional suspension of a sentence of imprisonment";

(*g*) by striking out from the definition of "probative court" the passage "to appear for sentence, or for conviction and sentence, as the case may be";

and

(*h*) by striking out the definition of "this Act" and substituting the following definition:

"working day" means any day other than a Saturday, Sunday or public holiday.

4. The following sections are inserted after section 3 of the principal Act: Insertion of new ss. 3a and 3b.

Provisions relating to administration.

3a. (1) The Minister may, by notice published in the *Gazette*, declare any premises to be—

(*a*) a community service centre;

or

(*b*) a probation hostel,

for the purposes of this Act.

(2) The Minister may, by further notice published in the *Gazette*, revoke or vary any declaration under this section.

(3) The Minister may establish such other facilities as he thinks necessary or desirable for the proper administration of this Act.

(4) All community service centres, probation hostels and other facilities established under this section shall be under the control of the Minister.

(5) The Minister shall promote the use of volunteers in the administration of this Act to such extent as he thinks appropriate.

Delegation by the Director.

3b. (1) The Director may, by instrument in writing, delegate to any officer of the Department of Correctional Services any of his powers, functions or duties under this Act.

(2) A delegation under this section is revocable at will, and does not prevent the exercise or performance by the Director of any power, function or duty so delegated.

5. Section 4 of the principal Act is amended— Amendment of s. 4—

(*a*) by striking out from subsection (2c) the passage "The term" and substituting the passage "Subject to subsection (2d), the term"; Power of courts to permit conditional discharge of offenders, etc., and to suspend sentence of imprisonment.

(*b*) by inserting after subsection (2c) the following subsection:

(2d) Where, pursuant to section 5, the court includes in a recognizance a condition requiring the probationer to undertake community service, the term of the recognizance fixed by the court shall not exceed one year.

and

(*c*) by inserting in subsection (4) after the passage "Any order under subsection (3) hereof may" the passage "(unless a condition requiring compliance with the order has been included in a recognizance entered into by the probationer)".

Amendment of s. 5—Probation orders and conditions of recognizance.

6. Section 5 of the principal Act is amended—

(*a*) by striking out subsection (1) and substituting the following subsections:

(1) A recognizance under section 4 may include such of the following conditions as the court thinks appropriate—

(*a*) a condition requiring the probationer to be under the supervision of a probation officer for a specified period of time, and to obey the lawful directions of the probation officer;

(*b*) a condition requiring the probationer to reside with a specified person, or in a specified probation hostel or other specified place;

(*c*) a condition requiring the probationer not to reside with a specified person, or in a specified place or area;

(*d*) a condition requiring the probationer to undergo medical or psychiatric treatment in accordance with the terms of the recognizance;

(*e*) a condition requiring the probationer to undertake a specified number of hours of community service, not being less than forty nor more than two hundred and forty, and to obey the lawful directions of the community service officer to whom he is assigned;

(*f*) a condition requiring the probationer to abstain from drugs of a specified class, or from alcohol;

(*g*) a condition requiring the probationer to comply with an order made by the court under section 4 (3);

or

(*h*) any other condition that the court thinks necessary or desirable.

(1a) A court shall not include in the same recognizance conditions both under subsection (1) (*a*) and under subsection (1) (*e*).

(1b) A court shall not include in a recognizance a condition under subsection (1) (*b*) unless it is satisfied that accommodation for the probationer is available with the person, or at the probation hostel or other place, specified in the recognizance.

(1c) A court shall not include in a recognizance a condition under subsection (1) (*d*) unless it is satisfied that treatment of the nature specified in the recognizance has been recommended for the probationer by a legally qualified medical practitioner and is available to the probationer.

(1d) A court shall not include in a recognizance a condition under subsection (1) (*e*) unless it is satisfied upon a report of a probation officer that there is, or will be within a reasonable period of time, a placement for the probationer at a community service centre reasonably accessible to him and that the community service likely to be undertaken by the probationer is appropriate for him.

(1*e*) A court making a probation order shall not specify a number of hours of community service to be undertaken by a probationer who is already undertaking, or liable to undertake, community service pursuant to a previous recognizance, where the aggregate of that number and the number of hours specified in the previous recognizance would exceed two hundred and forty.;

and

(*b*) by inserting in subsection (2) after the passage "the conditions he is required to observe" the passage ", and shall satisfy itself that the probationer understands those conditions, the nature of the requirements that may lawfully be made of him by virtue of those conditions, and the implications of failing to comply with his recognizance".

7. The following sections are inserted after section 5 of the principal Act: Insertion of new ss. 5a, 5b, 5c and 5d.

Condition relating to reporting to probation centre or community service within two working days.

5a. Where a court includes in a recognizance a condition requiring the probationer to be under the supervision of a probation officer, or a condition requiring the probationer to undertake community service, the court shall also include in the recognizance a condition requiring the probationer to report to a specified place within two working days after the day on which the probation order is made, unless within that period the probationer receives a notice in accordance with section 6.

Special provisions relating to community service.

5b. (1) Where a court includes a condition in a recognizance requiring the probationer to undertake community service, the following provisions shall apply:

(*a*) the probationer shall be required to perform community service work for eight hours each Saturday, or on such other day as the community service officer to whom he is assigned may direct;

(*b*) the probationer shall be required to attend at a community service centre or other place for two hours in the evening of one working day in each week in accordance with the directions of the community service officer, or on such other day or at such other time as the community service officer may direct;

(*c*) the probationer shall, during the two-hour period referred to in paragraph (*b*), be required to undertake or participate in courses of instruction arranged by the Director;

and

(*d*) one hour of the eight-hour period referred to in pargraph (*a*) shall be allocated as a lunch break.

(2) Notwithstanding subsection (1), a probationer shall not be required to perform community service work or attend a community service centre—

(*a*) at a time that would interfere with his gainful employment, or with a course of training or instruction relating to, or likely to assist him in obtaining, gainful employment;

or

(*b*) at a time that would cause him to offend against a rule of a religion that he practises.

(3) A probationer is not entitled to any remuneration for community service work performed by him under his recognizance.

(4) Where the Director is of the opinion that a probationer has failed to obey a reasonable direction given to him by his community service officer in relation to his conduct or behaviour while undertaking community service, the Director may, in lieu of commencing proceedings for breach of recognizance, require the probationer, by notice in writing served personally upon him, to perform a number of additional hours of community service work during the term of his recognizance, and any such hours shall, for the purposes of this Act, be deemed to be hours that were specified by the court in the conditions of the recognizance.

(5) The Director shall not exercise his powers under subsection (4) so as to require a probationer to work more than twenty-four additional hours of community service work during the term of his recognizance.

(6) The Director may exercise his powers under subsection (4) notwithstanding that the limit of two hundred and forty hours specified in subsections (1) (*e*) and (1e) would thereby be exceeded.

(7) Where the Director is of the opinion that a probationer has failed to observe the condition of his recognizance requiring him to undertake community service, he may, by notice in writing served personally or by post upon the probationer, suspend the operation of that condition until the probative court has heard and determined proceedings for breach of the recognizance.

Insurance cover to be provided by Minister.

5c. (1) The Minister shall provide insurance upon such terms and conditions as he thinks fit for probationers in respect of death or injury arising out of, or occurring in the course of, community service undertaken pursuant to recognizances.

(2) The Minister shall provide insurance upon such terms and conditions as he thinks fit for persons appointed as voluntary supervisors of probationers undertaking community service pursuant to recognizances in respect of death or injury arising out of, or occurring in the course of, carrying out their duties as supervisors.

(3) The cost of providing insurance cover under this section shall be borne by the Crown.

Community service committees.

5d. (1) The Minister shall establish a community service advisory committee consisting of not less than three, nor more than five, members, of whom—

(*a*) one shall be appointed by the Minister after consultation with the United Trades and Labor Council;

and

(*b*) one shall be a person nominated by the Director.

(2) The members of the advisory committee shall hold office upon such terms and conditions as the Minister thinks fit.

(3) The functions of the advisory committee are—

(*a*) to formulate guidelines for the approval of projects and tasks suitable for community service under this Act;

and

(*b*) to perform such other functions as the Minister may direct.

(4) The Minister shall establish a community service committee for each community service centre.

(5) A community service committee shall consist of not less than three, nor more than five, members, of whom—

(*a*) one shall be a magistrate;

(*b*) one shall be appointed by the Minister after consultation with the United Trades and Labor Council;

and

(*c*) one shall be a person nominated by the Director.

(6) The members of a community service committee shall hold office upon such terms and conditions as the Minister thinks fit.

(7) The functions of a community service committee are—

(*a*) to approve, within the guidelines formulated by the community service advisory committee, the projects and tasks to be performed as community service work by probationers attending the community service centre in respect of which the committee was established;

(*b*) to keep approved projects and tasks under regular review;

(*c*) to monitor the performance of community service work by probationers attending the centre;

and

(*d*) to perform such other functions as the Minister may direct.

(8) A community service committee shall not approve a project or task for community service unless—

(*a*) it is a project or task for the benefit of an organization that does not seek to secure a pecuniary profit for its members;

(*b*) it is a project or task to aid a person, or group of persons, who, in the opinion of the committee, is or are disadvantaged through age, illness, incapacity, poverty or any other adversity;

or

(*c*) it is a project or task of a Government Department or instrumentality, or of a local government authority.

(9) A community service committee shall not approve a project or task for community service work if a probationer, in undertaking that project or task—

(*a*) would replace a person who is being paid to perform any work;

or

(*b*) would perform any work for which funds are available.

Repeal of ss. 6 and 7 and substitution of new section.

8. Sections 6 and 7 of the principal Act are repealed and the following sections are substituted:

Minister shall assign probation officer or community service officer to each probationer.

6. (1) The Minister shall, upon receipt of a copy of a probation order, and may thereafter from time to time, assign the probationer to a probation officer for supervision, or to a community service officer for community service, as the case may require.

(2) The Minister shall cause the probationer to be notified in writing of the name of the probation officer or community service officer to whom he has been assigned, and of the place and time at which he must first report to that officer.

(3) It is the duty of each probation officer and community service officer to use his best endeavours to ensure that any probationer assigned to him complies with the conditions of his recognizance.

Probation officer or community service officer may give reasonable directions to probationers.

7. (1) A probation officer to whom a probationer has been assigned for supervision may give reasonable directions to the probationer in relation to the following matters:

(*a*) requiring the probationer to report to him on a regular basis;

(*b*) requiring the probationer to notify him of any change in his place of residence, or in his employment;

(*c*) requiring the probationer to obtain his written permission before leaving the State for any reason;

(*d*) requiring the probationer to reside, or not to reside, in any place or area, or with any person;

(*e*) requiring the probationer to take up, or not to take up, any particular employment, not to give up his employment, or to be punctual in reporting to work;

or

(*f*) any other matter (whether pertaining to supervision or any other condition of the recognizance) authorized by the Minister either generally, or in respect of a particular case.

(2) A community service officer to whom a probationer has been assigned for community service may give reasonable directions to the probationer in relation to the following matters:

(*a*) requiring the probationer to report to a community service centre or other place at certain times;

(*b*) requiring the probationer to notify him of any change in his place of residence or in his employment;

(*c*) requiring the probationer to obtain his written permission before leaving the State for any reason;

(*d*) requiring the probationer to perform certain projects or tasks for his community service work;

(*e*) requiring the probationer to undertake or participate in courses of instruction at a community service centre or other place;

(*f*) requiring the probationer to conduct himself or behave in a particular manner while undertaking community service;

or

(*g*) any other matter (whether pertaining to community service or any other condition of the recognizance) authorized by the Minister either generally, or in respect of a particular case.

Amendment of s. 7a— Duty of members of the police force.

9. Section 7a of the principal Act is amended—

(*a*) by striking out the passage ",having regard to his rank and the rules of the police force,";

and

(*b*) by striking out the passage "probation officer or other person under whose supervision the probationer has been placed" and substituting the word "Director".

Amendment of s. 8— Power to revoke or vary a condition of a recognizance, or to discharge recognizance.

10. Section 8 of the principal Act is amended—

(*a*) by striking out from paragraph (*a*) of subsection (1) the passage "vary the conditions" and substituting the passage "revoke or vary any condition";

(*b*) by striking out from paragraph (*b*) of subsection (1) the passage "under supervision" and substituting the passage "subject to a recognizance";

and

(*c*) by inserting after subsection (2) the following subsection:

(3) Where the Minister is satisfied that the conduct of a probationer under supervision has been such as to make it unnecessary that he should be under supervision any longer, and that it would not be in the best interests of the probationer for him to remain under supervision, the Minister may, by instrument in writing, waive the obligation of the probationer to comply any further with the condition of his recognizance requiring him to be subject to supervision.

Amendment of s. 9— Provision in case of probationer failing to observe conditions of his recognizance.

11. Section 9 of the principal Act is amended—

(*a*) by inserting in subsection (4) after the passage "on being satisfied that a probationer has failed to observe any condition of his recognizance" the passage ", may estreat the recognizance in such amount as the court thinks fit and";

(*b*) by inserting in paragraph (*b*) of subsection (4) after the word "shall" the passage ", subject to subsection (5),";

and

(*c*) by inserting after subsection (4) the following subsections:

(5) Where a probationer is subject to a suspended sentence and the probative court is satisfied that the failure of the probationer to observe the conditions of his recognizance is

trivial, or that there are proper grounds upon which the failure should be excused, the court—

(*a*) may refrain from ordering that the sentence be carried into effect;

and

(*b*) may extend the term of the recognizance by a period not exceeding one year.

(6) Where a probative court orders that a suspended sentence be carried into effect, the court—

(*a*) may, if it considers that there are special circumstances justifying it in so doing, reduce the term of the suspended sentence;

(*b*) may direct that time spent by the probationer in custody pending determination of the proceedings for breach of recognizance be counted as part of the term of the suspended sentence;

or

(*c*) may direct that the supended sentence be cumulative upon any other sentence, or sentences, of imprisonment then being served, or to be served, by the probationer.

(7) Notwithstanding the provisions of this section, where a probationer is found guilty of an offence by a court of a superior jurisdiction to that of the probative court, that firstmentioned court may hear and determine the proceedings for breach of recognizance and, subject to subsection (8), shall for that purpose have all the powers of a probative court under this section.

(8) Where, pursuant to subsection (7), a court sentences a probationer for the original offence, the court may not impose any sentence that the probative court could not have imposed.

(9) Any amount payable upon estreatment of a recognizance shall be recoverable as a fine.

(10) In this section "court of a superior jurisdiction" means—

(*a*) where the probative court is a court of summary jurisdiction—the Supreme Court or a District Criminal Court;

and

(*b*) where the probative court is a District Criminal Court—the Supreme Court.

Amendment of s. 10—Regulations.

12. Section 10 of the principal Act is amended—

(*a*) by striking out paragraph (*a*) of subsection (1);

and

(*b*) by striking out subsections (2), (3) and (4).

13. The following section is inserted after section 10 of the principal Act: Insertion of new s. 11.

Immunity from liability.

11. (1) No civil liability shall attach to a probation officer or community service officer for any act or omission by him in good faith and in the exercise of his powers, or discharge of his duties, under this Act.

(2) A liability that would, but for subsection (1), attach to a probation officer or community service officer shall attach to the Crown.

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

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No. 54 of 1981

An Act to amend the National Parks and Wildlife Act, 1972-1981.

[*Assented to 25th June,* 1981]

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 "National Parks and Wildlife Act Amendment Act (No. 2), 1981".

(2) The National Parks and Wildlife Act, 1972-1981, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "National Parks and Wildlife Act, 1972-1981".

Repeal of eighth schedule and substitution of new schedule.

2. The eighth schedule to the principal Act is repealed and the following schedule is substituted:

EIGHTH SCHEDULE

RARE SPECIES

Mammals—

Toolache Wallaby (*Macropus greyi*)
Mainland and Flinders Island races of the Dama Wallaby (*Macropus eugenii*)
Parma Wallaby (*Macropus parma*)
Rufous-bellied Pademelon (*Thylogale billardierii*)
Crescent Nail-Tailed Wallaby (*Onychogalea lunata*)
Bridle Nail-Tailed Wallaby (*Onychogalea fraenata*)
Western Hare-Wallaby (*Lagorchestes hirsutus*)
Brown Hare-Wallaby (*Lagorchestes leporides*)
Brush-Tailed Rock-Wallaby (*Petrogale penicillata*)
Proserpine Rock-Wallaby (*Petrogale* n. sp.)
Un-named Hare-Wallaby (*Lagorchestes asomatus* (1931))
Banded Hare-Wallaby (*Lagostrophus fasciatus*)
Desert Rat-Kangaroo (*Caloprymnus campestris*)
Brush-Tailed Rat-Kangaroo (*Bettongia penicillata*)
Northern Rat-Kangaroo (*Bettongia tropica*)
Lesueur's Rat-Kangaroo (*Bettongia lesueur*)
Southern Potoroo (*Potorous apicalis*)
Broad-Faced Potoroo (*Potorous platyops* (ca 1875))
Scaly-Tailed Possum (*Wyulda squamicaudata*)
Mountain Pigmy-Possum (*Burramys parvus*)
Leadbeater's Possum (*Gymnobelideus leadbeateri*)
Barnard's Wombat (*Lasiorhinus barnardi*)
Golden Bandicoot (*Isoodon auratus*)

Gunn's Bandicoot (*Perameles gunnii*)
Barred Bandicoot (*Perameles bougainville*)
Desert Bandicoot (*Perameles eremiana*)
Pig-footed Bandicoot (*Chaeropus ecaudatus*)
Rabbit-eared Bandicoot (*Macrotis lagotis*)
Lesser Rabbit-eared Bandicoot (*Macrotis leucura*)
Tiger Cat (*Dasyurus maculatus*)
Eastern Native Cat (*Dasyurus viverrinus*)
Western Native Cat (*Dasyurus geoffroii*)
Red-tailed Phascogale (*Phascogale calura*)
Little Planigale (*Planigale subtilissima*)
Narrow-Nosed Planigale (*Planigale tenuirostris*)
Dibbler (*Antechinus apicalis*)
Long-Tailed Marsupial-Mouse (*Sminthopsis longicaudata*)
Large Desert Marsupial-Mouse (*Sminthopsis psammophila*)
Eastern Marsupial-Mouse (*Antechinomus laniger*)
Numbat (*Myrmecobius fasciatus*)
Rusty Numbat (*Myrmecobius fasciatus rufus*)
Tasmanian Tiger (*Thylacinus cynocephalus*)
False Swamp-Rat (*Xeromys myoides*)
White-footed Tree-Rat (*Conilurus albipes*)
Stick-nest Rat (*Leporillus conditor*)
White-tipped Stick-nest Rat (*Leporillus apicalis*)
Northern Hopping-Mouse (*Notomys aquilo*)
MacDonnell Range Rock-Rat (*Zyzomys pedunculatus*)
New Holland Mouse (*Pseudomys novaehollandiae*)
Smoky Mouse (*Pseudomys fumeus*)
Western Mouse (*Pseudomys occidentalis*)
Shark Bay Mouse (*Pseudomys praeconis*)
Alice Springs Mouse (*Pseudomys fieldi*)
Shortridge's Native Mouse (*Pseudomys shortridgei*)
Short-Tailed Hopping-Mouse (*Notomys amplus* (1896))
Dusky Hopping-Mouse (*Notomys fuscus*)
Long-Tailed Hopping-Mouse (*Notomys longicaudatus* (1906))
Big-Eared Hopping-Mouse (*Notomys megalotis* (ca 1840))
Darling-Downs Hopping-Mouse (*Notomys mordax* (1840))
Blue Whale (*Balaenoptera musculus*)
Humpback Whale (*Megaptera novaeangliae*)
Right Whale (*Eubalaena glacialis*)

Birds—

Plains-wanderer (*Pedionomus torquatus*)
Australian Bustard (*Ardeotis australis*)
Goulds Petrel (*Pterodroma leucoptera leucoptera*)
Providence Petrel (*Pterodroma solandri*)
Lord Howe Island Fleshy-Footed Shearwater (*Puffinus carneipes hullianus*)
Abbott's Booby (*Sula abbotti*)
Christmas Island Frigatebird (*Fregata andrewsi*)
Freckled Duck (*Stictonetta naevosa*)
Lord Howe Island Woodhen (*Tricholimnas sylvestris*)
Lesser Noddy (*Anous tenuirostris*)
Glossy Black Cockatoo (*Calyptorhyncnus lathami*)
Golden Shouldered Parrot (*Psephotus chrysopterygius chrysopterygius*)
Paradise Parrot (*Psephotus pulcherrimus*)
Orange-bellied Parrot (*Neophema chrysogaster*)
Ground Parrot (*Pezoporus wallicus*)
Night Parrot (*Geopsittacus occidentalis*)
Norfolk Island Parrot (*Cyanoramphus novaezelandiae cookii*)
Coxens Fig Parrot (*Cyclopsitta diopthalma coxeni*)
Plumed Frogmouth (*Podargus ocellatus plumiferus*)
Norfolk Island Boobook Owl (*Ninox novaeseelandiae royana*)
Christmas Island Owl (*Ninox squamipila natalis*)
Red Goshawk (*Accipiter radiatus*)
Dorothy's Grass-Wren (*Amytornis dorotheae*)
Eyrean Grass-Wren (*Amytornis goyderi*)
Thick-Billed Grass-Wren (*Amytornis textilis textilis*)
Eastern Bristlebird (*Dasyornis brachypterus*)
Western Bristle-Bird (*Dasyornis brachypterus longirostris*)
Western Rufous Bristle-Bird (*Dasyornis broadbenti litoralis*)
Noisy Scrub-Bird (*Atrichornis clamosus*)
Spotted Quail-Thrush (*Cinclosoma punctatum*)
Grey-crowned Babbler (*Pomatostomus temporalis*)
Western Whipbird (*Psophodes nigrogularis*)
Helmeted Honeyeater (*Meliphaga cassidix*)
Forty-Spotted Pardalote (*Pardalotus quadragintus*)
Purple-Crowned Wren (*Malurus coronatus*)
Lord Howe Island Currawong (*Strepera graculina crissalis*)
Northern Scrub Robin (1915) (*Drymodes superciliaris colcloughi*)
Norfolk Island Silvereye (*Zosterops albogularis*)

Reptiles—

Swamp Tortoise (*Pseudemydura umbrina*)
Leathery Turtle (*Dermochelys coriacea*)
Adelaide Bluetongue (*Tiliqua adelaidensis*)

Lined Burrowing Skink (*Lerista lineata*)
Lancelin Island Striped Skink (*Ctenotus Lancelina*)
Pedra Branca Skink (*Pseudemoia palfreymani*)
Bronze Backed Legless Lizard (*Ophidiocephalus taeniatus*)
Un-named Legless Lizard (*Aprasia parapulchella*)
Black-Striped Snake (*Neelaps calonotus*)
Broad-Headed Snake (*Hopocephalus bungaroides*)

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

****

No. 55 of 1981

An Act to amend the Planning and Development Act, 1966-1981.

[*Assented to 25th June,* 1981]

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 "Planning and Development Act Amendment Act, 1981".

(2) The Planning and Development Act, 1966-1981, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Planning and Development Act, 1966-1981".

Amendment of s. 5—Interpretation.

2. Section 5 of the principal Act is amended by inserting in subsection (1) after the definition of "the Fund" the following definition:

"the Hills Face Zone" means the Hills Face Zone defined by the Metropolitan Development Plan Hills Face Zone Planning Regulations, 1971, as amended:.

Amendment of s. 45b—Land within the Hills Face Zone.

3. Section 45b of the principal Act is amended by striking out subsection (6).

Insertion of new s. 45c.

4. The following section is inserted after section 45b of the principal Act:

Implementation of the Report of the Inquiry into the Boundary of the Hills Face Zone.

45c. (1) In this section—

"recommendation" means—

(*a*) a recommendation contained in the Report;

or

(*b*) an object to which a recommendation contained in the Report is directed:

"the Report" means the Report of the Inquiry into the Boundary of the Hills Face Zone of the Metropolitan Planning Area.

(2) The Governor may make—

(*a*) regulations—

(i) amending the Metropolitan Development Plan Hills Face Zone Planning Regulations, 1971, with a view to re-defining the Hills Face Zone in accordance with the recommendations;

and

(ii) re-zoning any land that ceases to be within the Hills Face Zone in consequence of the re-definition of that Zone, or incorporating any such land within an existing zone with which it is contiguous;

and

(*b*) any other regulations that may be necessary or expedient to give effect to a recommendation or for dealing with matters incidental to, or consequential upon, the implementation of any recommendation.

(3) Regulations under this section may exempt, or provide for the exemption of, land absolutely, or conditionally, from any provision of this Act.

(4) Notwithstanding any other provision of this Act, regulations may be made under this section without the recommendation of the Authority or of a council.

Amendment of s. 63b—Acquisition of land within Hills Face Zone.

5. Section 63b of the principal Act is amended by striking out subsection (2).

Amendment of s. 82—Law governing proceedings under this Act.

6. Section 82 of the principal Act is amended by striking out from subsection (4) the definition of "the Hills Face Zone".

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

****

No. 56 of 1981

An Act to prevent certain kinds of discrimination based on physical impairment; to provide for the resolution of problems faced by persons with physical impairments and to facilitate their participation in the economic and social life of the community; to promote goodwill, understanding and equality of opportunity between persons with physical impairments and other members of the community; and to deal with other related matters.

[*Assented to 25th June,* 1981]

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 "Handicapped Persons Equal Opportunity Act, 1981".

Commencement.

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

(2) The Governor may, in a proclamation made for the purposes of subsection (1), suspend the operation of any specified provisions of this Act until a day fixed by the proclamation, or a day to be fixed by subsequent proclamation.

Arrangement.

3. This Act is arranged as follows:

PART I—PRELIMINARY

PART II—THE COMMISSIONER AND THE TRIBUNAL

DIVISION I—THE COMMISSIONER

DIVISION II—THE HANDICAPPED PERSONS DISCRIMINATION TRIBUNAL

PART III—DISCRIMINATION TO WHICH ACT APPLIES

PART IV—DISCRIMINATION IN EMPLOYMENT

DIVISION I—DISCRIMINATION BY EMPLOYERS

DIVISION II—DISCRIMINATION BY OTHER BODIES

PART V—DISCRIMINATION IN OTHER FIELDS
DIVISION I—EDUCATION
DIVISION II—GOODS, SERVICES AND ACCOMMODATION
PART VI—OTHER UNLAWFUL ACTS
PART VII—GENERAL EXCEPTIONS
PART VIII—ENFORCEMENT OF THIS ACT
DIVISION I—NON-DISCRIMINATION ORDERS
DIVISION II—ENFORCEMENT OF PERSONAL REMEDIES
DIVISION III—APPEALS
PART IX—MISCELLANEOUS

Interpretation

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

"the Chairman" of the Tribunal includes the deputy of the Chairman when duly acting in the office of Chairman of the Tribunal:

"the Commissioner" means the person holding or acting in the office of Commissioner for Equal Opportunity under the Sex Discrimination Act, 1975:

"educational authority" means the person or body administering any school, college, university, or other institution at which education or training is provided:

"employment agency" means a person who, for fee or reward, introduces persons seeking employment to employers:

"member of the Tribunal" includes a deputy of a member duly acting in his place:

"the Minister" means the Attorney-General, or such other Minister of the Crown for the time being administering this Act:

"physical impairment" means—

(*a*) the total or partial loss of any function of the body;

(*b*) the loss of a limb, or of part of a limb;

(*c*) the malfunctioning of any part of the body;

or

(*d*) the malformation or disfigurement of any part of the body,

but does not include an impairment to the intellect or a mental illness:

"the Registrar" means the person holding or acting in the office of Registrar of the Tribunal under this Act:

"the Tribunal" means the Handicapped Persons Discrimination Tribunal established under Part II:

Act binds Crown.

5. This Act binds the Crown.

PART II

PART II

THE COMMISSIONER AND THE TRIBUNAL

DIVISION I—THE COMMISSIONER

DIVISION I

The Commissioner.

6. (1) The Commissioner is responsible to the Minister for the general administration of this Act and, in carrying out that function, is subject to the general control and direction of the Minister.

(2) The Governor may, subject to and in accordance with the Public Service Act, 1967-1978, appoint such officers as he considers necessary or expedient to assist the Commissioner in the administration of this Act.

Educative role of the Commissioner.

7. The Commissioner shall foster and encourage amongst members of the public a positive, informed and unprejudiced attitude towards persons with physical impairments.

Advice, assistance and research to be furnished or carried out by the Commissioner.

8. (1) The Commissioner may furnish advice upon any matter within the purview of this Act and, if a written request for any such advice is made to the Commissioner, then, subject to subsection (2), the Commissioner shall either furnish the advice in writing to the person by whom it was requested, or notify that person in writing that he declines to furnish the advice.

(2) The Commissioner shall—

(*a*) if requested to do so by a handicapped person—

(i) inform and advise him of the benefits, assistance or support that may be available to him in respect of his physical impairment;

(ii) assist him to gain access to any such benefits, assistance or support;

or

(iii) assist him, to the extent the Commissioner thinks desirable, to resolve any problem faced by him as a result of his physical impairment in relation to his participation, or attempts to participate, in the economic or social life of the community;

(*b*) publish advisory documents as to the benefits, assistance and support available to handicapped persons;

(*c*) institute, promote or assist in research and the collection of data relating to handicapped persons, the problems faced by such persons as a result of their impairments, and the ways in which those problems may be resolved,

and may do anything else necessary or expedient to assist handicapped persons to participate in the economic and social life of the community.

(3) For the purposes of subsection (2), a handicapped person is a person who has a physical impairment which in itself, or in conjunction with other factors such as the nature of his physical environment, the attitude of others towards him or his own psychological reaction to his impairment, substantially reduces his participation, or his capacity to participate, in the economic or social life of the community.

PART II
DIVISION I

Power of delegation.

9. (1) The Commissioner may, by instrument in writing and with the approval of the Minister, delegate any of his powers, functions, duties or responsibilities under this Act to the holder of any office in the Public Service of the State specified in the instrument.

(2) A delegation under this section is revocable at will and does not derogate from the power of the Commissioner to act in any matter.

Commissioner to report annually.

10. (1) The Commissioner shall, not later than the thirtieth day of September in each year, present to the Minister a report—

(*a*) on the administration of this Act during the period of twelve months ending on the preceding thirtieth day of June;

and

(*b*) stating any recommendations the Commissioner may have to reduce or eliminate any form of discrimination to which this Act relates.

(2) The Minister shall, as soon as practicable after his receipt of a report submitted to him under subsection (1), cause a copy of the report to be laid before each House of Parliament.

(3) The Commissioner shall report to the Minister on any matter referred to the Commissioner by the Minister.

DIVISION II

DIVISION II—THE HANDICAPPED PERSONS DISCRIMINATION TRIBUNAL

Constitution of the Tribunal.

11. (1) There shall be a tribunal entitled the "Handicapped Persons Discrimination Tribunal."

(2) The Tribunal shall consist of—

(*a*) a chairman, appointed by the Governor, who shall be—

(i) a Judge of the Supreme Court;

(ii) a Judge of the Industrial Court;

(iii) a person holding judicial office under the Local and District Criminal Courts Act, 1926-1980;

or

(iv) a legal practitioner of not less than seven years standing;

and

(*b*) two other members appointed by the Governor.

(3) At least one member of the Tribunal must be a person who has a substantial physical impairment.

Term of office.

12. A member of the Tribunal (including the Chairman) shall be appointed for such term of office, not exceeding three years, as the Governor determines and specifies in the instrument of appointment, and, upon the expiration of his term of office, shall be eligible for re-appointment.

Deputies.

13. (1) The Governor may appoint—

(*a*) a Judge of the Supreme Court;

(*b*) a Judge of the Industrial Court;

(*c*) a person holding judicial office under the Local and District Criminal Courts Act, 1926-1980;

or

(*d*) a legal practitioner of not less than seven years standing,

to be the deputy of the Chairman, and such a person shall, while acting in the absence of the Chairman, have all the powers, authorities, duties and obligations appertaining to the office of Chairman.

(2) The Governor may appoint a suitable person to be the deputy of a member of the Tribunal (other than the Chairman) and such a person, while acting in the absence of that member, shall be deemed to be a member of the Tribunal, and shall have all the powers, authorities, duties and obligations of the member of whom he has been appointed the deputy.

Removal from and vacancies of office.

14. (1) The Governor may remove a member of the Tribunal from office on the ground of—

(*a*) mental or physical incapacity to carry out satisfactorily the duties of his office;

(*b*) neglect of duty;

or

(*c*) dishonourable conduct.

(2) The office of a member of the Tribunal shall become vacant if—

(*a*) he dies;

(*b*) his term of office expires;

(*c*) he resigns by written notice addressed to the Minister;

or

(*d*) he is removed from office by the Governor under subsection (1).

(3) Upon the office of a member of the Tribunal becoming vacant, a person shall be appointed in accordance with this Act to that vacant office.

Allowances and expenses.

15. A member of the Tribunal is entitled to receive such allowances and expenses as the Governor may from time to time determine.

Validity of acts of the Tribunal, and immunity of members.

16. (1) An act or proceeding of the Tribunal shall not be invalid by reason of any defect in the appointment of a person to the Tribunal or a vacancy in its membership.

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

(3) A liability that would, but for subsection (2), lie against a member of the Board shall lie against the Crown.

Decisions of the Tribunal.

17. (1) The Chairman shall preside at any meeting of the Tribunal.

(2) A decision in which any two members of the Tribunal concur shall be a decision of the Tribunal.

PART II
DIVISION II

Proceedings before the Tribunal.

18. (1) The Tribunal shall give to any person who is a party to proceedings before the Tribunal—

(*a*) reasonable notice of the time and place at which it intends to hear those proceedings;

and

(*b*) reasonable opportunity to call or give evidence, examine or cross-examine witnesses, and make submissions to the Tribunal.

(2) If a person to whom a notice has been given under subsection (1) fails to attend at the time and place specified in the notice, the Tribunal may hear the proceedings in his absence.

(3) Where, in the opinion of the Tribunal, a person ought to be bound by, or have the benefit of, its determination, or is otherwise legitimately interested in proceedings before the Tribunal, it may—

(*a*) direct that he be joined as a party to the proceedings;

or

(*b*) grant him leave to intervene in the proceedings.

(4) A person appearing in proceedings before the Tribunal—

(*a*) shall be entitled to appear personally or by counsel;

or

(*b*) may, by leave of the Tribunal, be represented by a person other than a legal practitioner.

Powers of the Tribunal.

19. (1) In the exercise of its powers and functions under this Act, the Tribunal may—

(*a*) by summons signed on behalf of the Tribunal by a member of the Tribunal or the Registrar, require the attendance before the Tribunal of any person;

(*b*) by summons signed on behalf of the Tribunal by a member of the Tribunal or the Registrar, require the production of any books, papers or documents;

(*c*) inspect any books, papers or documents produced before it, retain them for such reasonable period as it thinks fit and make copies of any of them, or of any of their contents;

(*d*) require any person to make oath or affirmation that he will truly answer all questions put to him by the Tribunal relating to any matter being inquired into by the Tribunal (which oath or affirmation may be administered by a member of the Tribunal);

or

(*e*) require any person appearing before the Tribunal, including the person whose conduct is subject to an inquiry (whether he has been summoned to appear or not) to answer any relevant questions put to him by any member of the Tribunal, or by any other person appearing before the Tribunal.

(2) Subject to subsection (3), if any person—

(*a*) who has been served with a summons to attend before the Tribunal fails without reasonable excuse to attend in obedience to the summons;

(*b*) who has been served with a summons to produce any books, papers or documents fails without reasonable excuse to comply with the summons;

(*c*) misbehaves before the Tribunal, wilfully insults the Tribunal or any member of the Tribunal, or interrupts the proceedings of the Tribunal;

or

(*d*) refuses to be sworn or to affirm, or to answer any question, when required to do so by the Tribunal,

he shall be guilty of an offence and liable to a penalty not exceeding two thousand dollars.

(3) A person shall not be obliged to answer a question put to him under this section if the answer to that question would tend to incriminate him, or to produce any books, papers or documents if their contents would tend to incriminate him.

(4) In the course of any proceedings the Tribunal may—

(*a*) receive in evidence the transcript of evidence in proceedings before a court or tribunal and draw any conclusions of fact from that evidence as it considers proper;

or

(*b*) adopt, as in its discretion it considers proper, any findings, decision or judgment of a court or tribunal that may be relevant to the proceedings.

(5) In any proceedings before the Tribunal—

(*a*) the Tribunal shall not be bound by the rules of evidence and may inform itself upon any matter in any manner it thinks fit;

and

(*b*) the Tribunal shall act according to equity, good conscience and the substantial merits of the case, without regard to technicalities and legal forms.

Tribunal may conciliate.

20. (1) If before or during the hearing of any proceedings under this Act it appears to the Tribunal either from the nature of the case or from the attitude of the parties that there is a reasonable possibility of the matters in dispute between the parties being settled by conciliation, one or more members of the Tribunal may—

(*a*) interview the parties (either with or without any person who may be representing any of them);

and

(*b*) endeavour to bring about a settlement of the proceedings on terms that are fair to all parties.

(2) Nothing said or done in the course of any attempt to settle proceedings under this section shall subsequently be given in evidence in any proceedings, nor shall a member of the Tribunal involved in the attempt be thereby disqualified from sitting to continue the hearing of the proceedings.

(3) Where proceedings are settled under this section, the Tribunal may embody the terms of the settlement in an order.

PART II
DIVISION II

Registrar.

21. (1) There shall be a Registrar of the Tribunal.

(2) The Registrar shall be appointed, and shall hold office, subject to and in accordance with the Public Service Act, 1967-1978.

(3) The office of Registrar may be held in conjunction with any other office in the Public Service of the State.

PART III

PART III

DISCRIMINATION TO WHICH ACT APPLIES

Criteria for establishing discrimination.

22. (1) A person discriminates against another on the ground of his physical impairment if, on the ground of that impairment, he treats the other person less favourably than in identical or similar circumstances he treats or would treat a person who does not have such an impairment.

(2) A person discriminates against another on the ground of his physical impairment if he discriminates against him on the basis of a characteristic that appertains generally to persons who have such an impairment, or a presumed characteristic that is generally imputed to persons who have such an impairment.

(3) A person discriminates against another on the ground of his physical impairment if he discriminates against him by reason of the fact that he does not comply, or is not able to comply, with a requirement and—

(*a*) the nature of the requirement is such that a substantially higher proportion of persons who do not have such an impairment complies, or is able to comply, with the requirement than of those persons who have such an impairment;

and

(*b*) the requirement is not reasonable in the circumstances of the case.

(4) A person discriminates against a person who is blind, or partially blind, on the ground of his physical impairment if he discriminates against him by reason of the fact that he possesses, or is accompanied by, a guide dog, or by reason of any matter related to that fact, whether or not it is the normal practice of that firstmentioned person to discriminate against any person who possesses, or is accompanied by, a dog.

(5) A person does not discriminate against another on the ground of his physical impairment by reason of the fact—

(*a*) that the premises, or any part of the premises, on or from which he conducts any business, performs any service or carries on any other activity to which this Act relates is so constructed that it is inaccessible to that other person as a result of his impairment;

or

(*b*) that he fails to provide premises every part of which, or a particular part of which, is accessible to that other person.

Victimization.

23. (1) A person commits an act of victimization if he discriminates in any manner against another ("the person victimized") on the ground that he has—

(*a*) brought proceedings against him under this Act;

(*b*) given evidence or information in connection with proceedings brought by any person against him under this Act;

(*c*) otherwise done anything under or by reference to this Act;

or

(*d*) reasonably asserted his rights or the rights of some other person under this Act,

or by reason of the fact that he knows the person victimized intends to do any of those things, or suspects the person victimized has done, or intends to do, any of them.

(2) Discrimination against a person on the ground that—

(*a*) he has made a false allegation;

or

(*b*) he has not acted in good faith,

does not constitute an act or victimization.

PART IV

PART IV

DISCRIMINATION IN EMPLOYMENT

DIVISION 1

DIVISION 1—DISCRIMINATION BY EMPLOYERS

Effect of this Division.

24. This Division does not prevent discrimination on the ground of physical impairment if the person suffering from the impairment is not, or would not be, able to—

(*a*) perform adequately, and without endangering himself or other persons, the work genuinely and reasonably required for the employment or position in question;

or

(*b*) respond adequately to situations of emergency that should reasonably be anticipated in connection with the employment or position in question.

Discrimination against applicants and employees.

25. (1) It is unlawful for an employer to discriminate against a person on the ground of his physical impairment—

(*a*) in determining who should be offered employment;

or

(*b*) in the terms on which he offers employment.

(2) It is unlawful for an employer to discriminate against an employee on the ground of his physical impairment—

(*a*) by denying him access, or limiting his access, to opportunities for promotion, transfer or training, or to any other benefits connected with employment;

or

(*b*) by dismissing him, or subjecting him to any other detriment.

(3) This section does not apply to employment within a private household.

Discrimination against agents.

26. (1) This section applies to a person ("the principal") for whom work is done by agents remunerated by commission.

(2) It is unlawful for the principal to discriminate against a person on the ground of his physical impairment—

(*a*) in determining who should be engaged as an agent;

or

(*b*) in the terms on which he engages him as an agent.

(3) It is unlawful for the principal to discriminate against an agent on the ground of his physical impairment—

(*a*) by denying him access, or limiting his access, to opportunities for promotion, transfer or training or any other benefits connected to his position as an agent;

or

(*b*) by terminating his engagement, or subjecting him to any other detriment.

PART IV
DIVISION I

Discrimination against contract workers.

27. (1) This section applies to a person ("the principal") for whom work is done by persons ("contract workers") in pursuance of a contract between the principal and the employer of those contract workers.

(2) It is unlawful for a principal to enter into any contract or arrangement with an employer of contract workers under which the employer is to discriminate against a person on the ground of physical impairment.

(3) It is unlawful for the principal to discriminate against a contract worker on the ground of his physical impairment—

(*a*) by denying him access, or limiting his access, to any benefit connected with employment;

or

(*b*) by subjecting him to any other detriment.

Discrimination within partnerships.

28. (1) It is unlawful for a firm consisting of one or more members, or for one or more persons promoting the formation of a firm, to discriminate against a person on the ground of his physical impairment—

(*a*) in determining who should be offered a position as partner in the firm;

or

(*b*) in the terms on which that person is offered a position as partner in the firm.

(2) It is unlawful for a firm consisting of two or more partners to discriminate against a partner on the ground of his physical impairment—

(*a*) by denying him access, or limiting his access, to any benefit arising from membership of the firm;

or

(*b*) by expelling him from the firm or subjecting him to any other detriment.

DIVISION II—DISCRIMINATION BY OTHER BODIES

DIVISION II

Discrimination by associations.

29. (1) This section applies to an association established for any purpose whatsoever.

(2) It is unlawful for an association to which this section applies to discriminate against a person who is not a member of the association on the ground of his physical impairment—

(*a*) by refusing, or failing, to accept his application for membership;

or

(*b*) in the terms on which it admits him to membership.

(3) It is unlawful for an association to which this section applies to discriminate against a person who is a member of the association on the ground of his physical impairment—

(*a*) by denying him access, or limiting his access, to any benefit provided by the association;

(*b*) by depriving him of membership, or varying the terms of his membership;

or

(*c*) by subjecting him to any other detriment.

PART IV

DIVISION II

Discrimination by qualifying bodies.

30. (1) It is unlawful for an authority or body empowered to confer an authorization or qualification that is needed for, or facilitates, the practice of a profession, or the carrying on of a trade, to discriminate against a person on the ground of his physical impairment—

(*a*) by refusing, or failing, to confer that authorization or qualification;

(*b*) in the terms on which it confers the authorization or qualification;

or

(*c*) by withdrawing the authorization or qualification, or varying the terms upon which it is held.

(2) This section does not apply to discrimination on the ground of the physical impairment of a person where, in consequence of his impairment, he would not be able to practise the profession, or carry on the trade, adequately or safely.

Discrimination by employment agencies.

31. It is unlawful for an employment agency to discriminate against a person on the ground of his physical impairment—

(*a*) by denying him any of its services;

or

(*b*) in the terms on which it provides its services.

PART V

PART V

DISCRIMINATION IN OTHER FIELDS

DIVISION I—EDUCATION

DIVISION I

Discrimination by educational authorities.

32. (1) It is unlawful for an educational authority to discriminate against a person on the ground of his physical impairment—

(*a*) by refusing, or failing, to accept his application for admission as a student;

or

(*b*) in the terms on which it admits him as a student.

(2) It is unlawful for an educational authority to discriminate against a student on the ground of his physical impairment—

(*a*) by denying him access, or limiting his access, to any benefit provided by the authority;

or

(*b*) by expelling him, or subjecting him to any other detriment.

DIVISION II—GOODS, SERVICES AND ACCOMMODATION

DIVISION II

Discrimination in provision of goods and services.

33. (1) It is unlawful for a person who offers or provides—

(*a*) goods;

or

(*b*) services to which this section applies,

(whether for payment or not) to the public, or a section of the public, to discriminate against a person on the ground of his physical impairment—

(*c*) by refusing or failing to supply the goods or perform the services;

or

(*d*) in the terms on which or the manner in which he supplies the goods or performs the services.

(2) The following are the services to which this section applies:

(*a*) access to and use of any place that members of the public are permitted to enter;

(*b*) banking, the provision of credit, or insurance;

(*c*) entertainment, recreation or refreshment;

(*d*) services connected with transportation or travel;

(*e*) services of any profession or trade;

(*f*) services provided by any public authority or municipal or district council.

(3) Where the nature of a skill varies according to whether it is exercised in relation to persons who have a particular physical impairment and those who do not have such an impairment, a person does not contravene subsection (1) by exercising the skill in relation to only those persons who have a particular physical impairment, or only those who do not have such an impairment, in accordance with his normal practice.

(4) This section does not apply to discrimination against a person on the ground of his physical impairment in relation to the performance of a service where, in consequence of his impairment, he requires the service to be performed in a special manner—

(*a*) that cannot reasonably be provided by the person performing the service;

or

(*b*) that can, on reasonable grounds, only be provided by the person performing the service on more onerous terms.

Discrimination in relation to accommodation.

34. (1) It is unlawful for a person to discriminate against a person on the ground of his physical impairment—

(*a*) in the terms on which he offers him accommodation;

(*b*) by refusing his application for accommodation;

or

(*c*) by deferring his application, or according him a lower order of precedence on any list of applicants for that accommodation.

(2) It is unlawful for a person to discriminate against a person for whom accommodation has been provided on the ground of his physical impairment—

(*a*) by denying him access, or limiting his access, to any benefit connected with the accommodation;

or

(*b*) by evicting him, or subjecting him to any other detriment.

PART VI

OTHER UNLAWFUL ACTS

Blind persons may not be separated from their guide dogs.

35. Subject to this Act—

(*a*) it shall be unlawful to impose any condition or requirement that would result in a person who is blind, or partially blind, being separated from his guide dog;

and

(*b*) a person who imposes any such condition or requirement shall, in addition to any civil liability that he might incur by so doing, be guilty of an offence and liable to a penalty not exceeding one thousand dollars.

Victimization.

36. It is unlawful for a person to commit an act of victimization.

Aiding unlawful acts.

37. Where a person causes, instructs, induces or aids another to act in contravention of this Act, both shall be jointly and severally liable to any criminal or civil liability arising under this Act in respect of the contravention.

Liability of employers and principals.

38. Where a person acts on behalf of another either as his agent or employee, the person on behalf of whom the act was committed shall, unless he took reasonable precautions to ensure that the agent or employee would not act in contravention of this Act, be jointly and severally liable with the agent or employee for any criminal or civil liability arising under this Act in respect of that discriminatory act.

PART VII

PART VII

GENERAL EXCEPTIONS

Act does not affect salary, etc.

39. This Act does not affect discriminatory rates of salary, wages, or other remuneration.

Act does not prevent a person from giving special assistance to a person with a physical impairment.

40. This Act does not in any way prevent a person from doing any act for the purpose of assisting a person who has a physical impairment to participate in the economic or social life of the community.

Charities.

41. This Act does not—

(*a*) affect a provision in a charitable instrument for conferring benefits wholly or mainly on persons who have a particular physical impairment;

or

(*b*) render unlawful an act which is done in order to give effect to such a provision.

Act does not affect schemes for the benefit of persons with a particular class of physical impairment.

42. This Act does not render unlawful discrimination against a person on the ground of his physical impairment where the discriminatory act is done for the purpose of carrying out a scheme or undertaking for the benefit of persons who have a different physical impairment.

Discrimination where a person requires special assistance, etc., as a result of his physical impairment.

43. This Act does not render unlawful discrimination against a person on the ground of his physical impairment where the discriminatory act is based upon the fact that the person, in consequence of his impairment, requires special assistance or equipment that cannot reasonably be provided by the person acting discriminatorily.

Insurance and superannuation.

44. This Act does not render unlawful discrimination on the ground of physical impairment in the terms on which an annuity, life assurance policy, accident insurance policy or other policy of insurance is offered or may be obtained, or in the terms or conditions appertaining to a superannuation or provident fund or scheme, where—

(*a*) the discrimination is based upon actuarial or statistical data from a source on which it is reasonable to rely, and is reasonable having regard to that data and any other relevant factors;

or

(*b*) where no such actuarial or statistical data is available, the discrimination is reasonable having regard to any other relevant factors.

This Act not to derogate from other Acts.

45. Except as provided in section 58—

(*a*) this Act does not derogate from the provisions of any other Act or of the regulations under any other Act;

and

(*b*) in case of conflict between the provisions of this Act and the provisions of any other Act or of regulations under any other Act, the latter shall prevail.

Temporary exemptions.

46. (1) The Tribunal may, by notice published in the *Gazette*, grant exemptions from any of the provisions of this Act in relation to—

(*a*) a person, or class of persons;

(*b*) an activity, or class of activity;

or

(*c*) any circumstances of a specified nature.

(2) An exemption under this section shall remain in force for a period, not exceeding three years, specified in the notice but may be renewed from time to time by the Tribunal for a successive period not exceeding three years.

PART VIII

PART VIII

ENFORCEMENT OF THIS ACT

DIVISION I

DIVISION I—NON-DISCRIMINATION ORDERS

Non-discrimination orders.

47. (1) The Tribunal may, on the application of the Minister, hold an inquiry to determine whether a person has contravened or is contravening any provision of this Act.

(2) A single inquiry may be held under this section in relation to several allegations or matters of the same or a similar nature.

(3) The Tribunal may, for the purposes of an inquiry under this section—

(*a*) instruct the Commissioner;

or

(*b*) engage some other suitable person,

to conduct an investigation that will, in the opinion of the Tribunal, assist it to resolve the matters subject to the inquiry.

(4) Where, after holding an inquiry under this section, the Tribunal is satisfied that a person has in fact contravened a provision of this Act, it may—

(*a*) make an order requiring him to refrain from acting in contravention of this Act;

or

(*b*) make an order that he perform any acts specified in the order with a view to eliminating future contravention of this Act, or redressing circumstances that have arisen from contravention of this Act.

(5) A person who contravenes, or fails to comply with, an order under this section, shall be guilty of an offence and liable to a penalty not exceeding two thousand dollars.

DIVISION II

DIVISION II—ENFORCEMENT OF PERSONAL REMEDIES

The making of complaints.

48. (1) A person who claims that some other person has acted in contravention of this Act in relation to him, may lodge with the Commissioner a written complaint setting out details of the alleged contravention.

(2) A complaint must be lodged within six months after the date on which the contravention the subject of the complaint is alleged to have been committed.

Manner in which Commissioner may deal with complaint.

49. (1) Where in the opinion of the Commissioner a complaint that has been lodged with him is frivolous, vexatious, misconceived or lacking in substance, the Commissioner may, by notice in writing addressed to the complainant, decline to entertain the complaint.

(2) Where the Commissioner is of the opinion that the subject matter of the complaint (other than a complaint that he has declined to entertain) may be resolved by conciliation, he shall make all reasonable endeavours to resolve the matter by conciliation.

(3) The Commissioner may, by instrument in writing, require the person who is alleged to have contravened this Act to attend before him for the purpose of discussing the subject matter of the complaint.

(4) A person who refuses or fails to comply with a requirement of the Commissioner under this section shall be guilty of an offence and liable to a penalty not exceeding two thousand dollars.

(5) Where the Commissioner—

(*a*) is of the opinion that the subject matter of a complaint cannot be resolved by conciliation;

(*b*) has attempted to resolve the matter by conciliation but has not been successful in that attempt;

or

(*c*) has declined to entertain a complaint and the complainant has, by notice in writing, required him to refer the complaint to the Tribunal,

he shall refer the complaint to the Tribunal.

(6) Where any complaint is referred to the Tribunal (other than a complaint so referred in pursuance of subsection (5) (*c*)) the Commissioner shall, if the complainant requests him to do so, either personally, or by counsel or representative, assist the complainant in the presentation of his case to the Tribunal.

(7) Evidence of anything said or done in the course of conciliation proceedings under this section shall not be admissible in subsequent proceedings under this Act relating to the complaint.

Proceedings before Tribunal.

50. (1) Where a complaint has been referred by the Commissioner to the Tribunal, the Tribunal shall proceed to hear and determine the complaint.

(2) The Tribunal, after hearing any evidence and representations that the complainant and the respondent desire to adduce or make, may exercise any of the following powers:

(*a*) it may order the respondent to pay to the complainant such amount as the Tribunal thinks fit by way of compensation for the loss (if any) suffered by the complainant in consequence of the contravention of this Act;

(*b*) it may order the respondent to refrain from any further contravention of this Act in relation to the complainant;

(*c*) it may order the respondent to perform any acts specified in the order with a view to redressing any loss or damage suffered by the complainant as a result of the contravention;

(*d*) it may order that the complaint be dismissed.

(3) The Tribunal may, at any stage of proceedings under this section, make an interim order to prevent a party to the proceedings from acting in a manner prejudicial to any decision or order that the Tribunal might subsequently make.

(4) A person who contravenes or fails to comply with an order under this section shall be guilty of an offence and liable to a penalty not exceeding two thousand dollars.

(5) Where the Commissioner is required by a complainant to refer a complaint to the Tribunal, and the Tribunal after hearing the complaint considers that it is frivolous, vexatious, misconceived or lacking in substance, it may order the complainant to pay to the respondent a sum fixed by the Tribunal to compensate him for the cost, time and trouble expended by him in relation to the proceedings before the Tribunal.

(6) Any amount that a person is ordered to pay under this section may be recovered from him as a debt in a court of competent jurisdiction.

DIVISION III

DIVISION III—APPEALS

Reasons for decision or order.

51. The Tribunal shall, if so required by any party to proceedings under this Part, state its reasons for any decision or order that it makes in those proceedings.

Appeal.

52. (1) A person who is aggrieved by a decision or order of the Tribunal made in relation to him in any proceedings under this Part may appeal to the Supreme Court against that decision or order.

(2) An appeal must be instituted within one month of the making of the decision or order appealed against.

(3) If the reasons of the Tribunal are not given in writing at the time of the making of a decision or order, and the appellant then requested the Tribunal to state its reasons in writing, the time for instituting the appeal shall run from the time when the appellant receives the written statement of those reasons.

(4) An appeal under this section shall not be conducted as a re-hearing of the matter that was before the Tribunal.

(5) The Supreme Court may, on the hearing of the appeal, exercise one or more of the following powers:

(*a*) affirm, vary or quash the decision or order appealed against, or substitute, or make in addition, any decision or order that should have been made in the first instance;

(*b*) remit the subject matter of the appeal to the Tribunal for further hearing or consideration or for re-hearing;

(*c*) make any order as to costs or any other matter that the justice of the case requires.

PART IX

MISCELLANEOUS

No further sanctions for breach of Act.

53. A contravention of this Act shall attract no sanction or consequence (whether criminal or civil) except to the extent expressly provided by this Act.

Discriminatory advertisements.

54. (1) A person shall not publish or cause to be published an advertisement that indicates an intention to do any act that is unlawful by virtue of this Act.

Penalty: One thousand dollars.

(2) In any proceedings for an offence against subsection (1), it shall be a defence for a person who published an advertisement in contravention of that subsection to prove that he believed on reasonable grounds that the publication of the advertisement would not contravene that subsection.

Offences against the Commissioner.

55. A person shall not molest, wilfully insult, hinder or obstruct the Commissioner, or any officer assisting the Commissioner, in the exercise or discharge by the Commissioner or the officer of his powers or duties under this Act.

Penalty: Two thousand dollars.

Summary procedure.

56. Proceedings for an offence against this Act shall be disposed of summarily.

General defence where Commissioner gives written advice.

57. (1) Subject to this section, it shall be a defence in any proceedings under this Act (whether of a civil or criminal nature) for the defendant to prove—

(*a*) that the act or omission forming the subject matter of the charge, complaint, claim or inquiry was done, or made, in accordance with written advice furnished to the defendant by the Commissioner;

and

(*b*) that the Commissioner had not, by notice in writing served personally or by post on the defendant, retracted that advice before the date of the act or omission in question.

(2) Where a person proposes to act upon the advice of the Commissioner to the detriment of another, he shall at least seven days before so doing—

(*a*) notify that other person of the action that he proposes to take against him;

and

(*b*) furnish him with a copy of the advice upon which he proposes to act together with a statement in the prescribed form, of his rights under subsection (3),

and if he fails to do so he shall not be entitled to rely on the defence provided by subsection (1).

(3) A person may, within seven days after receiving a notification under subsection (2), apply to the Tribunal for a declaration as to whether the advice of the Commissioner is correct.

(4) The period limited by subsection (3) for the making of an application for a declaration is not capable of extension under the provisions of any other Act.

(5) The Registrar shall cause a copy of an application under subsection (3) to be served personally or by post upon the Commissioner and the person to whom he furnished the advice.

(6) Where a person to whom advice is furnished by the Commissioner acts upon that advice before an application for a declaration under this section in relation to the advice is determined, the defence provided by subsection (1) shall be available to that person in any proceedings under this Act in respect of his action, if the Tribunal declares that the advice is correct or if the application is withdrawn or dismissed, but shall not be available in any such proceedings if the Tribunal declares that the advice is incorrect.

(7) Where in any proceedings under this section the Tribunal declares that advice furnished by the Commissioner is incorrect, the advice shall, for the purposes of subsection (1), be deemed to have been retracted on the date of the commencement of those proceedings.

Relationship between proceedings under this Act and proceedings under s. 15 (1) (e) of Industrial Conciliation and Arbitration Act.

58. (1) Nothing in this Act prevents a person who has been dismissed from his employment from bringing proceedings in respect of that dismissal under section 15 (1) (*e*) of the Industrial Conciliation and Arbitration Act, 1972-1979.

(2) Where a person brings proceedings under section 15 (1) (*e*) of the Industrial Conciliation and Arbitration Act, 1972-1979, in respect of dismissal from employment, and those proceedings are determined, he shall not institute or prosecute proceedings under this Act in respect of the dismissal.

(3) Subsection (2) does not apply where the proceedings under the Industrial Conciliation and Arbitration Act, 1972-1979, are dismissed on a ground that does not relate to the physical impairment of the person.

(4) Where a person brings proceedings under this Act in respect of dismissal from employment, and those proceedings are determined, he shall not institute or prosecute proceedings under section 15 (1) (*e*) of the Industrial Conciliation and Arbitration Act, 1972-1979, in respect of the dismissal.

(5) Subsection (4) does not apply where the proceedings under the Industrial Conciliation and Arbitration Act, 1972-1979, do not relate to the physical impairment of the person.

Regulations.

59. (1) The Governor may make such regulations as are necessary or expedient for the purposes of this Act.

(2) Without limiting the generality of subsection (1), those regulations may—

(*a*) prescribe any form for the purposes of this Act;

(*b*) regulate the practice and procedure of the Tribunal;

(*c*) prescribe a penalty not exceeding two hundred dollars for breach of, or non-compliance with, any regulation.

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

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No. 57 of 1981

An Act to amend the Local Government Act, 1934-1981.

[*Assented to 25th June,* 1981]

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, 1981".

(2) The Local Government Act, 1934-1981, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Local Government Act, 1934-1981".

Amendment of s. 5—Interpretation.

2. Section 5 of the principal Act is amended by inserting after subsection (7) the following subsection:

(8) Notwithstanding changes in the meaning of the terms "annual value" and "land value" effected by the Statutes Amendment (Valuation of Land) Act, 1981, an assessment of annual value or land value made before the commencement of that amending Act, and in accordance with the definitions then in force, shall be regarded as a valid assessment of annual value or land value (as the case may be) for the purposes of this Act, as amended by that amending Act.

Amendment of s. 178—Power of council to adopt assessment of previous year.

3. Section 178 of the principal Act is amended by inserting after subsection (1) the following subsection:

(1a) When a council exercises its powers under subsection (1) to adopt an assessment based on annual values, it may, if it thinks fit, convert that assessment into an assessment based on capital values by multiplying the annual value of each property assessed by twenty.

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

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(*b*) by striking out paragraph (*b*) of the definition of "authorized person" in subsection (1);

(*c*) by striking out the definition of "the Committee" from subsection (1) and substituting the following definition:

"the Committee" means the Dog Advisory Committee established under Part II:;

(*d*) by striking out from subsection (1) the definition of "council" and substituting the following definition:

"council" means a municipal or district council:;

(*e*) by striking out from subsection (1) the definition of "district council" and substituting the following definition:

"district council" means a district council as defined in the Local Government Act, 1934-1981, and includes the Outback Areas Community Development Trust:;

(*f*) by striking out from subsection (1) the definition of "dog control warden" and substituting the following definitions:

"the Fund" means the Dog Control Statutory Fund established under Division III of Part II:

"guide dog" means a dog trained and used for the purpose of guiding a person who is wholly or partially blind:;

and

(*g*) by striking out from subsection (1) the definition of "registrar" and substituting the following definition:

"registrar" means a person appointed by a council to be a registrar of dogs under Part II in relation to its area:.

Amendment of s. 6— Enforcement of Act.

5. Section 6 of the principal Act is amended by striking out subsection (2

Repeal of s. 7 and substitution of new section.

6. Section 7 of the principal Act is repealed and the following section is substituted:

Appointment of authorized persons.

7. (1) A council may appoint such authorized persons as it considers necessary for the administration and enforcement of this Act within its area.

(2) At least one of the officers or employees of a council must be a person who holds an appointment as an authorized person under this section.

(3) In the case of each metropolitan council within the meaning of the Local Government Act, 1934-1981, at least one person who holds an appointment as an authorized person for that council must be engaged upon a full-time basis in the administration and enforcement of this Act within the area of that council unless the Minister consents to some other arrangement.

(4) A member of a council shall not hold an appointment as an authorized person.

(5) A council shall provide each authorized person appointed by the council under this section with a certificate of identification in the prescribed form.

(6) An authorized person shall, at the request of any person in relation to whom he is exercising or proposes to exercise powers under this Act, produce his certificate of identification for inspection by that person.

Amendment of s. 10—Registrars.

7. Section 10 of the principal Act is amended by striking out from subsection (2) the passage "may delegate to any other officer of the council" and substituting the passage "may, with the approval of the council, delegate to any other person".

Repeal of s. 11 and substitution of new section.

8. Section 11 of the principal Act is repealed and the following section is substituted:

Public pounds to be maintained by councils.

11. (1) Each council (other than the Outback Areas Community Development Trust) shall—

(*a*) maintain a public pound for the purposes of this Act;

or

(*b*) enter into arrangements, satisfactory to the Minister, under which a pound is available to the council for the purposes of this Act.

(2) Any such pound must conform with minimum standards determined by the Minister.

Amendment of s. 12—Accounts and payments to the Minister.

9. Section 12 of the principal Act is amended by striking out subsection (2) and substituting the following subsections:

(2) Subject to this Act, all moneys received by a council pursuant to this Act shall be expended for the purposes of this Act.

(3) A council shall, if so required by the regulations, pay to the Minister the prescribed percentage of the moneys received by the council by way of dog registration fees.

Repeal and substitution of new heading.

10. The heading immediately preceding section 13 is repealed and the following heading is substituted:

DIVISION II—THE DOG ADVISORY COMMITTEE

Repeal of s. 13 and substitution of new section.

11. Section 13 of the principal Act is repealed and the following section is substituted:

The Dog Advisory Committee.

13. There shall be a Committee entitled the "Dog Advisory Committee".

Amendment of s. 14—Constitution of the Committee.

12. Section 14 of the principal Act is amended—

(*a*) by striking out subsection (1) and substituting the following subsections:

(1) The Committee shall consist of four members appointed by the Minister of whom—

(*a*) one shall be a person chosen by the Minister from a panel of three persons nominated by the Local Government Association of South Australia;

and

(*b*) one shall be a person chosen by the Minister from a panel of three persons nominated by the Royal Society for the Prevention of Cruelty to Animals (South Australia) Incorporated.

(1a) A member of the Committee shall be appointed by the Governor to be the Chairman of the Committee.;

and

(*b*) by inserting after subsection (2) the following subsections:

(3) A member of the Committee shall hold office at the pleasure of the Minister.

(4) Subject to any direction of the Minister, the Committee shall conduct its business in such manner as it thinks fit.

Repeal of ss. 15 to 25 and substitution of new sections and heading.

13. Sections 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25 are repealed and the following sections and heading are substituted:

Functions of the Committee.

15. The functions of the Committee are—

(*a*) to advise the Minister in relation to the making of grants from the Fund;

and

(*b*) to advise the Minister on any other matters related to the administration of this Act.

DIVISION III—THE FUND

The Fund.

16. (1) There shall be a Fund at the Treasury entitled the "Dog Control Statutory Fund".

(2) The Fund shall consist of the following moneys:

(*a*) the moneys held by the Central Dog Committee immediately before the commencement of the Dog Control Act Amendment Act, 1981;

(*b*) the moneys received by the Minister under section 12 (3);

and

(*c*) any interest and accretions arising from investment of the Fund.

(3) The Minister may make grants from the Fund—

(*a*) to the Royal Society for the Prevention of Cruelty to Animals (South Australia) Incorporated;

(*b*) to any council or organization in respect of the maintenance of a pound;

and

(*c*) for any other purpose approved by the Minister in respect of the objects of the Act.

(4) The Minister may invest moneys that form part of the Fund but are not immediately required for the purposes of the Fund in such manner as may be approved by the Treasurer.

Amendment of s. 26—Offence to own or keep unregistered dog.

14. Section 26 of the principal Act is amended by inserting after paragraph (*a*) of subsection (2) the following paragraph:

(*ab*) to a dog that has not been kept in any one area for more than fourteen days;.

Amendment of s. 27—Registration.

15. Section 27 of the principal Act is amended—

(*a*) by striking out subsection (1) and substituting the following subsection:

(1) An application for registration of a dog must be made to the registrar of the area in which the dog is to be kept.;

(*b*) by striking out paragraph (*b*) of subsection (4) and substituting the following paragraph:

(*c*) in the name of a person who is, in accordance with the regulations, entitled to registration at a concessional fee.;

and

(*c*) by striking out the definition of "pensioner" from subsection (5).

Repeal of s. 28 and substitution of new section.

16. Section 28 of the principal Act is repealed and the following section is substituted:

Issue of registration certificate and disc.

28. (1) The registrar shall, upon registering a dog, issue to the person in whose name the dog is registered a certificate of registration and a registration disc conforming with the regulations.

(2) A council may make by-laws requiring that any dog of a class specified in the by-laws that has not been previously registered by that council or tattooed in pursuance of this Act shall, upon registration by that council, be tattooed in the manner specified in the by-laws.

(3) Notwithstanding the provisions of this Act, a dog that is required to be tattooed in pursuance of this Act shall be deemed to be unregistered until it is so tattooed.

17. Section 29 of the principal Act is repealed and the following section is substituted: Repeal of s. 29 and substitution of new section.

29. (1) Registration of a dog under this Act shall remain in force until the thirtieth day of June next ensuing after registration was granted and may be renewed from time to time for further periods of twelve months. Duration and renewal of registration.

(2) Where an application for renewal of registration is made before the thirty-first day of August of a year in which the registration expired, the renewal shall operate retrospectively from the date of expiry.

18. Section 30 of the principal Act is repealed and the following section is substituted: Repeal of s. 30 and substitution of new section.

30. (1) Each council shall maintain a register in the prescribed form and containing prescribed information in relation to registrations granted under this Act. The register.

(2) The register shall be kept at the office of the council and shall be available for public inspection.

(3) The registrar shall, upon application and payment of the prescribed fee, issue the applicant with a certified extract from the register.

19. Section 32 of the principal Act is amended— Amendment of s. 32—

(*a*) by striking out subsection (1) and substituting the following subsection: Change in registered owner.

(1) A dog registered in the name of a person shall, upon application in the prescribed manner and form to the registrar of the area in which the dog is to be kept, accompanied by the prescribed fee, be registered in the name of some other person who consents to the dog being registered in his name.;

and

(*b*) by striking out from subsection (2) the passage "to the local court for an order directed".

20. Section 33 of the principal Act is amended— Amendment of s. 33—

(*a*) by striking out from subsection (1) the passage "to which the public has access"; Collars and registration discs.

(*b*) by striking out from subparagraph (ii) of paragraph (*c*) of subsection (2) the passage "that customarily involves the running of one or more dogs";

(*c*) by inserting after paragraph (*c*) of subsection (2) the following paragraph:

(*d*) to any dog of a prescribed class subject to the conditions (if any) prescribed in relation to that class of dogs.;

and

(*d*) by inserting after subsection (2) the following subsection:

(3) It shall be a defence to a charge of an offence under subsection (1) if—

(*a*) the defendant proves that before the date of the alleged offence a registered veterinary surgeon had certified that the wearing of a collar would be injurious to the health of the dog during a period not exceeding three months specified in the certificate;

and

(*b*) the alleged offence took place during the period specified in the certificate.

Amendment of s. 36—Seizure of dogs found wandering at large.

21. Section 36 of the principal Act is amended—

(*a*) by striking out paragraphs (*a*) and (*b*) of subsection (4) and substituting the following paragraphs:

(*a*) in the council's pound;

or

(*b*) in any other manner authorized by regulation.;

(*b*) by striking out from paragraph (*a*) of subsection (5) the passage "exhibit on a notice board at the office of the council for the area in which the dog was seized, or in any other case, at the nearest police station" and substituting the passage "exhibit in accordance with the regulations";

(*c*) by striking out from subsection (7) the passage ", or where the dog is being detained after seizure outside any council area, the Crown";

and

(*d*) by striking out from subsection (9) the passage "without being seized if the assistance of the owner or some other person likely to be able to control the dog is not reasonably available and there is no other practicable way to enforce the provisions of this Act".

Amendment of s. 37—Powers of entry of authorized persons.

22. Section 37 of the principal Act is amended by inserting after subsection (2) the following subsection:

(3) Notwithstanding the provisions of this section, an authorized person may—

(*a*) without the consent of the owner or occupier;

and

(*b*) without any warrant,

enter any premises where he has reasonable grounds to believe that there is a dog that has attacked, harassed or chased any person, or any animal or bird owned by or in the charge of some person other than the owner or occupier of those premises, and that urgent action is required in the circumstances.

Amendment of s. 39—Dogs in shops, schools etc.

23. Section 39 of the principal Act is amended by inserting after the word "dog" where it occurs for the first time the passage "(not being a guide dog)".

Amendment of s. 40—Dogs in places where food prepared, etc.

24. Section 40 of the principal Act is amended by inserting after the word "dog" where it occurs for the first time the passage "(not being a guide dog)".

Amendment of s. 43—Faeces of dogs to be removed from public places.

25. Section 43 of the principal Act is amended by inserting after the word "dog" where it occurs for the first time the passage "(not being a guide dog)".

Amendment of s. 47—Dogs infested with parasites.

26. Section 47 of the principal Act is amended by inserting after subsection (5) the following subsection:

(6) Any expenses incurred by a council in relation to the seizure, detention or destruction of a dog under this section may be recovered from the owner of the dog as a debt.

Amendment of s. 49—Dogs creating nuisance.

27. Section 49 of the principal Act is amended by striking out subsection (3) and substituting the following subsections:

(3) Where a person is convicted of an offence under this section, the court may order the convicted person to take such action to abate the nuisance as may be specified in the order.

(4) If a convicted person fails to comply with an order under subsection (3), he shall be guilty of an offence and liable to a penalty not exceeding five hundred dollars.

Insertion of new s. 50a.

28. The following section is inserted in Part IV after section 50 of the principal Act:

Orders for seizure and detention of savage dogs.

50a. (1) Where a justice is satisfied, upon the application of an authorized person, that there are reasonable grounds for believing that a dog is dangerous, the justice may, by order, authorize the authorized person to seize and detain the dog under this section.

(2) An application for an order under this section shall not be made to a justice who is a member, officer or employee of a council.

(3) An authorized person, acting in pursuance of an order under this section, may exercise such force as is necessary to seize and detain a dog to which the order relates.

(4) As soon as practicable after a dog has been seized under this section an application for an order for destruction of the dog shall be made.

(5) Where the application for an order for destruction of the dog is refused, the dog shall be returned to its owner.

(6) The council may recover from the owner, as a debt, the reasonable costs incurred in the seizure and detention of a dog under this section.

Repeal of s. 54 and substitution of new section.

29. Section 54 of the principal Act is repealed and the following section is substituted:

Blinds persons entitled to be accompanied by guide dogs.

54. (1) Notwithstanding the provisions of any Act, regulation or by-law—

(*a*) a person who is wholly or partially blind is entitled to be accompanied by a guide dog in any public place or public passenger vehicle;

and

(*b*) the occupier or person in charge of a public place or public passenger vehicle shall not refuse access to the place or vehicle to any such person on the ground that he is accompanied by a guide dog.

Penalty: Two hundred dollars.

(2) In this section—

"public place" means premises or a place to which the public is admitted (whether an admission fee is charged or not):

"public passenger vehicle" means any vehicle or vessel used for the purpose of carrying passengers for hire or reward.

Amendment of s. 57—By-laws limiting number of dogs.

30. Section 57 of the principal Act is amended—

(*a*) by inserting after the passage "dogs over the age of three months" in subsection (3) the passage ", or the young of such dogs,";

and

(*b*) by striking out from subsection (3) the passage "in relation to those dogs".

Amendment of s. 58—Licensing of kennels.

31. Section 58 of the principal Act is amended by striking out from subsection (3) the word "prescribed" and substituting the passage "determined by the council".

Amendment of s. 64—Expiation of offences.

32. Section 64 of the principal Act is amended—

(*a*) by striking out paragraph (*b*) and substituting the following paragraph:

(*b*) in any other case, by payment at a police station specified in the notice,;

and

(*b*) by striking out the passage "within a time fixed by the notice" and substituting the passage "within twenty-one days of the date of the notice".

Amendment of s. 66—Regulations.

33. Section 66 of the principal Act is amended by striking out paragraph (*b*) of subsection (2).

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

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No. 59 of 1981

An Act to regulate the practice of law; to repeal the Legal Practitioners Act, 1936-1979; and for other purposes.

[*Assented to 25th June,* 1981]

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 "Legal Practitioners Act, 1981".

Commencement.

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

(2) The Governor may, by the proclamation made for the purposes of subsection (1), suspend the operation of specified provisions of this Act until a later day fixed by the proclamation, or until a day to be fixed by subsequent proclamation.

Arrangement of Act.

3. This Act is arranged as follows:

PART I—PRELIMINARY

PART II—THE LAW SOCIETY OF SOUTH AUSTRALIA

PART III—THE PRACTICE OF THE LAW

DIVISION I—ADMISSION AND ENROLMENT OF LEGAL PRACTITIONERS

DIVISION II—PRACTISING CERTIFICATES

DIVISION III—ENTITLEMENT TO PRACTISE, ETC.

DIVISION IV—PROVISIONS REGULATING LEGAL PRACTICE BY COMPANIES

DIVISION V—TRUST ACCOUNTS AND AUDIT

DIVISION VI—DELIVERY UP OF LEGAL PAPERS

DIVISION VII—AUTHORITY OF A LEGAL PRACTITIONER TO ACT ON BEHALF OF A PERSON OF UNSOUND MIND

DIVISION VIII—RECOVERY OF LEGAL COSTS

DIVISION IX—APPOINTMENT OF SUPERVISORS AND MANAGERS

DIVISION X—RESTRICTION ON PRACTICE BY BANKRUPTS, ETC.

DIVISION XI—RIGHT OF PERSONAL REPRESENTATIVE, ETC., TO CARRY ON LEGAL PRACTICE

DIVISION XII—RIGHT OF AUDIENCE

DIVISION XIII—PROFESSIONAL INDEMNITY INSURANCE SCHEME

PART IV—THE COMBINED TRUST ACCOUNT AND OTHER RELATED ACCOUNTS

DIVISION I—THE COMBINED TRUST ACCOUNT

DIVISION II—THE STATUTORY INTEREST ACCOUNT

DIVISION III—THE LEGAL PRACTITIONERS GUARANTEE FUND

DIVISION IV—MISCELLANEOUS

PART V—CLAIMS AGAINST GUARANTEE FUND

PART VI—INVESTIGATIONS, INQUIRIES AND DISCIPLINARY PROCEEDINGS

DIVISION I—THE LEGAL PRACTITIONERS COMPLAINTS COMMITTEE

DIVISION II—FUNCTIONS OF THE COMMITTEE

DIVISION III—THE LEGAL PRACTITIONERS DISCIPLINARY TRIBUNAL

DIVISION IV—PROCEEDINGS BEFORE THE TRIBUNAL

DIVISION V—DISCIPLINARY PROCEEDINGS BEFORE THE SUPREME COURT

DIVISION VI—LAY OBSERVERS

PART VII—PUBLIC NOTARIES

PART VIII—MISCELLANEOUS

Repeal and transitional provision.

4. (1) The Legal Practitioners Act, 1936-1979, is repealed.

(2) Notwithstanding the repeal effected by subsection (1)—

(*a*) a person admitted as a legal practitioner pursuant to rules of the Supreme Court, and enrolled as such immediately before the commencement of this Act, shall, subject to this Act, continue as a legal practitioner;

(*b*) a practising certificate issued pursuant to the provisions of the repealed Act and in force immediately before the commencement of this Act shall be deemed to be a practising certificate under this Act and shall, subject to this Act, remain in force until the first day of January, 1982, or such later day as may be fixed by regulation;

(*c*) all persons who were, immediately before the commencement of this Act, members of the Society shall, subject to this Act, continue to be members of the Society and a person who, immediately before the commencement of this Act, held any office or position in the

Society shall, subject to this Act, continue in that office or position as if this Act had been in force when he was appointed or elected to that office or position;

(*d*) any proceedings commenced before the Statutory Committee of the Council of the Law Society under the repealed Act, and not finally disposed of at the commencement of this Act, may be continued and completed under the repealed Act as if this Act had not been enacted;

and

(*e*) a person admitted as a public notary under the repealed Act, and enrolled as such immediately before the commencement of this Act, shall, subject to this Act, continue as a public notary.

(3) The Acts Interpretation Act, 1915-1978, shall, except to the extent of any inconsistency with the provisions of this section, apply to the repeal effected by this section.

Interpretation.

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

"approved auditor" means an auditor approved by the Supreme Court:

"bank" means a body corporate authorized under the law of the Commonwealth to carry on the business of banking and includes the State Bank of South Australia and the Savings Bank of South Australia:

"banking account" means an account maintained at a bank:

"the combined trust account" means the banking account or accounts established under the title of the "Legal Practitioners Combined Trust Account" pursuant to the repealed Act and maintained by the Society under Part IV:

"the Committee" means the Legal Practitioners Complaints Committee established under this Act:

"company" means a company incorporated under the law of this State:

"the Council" means the council of the Law Society:

"director" of a company includes any person occupying or acting in the position of director of the company whether validly appointed to occupy or duly authorized to act in that position or not, and includes any person in accordance with whose directions or instructions the directors of the company are accustomed to act:

"elective officer" of the Society means an officer of the Society elected by the members of the Society in accordance with its rules:

"the Executive Director" of the Society means the principal executive officer employed by the Society and includes any person who is, for the time being, discharging the duties of that officer:

"fiduciary or professional default" in relation to a legal practitioner means—

(*a*) any defalcation, misappropriation or misapplication of trust moneys in the charge of the legal practitioner or of a firm of which the legal practitioner is a member;

or

PART I

(*b*) any wrongful or negligent act or omission occurring in the course of the practice of the legal practitioner, or a firm of which the legal practitioner is a member,

whether committed by the legal practitioner himself, an employee of the legal practitioner or any other person:

"the guarantee fund" means the fund established under the title of the "Legal Practitioners' Guarantee Fund" pursuant to the repealed Act and maintained by the Society under Part IV:

"the Law Society" or "the Society" means The Law Society of South Australia:

"legal costs" includes disbursements:

"legal practitioner" or "practitioner" means—

(*a*) a person duly admitted and enrolled as a barrister and solicitor of the Supreme Court;

or

(*b*) a company that holds a practising certificate:

"Master" means a master of the Supreme Court:

"moneys" includes any instrument for the payment of money that may be negotiated by a bank:

"practising certificate" means a practising certificate issued under Part III:

"the repealed Act" means the Legal Practitioners Act, 1936-1979, repealed by this Act:

"the Secretary" means the person for the time being holding, or acting in, the office of Secretary to the Committee:

"solicitor" includes attorney and proctor:

"the statutory interest account" means the banking account established under the title of the "Statutory Interest Account" pursuant to the repealed Act and maintained by the Society under Part IV:

"the Tribunal" means the Legal Practitioners' Disciplinary Tribunal established under Part VI:

"trust account" means a banking account that is maintained by a legal practitioner under Part III:

"trust moneys" means moneys received by a legal practitioner to which the legal practitioner is not wholly entitled both at law and in equity:

"unprofessional conduct" in relation to a legal practitioner includes—

(*a*) an illegal act of any kind committed in the course of his practice by the legal practitioner;

and

(*b*) any offence of a dishonest or infamous nature committed by the legal practitioner in respect of which punishment by imprisonment is prescribed or authorized by law:

"unqualified person" means a person (including a body corporate) who is not entitled to practise the profession of the law.

Separation of legal profession.

6. (1) The Supreme Court may, on the application of the Society, divide legal practitioners into two classes, one class consisting of barristers and the other class consisting of solicitors.

(2) The Judges of the Supreme Court, or any three or more of them, may make such rules as they consider necessary to give effect to a division of the legal profession made under subsection (1).

PART II

PART II

THE LAW SOCIETY OF SOUTH AUSTRALIA

Incorporation of powers of Society.

7. (1) The Society formerly known as the "Law Society of South Australia Incorporated" shall continue in existence as a body corporate under the name "The Law Society of South Australia".

(2) The Society—

(*a*) shall have perpetual succession and a common seal;

(*b*) shall be capable of—

(i) acquiring, mortgaging or otherwise dealing with, and disposing of real and personal property;

(ii) borrowing, investing and otherwise dealing with, moneys;

and

(iii) acquiring or incurring any other rights or liabilities that may properly attach to a body corporate;

(*c*) shall be capable of suing and being sued;

and

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

(3) The membership of the Society shall consist of all persons who have been admitted to membership of the Society, and who, for the time being, continue to be members of the Society, in accordance with the rules of the Society.

Officers and employees of the Society.

8. (1) The following officers of the Society shall be elected in accordance with the rules of the Society:

(*a*) the President;

(*b*) the Vice-Presidents (the number of whom shall be determined by the rules);

and

(*c*) such other elective officers as may be stipulated by the rules.

(2) There shall be an Executive Director of the Society.

(3) The Executive Director and any other employees of the Society shall be appointed and hold office upon such terms and conditions as the Society may determine.

Council of the Society.

9. (1) There shall be a council of the Society.

(2) The Council shall consist of—

(*a*) the Attorney-General;

(*b*) the President of the Society;

(*c*) the Vice-Presidents of the Society;

(*d*) the other elective officers of the Society;

(*e*) any persons who are, in accordance with the rules of the Society, members of the Council *ex officio*;

(*f*) any persons who are co-opted in accordance with the rules of the Society to membership of the Council;

and

(*g*) such other persons as are elected, in accordance with the rules of the Society, to be members of the Council.

Validation of acts of the Council.

10. No act or proceeding of the Council is invalid by virtue of any vacancy in its membership or any defect in the appointment or election of any member of the Council.

Management of Society's affairs.

11. (1) Subject to this Act, and to the rules of the Society, the Council shall have the management of all the affairs of the Society, and may exercise all the powers of the Society.

(2) Subject to this Act, the Council may delegate any of its powers to—

(*a*) a committee consisting of such persons as the Council thinks fit;

or

(*b*) any officer or employee of the Society.

(3) A delegation under this section is revocable at will and does not derogate from the power of the Council to act itself in any matter.

Minutes of proceedings.

12. (1) The Society shall cause minutes of the proceedings of—

(*a*) all general meetings of the members of the Society;

and

(*b*) all meetings of the Council,

to be entered in a book or books kept for the purpose.

(2) An apparently genuine document purporting to be verified by the Executive Director and—

(*a*) purporting to be—

(i) minutes entered in pursuance of this section;

or

(ii) an extract from any such minutes;

or

(*b*) purporting to be—

(i) minutes of the proceedings of any committee established by the Council;

or

(ii) an extract from any such minutes,

shall be accepted in any legal proceedings as evidence of the proceedings to which the document relates.

(3) Subject to subsection (4), the Society shall at the request of any member of the Society produce for his inspection the minutes of—

(*a*) any general meeting of the Society;

(*b*) any meeting of the Council;

and

(*c*) any meeting of any committee established by the Council.

(4) The Society is not required to produce minutes for inspection under subsection (3) if the minutes are of a confidential nature and have been entered in a minute book kept specifically for the purpose of recording minutes of such a nature.

(5) In any legal proceedings it shall be presumed in the absence of proof to the contrary that any meeting of—

(*a*) the members of the Society;

(*b*) the Council;

or

(*c*) any committee established by the Council,

was duly convened and constituted, and that the proceedings of any such meeting were regularly conducted.

(6) An apparently genuine document purporting to be under the hand of the President, a Vice-President, or the Executive Director, of the Society and to certify that a person named in the document has been duly elected or appointed to a specified office in the Society, or in the employment of the Society, shall be accepted in any legal proceedings, in the absence of proof to the contrary, as proof of the matter so certified.

Society's right of audience.

13. (1) The Society may appoint a legal practitioner to appear before any court, commission or tribunal in any matter affecting the interests of the Society or the members of the Society, or in which the Society is directly or indirectly concerned or interested.

(2) Without limiting the generality of subsection (1), a practitioner so appointed shall be entitled to appear—

(*a*) in any proceedings instituted by the Society;

(*b*) in any proceedings in which a person seeks admission as a legal practitioner;

(*c*) in any proceedings in which it is alleged that a practitioner is guilty of unprofessional conduct;

or

(*d*) in any proceedings under this Act.

Rules of the Society.

14. (1) The Society, in general meeting, may make rules:

(*a*) to define the objects of the Society;

(*b*) to provide for the election of a President, Vice-Presidents and other elective officers of the Society and to define the conditions upon which they shall hold office;

(*c*) to provide for the election of members of the Council, and to define the conditions upon which they shall hold office;

(*d*) to provide for the filling of casual vacancies occurring in elective offices of the Society and in the membership of the Council;

(*e*) to regulate the meetings and proceedings of, and the conduct of business by, the Council, or any committee to which it has delegated any of its powers;

(*f*) to provide for the execution of documents by or on behalf of the Society;

(*g*) to define the terms and conditions upon which a person may be admitted to membership of the Society and to provide for the resignation, expulsion and re-admission of members of the Society;

(*h*) to prescribe, and provide for the payment of, subscriptions by members of the Society;

(*i*) to provide for the administration of any fund or banking account under the control of the Society;

or

(*j*) to make any other provision relating to the administration of the Society.

(2) A member of the Society, or a practitioner, shall be entitled, upon payment of such fee as may be prescribed by rules under this section, to receive a printed copy of the rules in force for the time being under this section.

(3) The Attorney-General may, by instrument in writing, certify that a rule made by the Society under this section relates only to the internal administration of the Society and where such a certificate has been given under this section, section 10 of the Subordinate Legislation Act, 1978, shall not apply in respect of the rule.

PART III

THE PRACTICE OF THE LAW

DIVISION I

DIVISION I—ADMISSION AND ENROLMENT OF LEGAL PRACTITIONERS

Entitlement to admission.

15. A person who satisfies the Supreme Court—

(*a*) that he is of good character;

(*b*) that he is resident in Australia;

and

(*c*) that—

(i) he has complied with the rules of the Supreme Court relating to the admission of barristers and solicitors of the Supreme Court;

or

(ii) insofar as he has not complied with those rules, he should be exempted from such compliance,

shall be entitled to be admitted and enrolled as a barrister and solicitor of the Supreme Court.

DIVISION II

DIVISION II—PRACTISING CERTIFICATES

Issue of practising certificate.

16. (1) Where a legal practitioner (not being a legal practitioner who has been suspended from practice) applies to the Supreme Court for a practising certificate, the Court shall, subject to this Act, issue a practising certificate in his name.

(2) Where a company applies to the Supreme Court for a practising certificate, and satisfies the Court—

(*a*) that the memorandum and articles of association of the company contain stipulations to the following effect:

(i) the sole object of the company must be to practise the profession of the law;

(ii) the directors of the company must be natural persons who are legal practitioners holding current practising certificates (but where there are only two directors they may consist of a legal practitioner holding a current practising certificate and a prescribed relative of that legal practitioner);

(iii) no share issued by the company, and no right to participate in the distribution of the profits of the company, is to be owned beneficially otherwise than by a legal practitioner who is a director or employee of the company, or a prescribed relative of such a legal practitioner;

(iv) the total voting rights exercisable at a meeting of the members of the company must be held by legal practitioners who are directors or employees of the company;

(v) no director of the company may, without the approval of the Supreme Court, be a director of any other company that holds a practising certificate;

(vi) the shares of a legal practitioner and of his prescribed relatives shall, upon the legal practitioner ceasing to be a director or employee of the company, be redeemed by the company, distributed amongst the remaining members of the company, or transferred to a legal practitioner who is to become a director or employee of the company, in accordance with the memorandum and articles of association of the company;

and

(vii) the shares of a person who is a shareholder by virtue of being the spouse of a legal practitioner shall—

(A) upon dissolution or annulment of his marriage with a legal practitioner;

or

(B) in the case of a putative spouse, upon cessation of cohabitation with the legal practitioner,

be redeemed by the company, or distributed amongst the remaining members of the company, in accordance with the memorandum and articles of association of the company;

and

(*b*) that the memorandum and articles of association are otherwise appropriate to a company formed for the purpose of practising the profession of the law,

the Court may issue a practising certificate in the name of the company.

(3) Where a company holds a practising certificate and the stipulations contained in the memorandum and articles of association are, in any respect, not complied with, the company shall, within fourteen days, report the non-compliance to the Supreme Court, and the Court may give such directions (if any) as may be necessary to secure compliance with those stipulations.

(4) If a direction of the Supreme Court under subsection (3) is not complied with within the time allowed by the Court, the practising certificate of the company shall, by virtue of this subsection, be suspended during the period of non-compliance.

(5) An application for a practising certificate must be accompanied by the prescribed fee.

(6) In this section—

"prescribed relative" in relation to a legal practitioner means a parent, spouse, child or grandchild of the legal practitioner:

"putative spouse" in relation to a legal practitioner means a person who is cohabiting with the legal practitioner as the husband or wife *de facto* of the legal practitioner and—

(*a*) who has so cohabited continuously over the last preceding period of five years, or for periods aggregating five years over the last preceding period of six years;

or

(*b*) who has had sexual relations with the legal practitioner resulting in the birth of a child:

"spouse" includes a putative spouse.

PART III

DIVISION II

Restriction upon issue of practising certificates in certain cases.

17. (1) If, for a period exceeding one month, a legal practitioner has not held a practising certificate, the Supreme Court may, upon his application for a practising certificate, require him to furnish evidence satisfying it that—

(*a*) he has not practised the profession of the law without holding a practising certificate;

or

(*b*) he has not committed any other act that might constitute a proper ground for disciplinary action.

(2) Where an applicant for a practising certificate has, without lawful excuse, practised the profession of the law while not holding a practising certificate, the Supreme Court may require him to pay a prescribed fine before it issues a practising certificate to him.

(3) The Supreme Court may, in any case that it considers appropriate, issue a practising certificate that has effect from a date prior to the date of issue of the certificate.

Term of practising certificates.

18. (1) Subject to this Act, a practising certificate shall remain in force until the first day of January next ensuing after the day on which it was issued.

(2) Subject to this Act, the Supreme Court shall, upon receipt of due application for the renewal of a practising certificate made before the date of expiration of the practising certificate, renew the practising certificate and the practising certificate shall then, subject to this Act, remain in force for a further period of twelve months.

Evidence of insurance to be produced to the court.

19. (1) Where regulations are in force requiring legal practitioners to be insured against liabilities that may arise in the course of, or in relation to, legal practice, the Supreme Court shall not issue or renew a practising certificate unless the applicant produces evidence to the satisfaction of the Court that throughout the term for which the certificate is to be issued or renewed the legal practitioner will be insured to the extent required by the regulations against such liabilities.

(2) This section does not apply in relation to a legal practitioner of a class excluded by regulation from the provisions of this section.

Register of practising certificates.

20. (1) The Supreme Court shall cause a register of practising certificates to be kept.

(2) A member of the public may inspect the register of practising certificates kept under this section.

DIVISION III

DIVISION III—ENTITLEMENT TO PRACTISE, ETC.

Entitlement to practise.

21. (1) No person shall practise the profession of the law, or hold himself out, or permit another to hold him out, as being entitled to practise the profession of the law unless—

(*a*) in the case of a natural person, he—

(i) is enrolled as a barrister and solicitor of the Supreme Court;

and

(ii) holds a practising certificate issued and in force under this Act;

or

(*b*) in the case of a company, it holds a practising certificate issued and in force under this Act.

Penalty: Five thousand dollars.

(2) Without limiting the generality of the foregoing provisions of this section, but subject to subsection (3), a person practises the profession of the law, if acting for fee or reward on behalf of some other person he—

(*a*) prepares any will or other testamentary instrument;

(*b*) prepares an instrument creating, transferring, assigning, modifying or extinguishing any estate or interest in real or personal property;

(*c*) prepares any instrument relating to the formation of a body corporate, any amendment to the memorandum or articles of association, rules or regulations of a body corporate, any prospectus or take-over scheme relating to a body corporate, or any instrument affecting the rights of shareholders or debenture holders in a body corporate or any scheme of arrangement in respect of a body corporate;

(*d*) prepares any other instrument creating, transferring, assigning, modifying or extinguishing any right, power or liability at law or in equity;

or

(*e*) represents any party to proceedings in a court or tribunal.

(3) This section shall not prevent—

(*a*) an employee whose employer is a party to an instrument or otherwise entitled to prepare an instrument and who is acting in the ordinary course of his employment from preparing the instrument provided that no separate charge is made by the employer or the employee for the preparation of the instrument;

(*b*) an unqualified person from charging a fee for the preparation of a bill of sale, stock mortgage or lien over wool or fruit to which he is himself the party in whose favour the security is given or an instrument varying or discharging a bill of sale, stock mortgage or lien over wool or fruit to which he is such a party;

(*c*) an unqualified person from charging a fee for the preparation of a mortgage over land to which he is himself the party in whose favour the security is given, or an instrument varying or discharging a mortgage over land to which he is such a party, provided that the mortgage or other instrument is prepared by a legal practitioner or licensed land broker;

(*d*) an unqualified person from charging a fee for the preparation of an instrument provided that—

(i) the instrument is prepared by a legal practitioner in the employment of that unqualified person;

and

(ii) the legal practitioner has been in the employment of that unqualified person continuously since the first day of July, 1980;

(*e*) an agent who has been commissioned to sell goods or let them out on hire, or to contract for the performance of services from preparing a contract for the sale or hire of goods or the provision of services provided that he is remunerated only by salary or commission and no separate charge is made by the agent or the principal for the preparation of the contract;

(*f*) an unqualified person from engrossing an instrument for fee or reward;

(*g*) an unqualified person from representing a party to proceedings in a court or tribunal for fee or reward, if he is authorized by or under the Act by which the court or tribunal is constituted, or any other Act, to do so;

(*h*) a person licensed under the Land Valuers Licensing Act, 1969-1974, or licensed or registered under the Land and Business Agents Act, 1973-1979, from representing, for fee or reward, a party to proceedings before an assessment revision committee constituted under the Local Government Act, 1934-1981;

(*i*) an unqualified person who is an employee or officer of an association of employers or employees from representing the association or any of its members in proceedings brought pursuant to an Act relating to industrial conciliation or arbitration provided that the unqualified person (as distinct from the association of which he is an employee or officer) makes no charge for providing the representation;

(*j*) an unqualified person who is an employee of a body corporate that is a party to proceedings brought pursuant to an Act relating to industrial conciliation or arbitration from representing the body corporate in the proceedings;

(*k*) an unqualified person who was on the second day of March, 1981, carrying on the business of representing parties to proceedings brought pursuant to an Act relating to industrial conciliation and arbitration from continuing to carry on that business;

(*l*) an unqualified person from preparing, for fee or reward, any instrument relating to the transfer of shares or securities issued, or made available, by a body corporate;

(*m*) an agent licensed under the Land and Business Agents Act, 1973-1979, from preparing an instrument (other than an instrument registrable under the Real Property Act, 1886-1980) relating to the sale and purchase of any land or business that he has been commissioned to sell or buy, provided that the instrument is prepared by the agent personally or by a registered manager or registered salesman in his employment and no charge (apart from the commission payable to the agent in respect of the transaction) is made for the preparation of the instrument;

(*n*) an agent licensed under the Land and Business Agents Act, 1973-1979, from preparing for fee or reward—

(*i*) a tenancy agreement—

(A) relating to residential premises;

and

(B) under which a rental not exceeding a maximum prescribed for the purposes of this subparagraph is payable;

or

(ii) a tenancy agreement—

(A) arising from a transaction in respect of which he has acted as agent;

(B) relating to non-residential premises;

and

(C) under which a rental not exceeding a maximum prescribed for the purposes of this subparagraph is payable;

provided that the instrument is prepared by the agent personally or by a registered manager or registered salesman in his employment;

(*o*) a licensed land broker from preparing for fee or reward an instrument registrable under the Real Property Act, 1886-1980, the Bills of Sale Act, 1886-1972, the Stock Mortgages and Wool Liens Act, 1924-1975, or the Liens on Fruit Act, 1923-1975;

(*p*) a licensed land broker from preparing for fee or reward—

(i) a contract for the sale and purchase of land or a business;

(ii) a tenancy agreement;

(iii) an assignment of the benefit of a contract for the sale and purchase of land or a business or of a tenancy agreement;

(iv) an instrument that arises from, and is incidental to, a contract, agreement or assignment of the kind mentioned in subparagraph (i), (ii) or (iii);

(*q*) an agent licensed under the Land and Business Agents Act, 1973-1979, being the employer of a legal practitioner or licensed land broker from charging a fee for the preparation of an instrument of a kind mentioned in paragraph (*o*) or (*p*) where—

(i) the instrument is prepared by the legal practitioner or licensed land broker;

and

(ii) the agent is authorized by the Land and Business Agents Act, 1973-1979, to charge a fee for the preparation by the legal practitioner or licensed land broker of instruments registrable under the Real Property Act, 1886-1980;

(*r*) a public notary acting in the ordinary course of his business as such from preparing an instrument for fee or reward;

(*s*) a body corporate authorized by a special Act of Parliament of this State to administer the estates of deceased persons from preparing a will or other testamentary instrument where the body corporate is named as the executor, or one of the executors, of the will or other testamentary instrument and the body corporate does not seek to recover any fee or reward in respect of the preparation of the will or testamentary instrument beyond the commission or other remuneration allowed under the special Act;

(*t*) a body corporate authorized by a special Act or Parliament of this State to administer the estates of deceased persons from preparing a will or other testamentary instrument for fee or reward where the will or other testamentary instrument is prepared by a legal practitioner employed by the body corporate;

(*u*) an unqualified person from serving any process for fee or reward where he is authorized or permitted by statute to do so;

(*v*) a clerk employed by a legal practitioner from serving any process for fee or reward;

(*w*) the preparation for fee or reward of an opinion on a question of law by a member of the faculty of law of a university provided that the opinion is prepared at the request of a legal practitioner or of the Attorney-General or Crown Solicitor of the State or the Commonwealth;

or

(*x*) the preparation for fee or reward of any prescribed instrument or the performance for fee or reward of any prescribed service.

(4) For the purposes of this section—

(*a*) a person practises the profession of the law, or holds himself out as entitled to practise the profession of the law, if he does so personally, or through the agency or instrumentality of some other person;

(*b*) a person acts for fee or reward if he acts for, or in expectation of, a pecuniary benefit or material advantage;

(*c*) a person represents a party to proceedings before a court or tribunal if he—

(i) prepares, on behalf of that party, any legal process relating to the proceedings;

(ii) gives advice to that party in relation to the conduct of the proceedings;

or

(iii) takes, on behalf of that party, any other step in the proceedings.

(5) In this section—

"business" means a business as defined by the Land and Business Agents Act, 1973-1979:

"member" in relation to an association whose members include another association includes a member of that other association:

"tribunal" includes a Royal Commission and an arbitrator who is a judge, special magistrate or legal practitioner.

Practising while under disqualification, etc.

22. If a legal practitioner—

(*a*) practises the profession of the law while his right to do so is under suspension;

or

(*b*) contravenes an order of the Tribunal or the Supreme Court under which he is prohibited from practising the profession of the law otherwise than in accordance with conditions stipulated in the order,

he shall be guilty of an offence and liable to a penalty not exceeding five thousand dollars.

Unlawful representation.

23. (1) If any person (whether or not he is a legal practitioner) with a view to attracting business, falsely pretends to be the holder of any degree, diploma or certificate in law or adopts any style that leads reasonably to the false inference that he holds any degree, diploma or certificate in law, he shall be guilty of an offence and liable to a penalty not exceeding five thousand dollars.

(2) If a person (whether or not he is a legal practitioner) holds out an unqualified person as being entitled to practise the profession of the law, he shall be guilty of an offence and liable to a penalty not exceeding five thousand dollars.

(3) If a legal practitioner—

(*a*) permits or aids an unqualified person to practise the profession of the law, or acts in collusion with an unqualified person so as to enable him to practise the profession of the law;

or

(*b*) enters into an agreement or an arrangement with an unqualified person under which the unqualified person is entitled to share in the profits arising from the practice of the law (otherwise than as permitted by this Act, or as may be authorized by the Society),

he shall be guilty of an offence and liable to a penalty not exceeding five thousand dollars.

DIVISION IV—PROVISIONS REGULATING LEGAL PRACTICE BY COMPANIES

Returns by companies.

24. (1) Every company that is a legal practitioner shall—

(*a*) within one month after any person becomes or ceases to be a director or member of the company lodge with the Supreme Court a notice stating the full name and usual residential address of that person and the fact that he has become or ceased to be such a director or member;

and

(*b*) in the month of July in each year lodge with the Supreme Court a return in the prescribed form.

Penalty: Two thousand dollars.

(2) The annual return shall state—

(*a*) the full name and usual residential address of every person who on the thirtieth day of June preceding the lodging of the return was a director or member of the company;

(*b*) the number of shares in the company held by each such person and the number of votes that he is entitled to cast at a meeting of members of the company;

PART III
DIVISION IV

(*c*) in relation to each member, the qualification by virtue of which he is entitled to be a member of the company;

and

(*d*) any other prescribed matters.

Companies not to practise in partnership.

25. A company that is a legal practitioner shall not practise as a legal practitioner in partnership with any other person unless it has been authorized to do so by the Supreme Court.

Penalty: One thousand dollars.

Employment of legal practitioners by company.

26. (1) A company that is a legal practitioner shall not, for the purpose of its legal practice, employ a number of legal practitioners greater than twice the number of directors of the company.

Penalty: One thousand dollars.

(2) In determining the number of legal practitioners in the employment of a company for the purposes of subsection (1), any legal practitioners who are both employees and directors of the company shall be disregarded.

Criminal liability of directors.

27. Where a company that is a legal practitioner commits an offence against this Act, or any other Act, each person who was a director of the company at the time of commission of the offence by the company shall be guilty of an offence and liable to the same penalty as that prescribed for the principal offence, unless he proves that he could not, by the exercise of reasonable diligence, have prevented the commission of the offence by the company.

Joint and several liability.

28. Any civil liability incurred by a company that is a legal practitioner shall be enforceable jointly and severally against the company and the persons who were directors of the company at the time the liability was incurred.

Alteration to memorandum or articles of association.

29. No alteration to the memorandum or articles of association of a company that is a legal practitioner shall be made unless the proposed alteration has been submitted to, and approved by, the Supreme Court.

Exemption from certain provisions of Companies Act.

30. The provisions of Division III of Part VI and of Part IX of the Companies Act, 1962-1980, do not apply in respect of a company that is a legal practitioner.

DIVISION V

DIVISION V—TRUST ACCOUNTS AND AUDIT

Disposition of trust moneys.

31. (1) Subject to subsection (2), a legal practitioner shall, as soon as practicable after his receipt of any trust moneys in the course of his practice, deposit those moneys in a trust account and shall not withdraw or permit them to be withdrawn except as authorized by this Part.

(2) Where at or before the time that a legal practitioner receives trust moneys he is given a written direction by the person entitled to those moneys to dispose of them in a manner specified in the direction, it shall be lawful for the legal practitioner to act in accordance with that direction.

(3) A legal practitioner may withdraw trust moneys from a trust account—

(*a*) for payment to the person entitled to the moneys or in accordance with the direction of that person;

(*b*) for satisfaction of a claim that he has against the person on behalf of whom the moneys are held for legal costs;

(*c*) to satisfy the order of a court of competent jurisdiction against the person on behalf of whom he is holding the moneys;

(*d*) if the moneys are subject to an instrument of trust, for making a payment in compliance with the terms of that instrument;

(*e*) for dealing with any unclaimed moneys in accordance with the Unclaimed Moneys Act, 1891-1975;

(*f*) for making payments to the Society under Part IV for the credit of the combined trust account;

and

(*g*) for making any other payment authorized by law.

(4) The legal practitioner shall keep detailed accounts of all trust moneys received by him, and of any disbursement or other dealing with those moneys in a manner—

(*a*) that accurately discloses the state of any trust accounts maintained by the legal practitioner;

and

(*b*) that enables the receipt and disposition of trust moneys to be conveniently and properly audited.

(5) The legal practitioner shall keep detailed records of any trust moneys received by him that are, by virtue of a direction to which subsection (2) relates, not paid into his trust account, and of any disbursement, or dealing, affecting those moneys.

(6) Unless the Supreme Court otherwise approves—

(*a*) a legal practitioner shall not permit trust moneys to be intermixed with other moneys;

and

(*b*) a trust account of a legal practitioner must be kept at a bank, or a branch of a bank, within the State.

(7) An approval under subsection (6) may be given upon such conditions as the Supreme Court thinks fit.

(8) A person who contravenes this section or a condition imposed by the Supreme Court under this section, shall be guilty of an offence and liable to a penalty not exceeding five thousand dollars.

Protection to banks.

32. (1) Subject to subsection (2), a bank shall be deemed not to be affected with notice of any specific trust to which moneys deposited in a trust account are subject, and shall not be bound to satisfy itself of the due application of those moneys.

(2) This section does not relieve a bank of any liability for negligence.

PART III
DIVISION V
Audit of trust accounts, etc.

33. A legal practitioner who maintains a trust account shall in each year—

(*a*) have the accounts and records kept by the legal practitioner under this Division (made up to the thirtieth day of June in that year) audited by an approved auditor;

and

(*b*) submit a copy of the auditor's report to the Supreme Court on or before the thirty-first day of October in that year or such later date as the Supreme Court may allow.

Penalty: Five thousand dollars.

Appointment of inspector.

34. (1) The Attorney-General or the Society may at any time appoint a competent inspector—

(*a*) to examine, either generally or in a particular case, the accounts kept pursuant to this Division by a legal practitioner or firm of legal practitioners;

(*b*) to examine, either generally or in a particular case, the audit programme, working papers and other documents used or prepared by any auditor in the course of auditing the trust accounts of a legal practitioner or firm of legal practitioners;

and

(*c*) to confer with any such auditor in relation to audits of the trust accounts of a legal practitioner or firm of legal practitioners.

(2) An inspector may if he thinks fit, and shall if required by the Attorney-General or the Society to do so, furnish the Attorney-General or the Society with a confidential report as to the state of any accounts or documents he is appointed to examine.

(3) The Attorney-General or the Society shall, as soon as practicable, cause a copy of any report furnished by an inspector as to the state of the accounts examined by the inspector to be given or sent by post to the relevant legal practitioner or firm of legal practitioners.

(4) In this section—

"legal practitioner" includes a former legal practitioner.

Obtaining information for purposes of audit or examination.

35. (1) An approved auditor employed by a legal practitioner or firm of legal practitioners to make an audit of the trust accounts of a legal practitioner or firm of legal practitioners, or an inspector appointed under this Division, may require the legal practitioner or firm of legal practitioners or any of his or their clerks, servants or agents to produce to him all the accounts (including accounts other than trust accounts) relating to the practice of the legal practitioner or firm of legal practitioners and all books, papers, securities and other documents, relating to those accounts and to give all relevant information and to furnish all authorities and orders to bankers and others that may be reasonably required of him or them.

(2) An inspector appointed under this Division may require an approved auditor employed by a legal practitioner or firm of legal practitioners as an auditor of the trust account of the legal practitioner or firm of legal practitioners to produce to the inspector all books, papers and other documents that are in the possession or control of the auditor and that relate to that trust account or an audit of that trust account (but the auditor shall not be required to produce his own working papers).

(3) The manager or other principal officer of any bank with which a legal practitioner or firm of legal practitioners has deposited any moneys, whether in his or their own account or in any general or separate trust account, shall, upon being required to do so by an approved auditor or inspector employed or appointed to make an audit or examination under this Division, disclose every such account (including all deposit slips, cancelled cheques or other documents relating to the operation of such account) to the auditor or inspector and shall permit him to make a copy of, or extract from, any such account, deposit slip, cancelled cheque or other document.

(4) A person who refuses or fails to comply forthwith with a requirement made under this section shall be guilty of an offence and liable to a penalty not exceeding five thousand dollars.

(5) In this section—

"account" includes any record required to be kept under this Division in relation to the receipt and disposition of trust moneys:

"legal practitioner" includes a former legal practitioner.

Banks to report deficiencies in trust accounts.

36. A bank with which a trust account has been established by a legal practitioner or firm of legal practitioners shall report any deficiency in that account to the Attorney-General and the Society.

Penalty: Five hundred dollars.

Confidentiality.

37. (1) No approved auditor or inspector employed or appointed to make any audit or examination of any accounts of a legal practitioner or firm of legal practitioners for the purposes of this Division shall (otherwise than is permitted or required by or under this Act) communicate any matter of which he is informed or which comes to his knowledge in the course of the audit or examination to any person except in the course of his report; and if he contravenes this provision he shall (in addition to the penalty provided by this section and in addition to any liability he may incur to the legal practitioner or firm of legal practitioners) be subject to the same liabilities to a client or *cestui que trust* of the legal practitioner or firm of legal practitioners as those to which the legal practitioner or firm of legal practitioners would be subject if he or they divulged such matters.

(2) Neither the Society, nor any officer or employee of the Society, shall divulge any information disclosed in a report furnished to the Society under this Division except—

(*a*) for the purpose of confidential consideration of the report by the Council;

or

(*b*) in the performance of a duty.

(3) A person who contravenes or fails to comply with a provision of this section shall in addition to any other penalty or punishment to which he may be liable, be guilty of an offence and liable to a penalty of not more than five thousand dollars.

Regulations.

38. The Governor may make regulations for the purposes of this Division—

(*a*) prescribing and providing for the payment of fees for an audit or examination under this Division;

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DIVISION V

(*b*) generally ensuring that trust accounts are properly kept and audited and that persons beneficially entitled to moneys and securities held by legal practitioners upon trust are properly informed of the investment and disposition of the moneys and securities;

(*c*) exempting legal practitioners from this Division, or specified provisions of this Division, in respect of transactions of a specified class;

and

(*d*) prescribing penalties (not exceeding five thousand dollars) for breach of, or non-compliance with any regulation under this Division.

DIVISION VI

DIVISION VI—DELIVERY UP OF LEGAL PAPERS

Delivery up of legal papers.

39. (1) The Supreme Court may, upon the application of any person, order a legal practitioner or former legal practitioner to deliver up papers—

(*a*) held by the legal practitioner or former legal practitioner on behalf of the applicant;

or

(*b*) relating to proceedings taken or work done by the legal practitioner or former legal practitioner on behalf of the applicant.

(2) The powers conferred by subsection (1) may be exercised notwithstanding the existence of a lien on the papers.

(3) An order may be made under this section upon such terms and conditions as the Supreme Court thinks fit and, in particular, upon conditions protecting the rights of the legal practitioner or former legal practitioner to costs for legal work done by him on behalf of the applicant.

DIVISION VII

DIVISION VII—AUTHORITY OF A LEGAL PRACTITIONER TO ACT ON BEHALF OF A PERSON OF UNSOUND MIND

Authority of a legal practitioner to act on behalf of persons of unsound mind.

40. (1) The authority of a legal practitioner to act on behalf of a person is not abrogated by reason only of the fact that that person becomes of unsound mind.

(2) When the mental unsoundness of a person on behalf of whom a legal practitioner is acting comes to the knowledge of the legal practitioner, his authority to act on behalf of that person shall, subject to subsection (3), cease and determine.

(3) Where it is necessary for the purpose of protecting the interests of a person of unsound mind in any legal proceedings or other business, the authority of a legal practitioner shall, notwithstanding that he knows of the mental unsoundness of the person on behalf of whom he is acting, continue for the purpose of completing those proceedings or that business.

DIVISION VIII

DIVISION VIII—RECOVERY OF LEGAL COSTS

Bill of costs to be delivered.

41. (1) No person shall bring an action for the recovery of legal costs or appropriate moneys in or towards satisfaction of a claim for legal costs unless a bill specifying the total amount of those costs, and describing the legal work to which the costs relate, has been delivered to the person liable to the costs either personally, or by post addressed to him at his last known place of business, or his last known place of residence.

(2) The person liable to legal costs may at any time within six months after delivery of a bill of costs under subsection (1) request the person claiming to be entitled to the costs to provide him with a statement showing in detail how the amount of the costs to which the bill relates is made up.

(3) A person of whom a request is made under subsection (2) shall comply with the request.

Penalty: Five hundred dollars.

(4) Where the defendant to an action for the recovery of legal costs has made a request of the plaintiff under subsection (2), and the plaintiff has not complied with the request, the court shall, at the request of the defendant, stay the action until the plaintiff has complied with the request.

Taxation of legal costs.

42. (1) Upon the application—

(*a*) of a person claiming to be entitled to legal costs;

or

(*b*) of a person who is liable to pay, or who has paid, any legal costs,

the Supreme Court may tax and settle the bill for those costs.

(2) Where an application has been made under subsection (1), the Supreme Court may—

(*a*) restrain a person claiming to be entitled to the costs from commencing an action for recovery of the costs;

or

(*b*) stay any proceedings for recovery of the costs.

(3) The Court may, upon taxation of a bill of costs under this section—

(*a*) order the refund of any amount overpaid;

or

(*b*) where the proceedings have been instituted by the person seeking recovery of the costs—order payment of legal costs in accordance with the taxed bill.

(4) The Commissioner for Prices and Consumer Affairs may institute proceedings for the taxation of legal costs under this section on behalf of any person who is liable for the legal costs.

(5) Any court in which proceedings for the recovery of legal costs have been instituted may order the plaintiff to apply to have the legal costs taxed in accordance with this section, and may adjourn the proceedings until the taxation has been completed.

(6) Notwithstanding the foregoing provisions of this section, a legal practitioner may make an agreement in writing with a client for the payment of a specified amount by way of legal costs, or of legal costs in accordance with a specified scale.

(7) The Supreme Court may, in proceedings under this section, rescind or vary an agreement under subsection (6) if it considers that any term of the agreement is not fair and reasonable.

Application of this Division.

43. This Division applies to costs for any business done by a legal practitioner in his professional character whether the business is of a litigious nature or not.

DIVISION IX—APPOINTMENT OF SUPERVISORS AND MANAGERS

Control over trust accounts of legal practitioners.

44. (1) If the Society knows, or suspects upon reasonable grounds, that—

(*a*) a legal practitioner has died (or in the case of a company, has been dissolved or is being wound up);

(*b*) a legal practitioner is for any reason not attending properly, or unable to attend properly, to the affairs of his practice;

(*c*) a legal practitioner has committed a serious irregularity in the course of his practice, or a serious irregularity has occurred in the course of his practice;

(*d*) a person has ceased to be a legal practitioner without making proper provision for winding up the affairs of his practice;

or

(*e*) any other proper cause exists for the appointment of a supervisor under this section,

the Society may, by resolution of the Council, appoint a supervisor to exercise the powers conferred by this section.

(2) A person appointed under subsection (1) shall have power to dispose of trust moneys to persons entitled to those moneys and may execute any cheque or other instrument for that purpose.

(3) As soon as practicable after any such resolution has been passed, the Society shall cause a written copy of the resolution to be served on—

(*a*) the legal practitioner, former legal practitioner or his personal representative;

(*b*) any other person authorized to operate on the trust account of the legal practitioner;

(*c*) the auditor (if any) of the trust account of the legal practitioner;

and

(*d*) the manager or other principal officer of the office or branch of the bank at which the trust account is maintained.

(4) After service of the notice on the bank, and until the resolution ceases to be effective—

(*a*) no payment shall be made by the bank of any cheque or other instrument drawn on the trust account to which the resolution relates unless it bears the signature of the person appointed pursuant to this section;

and

(*b*) if it bears the signature of the person so appointed (whether or not it bears the signature of any other person) it shall be lawful for the bank to make a payment in accordance with the cheque or other instrument.

(5) No person upon whom a copy of the resolution has been served shall sign any cheque or other instrument drawn on the trust account to which the resolution relates unless that cheque or instrument is signed by the person appointed pursuant to this section.

(6) Any person who contravenes this section shall be guilty of an offence and liable to a penalty not exceeding one thousand dollars.

(7) A resolution under this section shall be effective for a term of twelve months or such lesser term as may be fixed by the Society but the Society may, from time to time, renew the resolution for a term not exceeding twelve months.

(8) The Society may, at any time, revoke an appointment under this section.

(9) A notice under this section may be served personally or by post addressed to the last known place of business or residence of the person to whom it relates.

(10) In this section—

"bank" includes any institution in which trust moneys have been deposited.

Appointment of manager.

45. (1) If the Society knows or suspects on reasonable grounds that—

(*a*) a legal practitioner has died (or in the case of a company, has been dissolved or is being wound up);

(*b*) a legal practitioner is for any reason not attending properly, or unable to attend properly, to the affairs of his practice;

(*c*) a legal practitioner has committed a serious irregularity in the course of his practice, or a serious irregularity has occurred in the course of his practice;

(*d*) a person has ceased to be a legal practitioner without making proper provision for winding up the affairs of his practice;

or

(*e*) any other proper cause exists for the appointment of a manager under this section,

the Society may, by resolution of the Council, appoint a legal practitioner as a manager in respect of the practice of the legal practitioner or former legal practitioner.

(2) As soon as practicable after any such resolution has been passed, the Society shall cause notice of the resolution to be served on—

(*a*) the legal practitioner or former legal practitioner or the personal representative of the legal practitioner or former legal practitioner;

(*b*) any partner of the legal practitioner or former legal practitioner;

and

(*c*) the auditor (if any) of the trust account of the legal practitioner.

(3) A manager appointed under this section shall have full power—

(*a*) to transact any urgent business of the legal practitioner or former legal practitioner;

(*b*) with the approval of clients of the legal practitioner, or former legal practitioner, to transact any other business on their behalf;

and

(*c*) to perform any other act relating to the practice of the legal practitioner or former legal practitioner that he may be authorized to perform by the Society.

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DIVISION IX

(4) A manager may take possession of any books, papers and documents relating to the practice and for that purpose may enter any place or premises where he reasonably suspects any such books, papers or documents to be, using such force as may be necessary to enter that place or those premises.

Appeal against appointment of supervisor or manager.

46. (1) A legal practitioner or former legal practitioner may, within twenty-eight days after the appointment of a supervisor or manager, appeal to the Supreme Court against the appointment.

(2) Upon an appeal under this section the Supreme Court may confirm or annul the appointment.

Application for directions.

47. (1) A supervisor or manager appointed under this Division may apply to the Supreme Court for directions in relation to any matter affecting his duties or functions under this Division.

(2) The costs of any application under subsection (1) shall be payable out of the guarantee fund.

Remuneration, etc., of persons appointed to exercise powers conferred by this Division.

48. (1) A supervisor or manager appointed under this Division shall, subject to subsection (3), be entitled to such remuneration, allowances and expenses as may be determined by the Society.

(2) Any such remuneration, allowances and expenses shall be paid out of the guarantee fund.

(3) The account of a supervisor or manager for remuneration, allowances and expenses may, on the application of the Attorney-General or the Society, be taxed and settled by the Supreme Court.

(4) The Society may recover, as a debt due to it, the costs, charges and disbursements appropriate to legal work performed by a manager appointed under this Division.

(5) The Society may recover as a debt from a legal practitioner or former legal practitioner any expenditure (other than expenditure recouped under subsection (4)) from the guarantee fund in consequence of the appointment of a supervisor or manager for the practice of that legal practitioner or former legal practitioner.

(6) Any amount recovered by the Society under subsection (4) or (5) shall be paid into the guarantee fund.

(7) A supervisor or manager incurs no liability by reason of an act or omission in good faith and in the exercise of his powers or functions under this Division.

DIVISION X

DIVISION X—RESTRICTION ON PRACTICE BY BANKRUPTS, ETC.

Supreme Court may grant authority permitting insolvent persons to practise.

49. (1) A legal practitioner who becomes bankrupt or applies to take the benefit of a law for the relief of bankrupt or insolvent debtors shall not, without the authority of the Supreme Court, practise the profession of the law.

Penalty: Five thousand dollars.

(2) The Supreme Court may grant an authority under this section upon such conditions as it thinks fit.

(3) A legal practitioner shall not contravene or fail to comply with any condition of an authority granted by the Supreme Court under this section.

Penalty: Five thousand dollars.

DIVISION XI—RIGHT OF PERSONAL REPRESENTATIVE, ETC. TO CARRY ON LEGAL PRACTICE

Supreme Court may authorize personal representative, etc., to carry on legal practice.

50. (1) The personal representative of a deceased legal practitioner may, with the authority of the Supreme Court, carry on the practice of the deceased legal practitioner for a period not exceeding twelve months (or such longer period as the Supreme Court may allow) from the date of his death.

(2) The trustee in bankruptcy of a legal practitioner may, with the authority of the Supreme Court, carry on the practice of the legal practitioner for a period not exceeding twelve months, or such longer period as the Supreme Court may allow.

(3) A receiver or liquidator appointed in respect of a company that is a legal practitioner may, with the authority of the Supreme Court, carry on the practice of the company for a period not exceeding twelve months, or such longer period as the Supreme Court may allow.

(4) An authority under this section shall be subject to such conditions as the Supreme Court considers appropriate.

(5) A person to whom an authority has been granted under this section shall not contravene, or fail to comply with, any condition of the authority.

Penalty: Five thousand dollars.

DIVISION XII—RIGHT OF AUDIENCE

Right of audience.

51. (1) Subject to this Act and any other Act, the following persons shall be entitled to practise before any court or tribunal established under the law of the State:

(*a*) the Attorney-General, the Solicitor General, and the Crown Solicitor of the State or of the Commonwealth;

(*b*) a legal practitioner acting on the instructions of the Attorney-General or the Crown Solicitor of the State or of the Commonwealth;

(*c*) a legal practitioner employed in the Department for Corporate Affairs and acting in the course of that employment;

(*d*) a legal practitioner employed by the Legal Services Commission and acting in the course of that employment;

(*e*) a legal practitioner who is practising the profession of law as a principal or a legal practitioner who is acting in the course of his employment by such a legal practitioner;

and

(*f*) a legal practitioner employed by the Society.

(2) A legal practitioner who is an employee of another legal practitioner who is practising the profession of law as a principal is not entitled to appear on instructions from his principal before a court or tribunal as counsel or solicitor for any other person by whom he is employed or for any client of that other person.

(3) Where a legal practitioner who is an employee appears as counsel or solicitor before a court or tribunal, any undertaking given by the legal practitioner in the course of the proceedings shall be binding on the employer.

DIVISION XIII—PROFESSIONAL INDEMNITY INSURANCE SCHEME

Professional Indemnity Insurance Scheme.

52. (1) The Society and authorized insurers may enter into an arrangement for or with respect to the provision by authorized insurers to legal practitioners or former legal practitioners who are members of a class prescribed for the purposes of this section of professional indemnity insurance, and the Society and authorized insurers may do anything necessary or expedient for giving effect to an arrangement entered into under this subsection.

(2) An arrangement under subsection (1) may include provision with respect to any one or more of the following matters:

(*a*) the terms and conditions to which the provision of professional indemnity insurance is to be subject;

(*b*) the amount or amounts of insurance cover to be provided;

(*c*) the amount or amounts payable by way of premiums;

(*d*) the circumstances in which insurance cover is to be limited or denied;

(*e*) the period during which professional indemnity insurance is to be provided;

(*f*) the issue of certificates to persons covered by professional indemnity insurance and the form of those certificates;

(*g*) the payment by or on behalf of the insurers to the Society of any sum by way of brokerage or reimbursement for expenses incurred in connection with any arrangement entered into under this section;

and

(*h*) any other matters in connection with professional indemnity insurance agreed between the Society and authorized insurers.

(3) The Society and authorized insurers may by a subsequent arrangement rescind or vary an arrangement under subsection (1).

(4) The Governor may on the recommendation of the Society make regulations for or with respect to—

(*a*) requiring legal practitioners and former legal practitioners or specified classes of legal practitioners and former legal practitioners to take out and maintain with authorized insurers professional indemnity insurance on the terms and conditions specified in and in accordance with an arrangement under subsection (1);

(*b*) the issue of certificates in relation to professional indemnity insurance and the form of those certificates;

(*c*) empowering the Society—

(i) to exempt from compliance with any of the regulations legal practitioners or former legal practitioners or specified classes of legal practitioners or former legal practitioners;

(ii) to grant any such exemption indefinitely or for a specified period or subject to any other conditions determined by the Society;

and

(iii) to revoke any exemption granted by it;

(*d*) making any provision that may be necessary in consequence of a substantial change in the nature of the practice of a legal practitioner;

(*e*) providing for the making of such declarations by legal practitioners as may be necessary to determine premiums in relation to professional indemnity insurance and for the interrogation of a legal practitioner if any such declaration is suspected by the Society of being false or inaccurate;

(*f*) exempting arbitration agreements that are related to the arbitration of disputes between legal practitioners and insurers in relation to professional indemnity insurance from any statutory provision that would, apart from the exemption, have the effect of invalidating such an agreement or any provision of such an agreement;

(*g*) prescribing penalties (not exceeding five thousand dollars) for breach of, or non-compliance with, a regulation under this Division;

(*h*) generally prescribing anything necessary or expedient for the purpose of giving effect to an arrangement under subsection (1).

(5) In this section—

"authorized insurer" means any person or body of persons, whether corporate or unincorporate, that carries on insurance business and is for the time being approved by the Society for the purposes of this section:

"legal practitioner" includes a member of the faculty of law of a university:

"professional indemnity insurance" means insurance against loss arising from claims in respect of any description of civil liability (other than the prescribed descriptions of civil liability) incurred by a legal practitioner or former legal practitioner in connection with his practice or with the practice of a firm of legal practitioners of which he is or formerly was a member or with any trust of which he is or formerly was a trustee or by an employee or former employee of a legal practitioner or former legal practitioner in connection with that legal practitioner's practice or with the practice of a firm of legal practitioners of which that legal practitioner is or formerly was a member or with any trust of which that legal practitioner or that employee is or formerly was a trustee.

(6) This section does not derogate from the provisions of Part V.

PART IV

PART IV

THE COMBINED TRUST ACCOUNT AND OTHER RELATED ACCOUNTS

DIVISION I

DIVISION I—THE COMBINED TRUST ACCOUNT

Duty to deposit trust moneys with the Society.

53. (1) A legal practitioner shall, on or before the first day of January and the first day of July in each year, out of trust moneys held in his trust account, deposit with the Society such amount (if any) as may be necessary in order that the amount held on his behalf by the Society may not be less than two-thirds (or such lesser proportion as may be prescribed) of—

(*a*) where no moneys are held by the Society on his behalf in consequence of previous deposits under this section or the repealed Act—the lowest balance of his trust account during the period of six months immediately preceding that day (which balance is to be determined by reference to a bank statement);

or

(*b*) where moneys are held by the Society on his behalf in consequence of previous deposits under this section or the repealed Act—the lowest aggregate of—

(i) the balance of his trust account (which balance is to be determined by reference to a bank statement);

and

(ii) the moneys held by the Society on his behalf,

during the period of six months immediately preceding that day.

(2) The Society shall pay the moneys deposited with it pursuant to subsection (1) into the combined trust account.

(3) Where a legal practitioner maintains two or more trust accounts, those accounts shall, for the purposes of this section, be deemed to be a single trust account the balance of which is the aggregate of the respective balances of each of those trust accounts but where a legal practitioner maintains, on the instructions of a client, a separate trust account for the exclusive benefit of that client, the balance of that account shall, for the purposes of this section, be disregarded.

(4) Subject to subsection (12), if at any time during the period of six months ending on the day on which deposits are required under this section the balance of the trust account of a legal practitioner and the amount (if any) deposited by him, and then remaining on deposit, with the Society, amount in aggregate to less than three hundred dollars (or such other sum as is prescribed), the legal practitioner is not obliged to make a deposit with the Society on or before that day.

(5) If a trust account is maintained by a firm of legal practitioners, the trust account shall, for the purposes of this section, be deemed to be the trust account of each member of the firm, and the members of the firm shall each be liable to perform the obligations imposed by this section but the discharge by one member of the firm of his obligations under this section in relation to the trust account shall be taken as a discharge by all the members of the firm of their obligations in relation to that trust account.

(6) If the Council has reasonable cause to suspect that a legal practitioner has not complied with the obligations of this section, it may, by notice in writing served personally or by post upon the legal practitioner, require him to attend before it and to produce evidence of the trust moneys received by him, the amount from time to time standing to the credit of his trust account, and such other relevant matters as may be specified in the notice.

(7) The moneys deposited with the Society shall be repaid by the Society upon the demand of the legal practitioner by whom they were paid but a legal practitioner shall not demand the repayment of the moneys so deposited except where—

(*a*) he requires the moneys for the purpose of meeting an existing claim upon his trust account;

or

(*b*) he reasonably requires the moneys for the purpose of establishing a balance in his trust account sufficient to meet claims upon that account occurring in the ordinary course of legal practice.

(8) Where moneys are repaid to a legal practitioner by the Society, the legal practitioner shall pay them forthwith into his trust account.

(9) If a legal practitioner fails to pay moneys to the Society as and when required by this section, he shall be personally liable to pay to the Society interest at the prescribed rate upon the outstanding moneys for the period for which he was in default.

(10) The Society may, for proper cause, excuse a legal practitioner from a liability arising under subsection (9).

(11) Any interest received by the Society under subsection (9) shall be paid into the statutory interest account.

(12) Where a legal practitioner establishes a trust account and has, at the time of establishing the account, no other trust account, the balance of moneys in the trust account during the first month after its establishment shall, for the purposes of this section, be ignored.

Investment by Society.

54. (1) The Society shall invest moneys deposited with it by a legal practitioner pursuant to this Division—

(*a*) with an approved bank specified by the legal practitioner;

or

(*b*) if the legal practitioner fails to specify an approved bank at the time of deposit, or within such period as the Society may allow, with a bank decided upon by the Society, until the legal practitioner does specify such a bank.

(2) In this section—

"an approved bank" means a bank that is prepared to pay interest on moneys invested with it by the Society at a rate of interest determined by the Society.

Immunity from liability.

55. (1) No action at law or in equity shall lie against the Society or a legal practitioner for any action done in compliance with this Division.

(2) This Division does not affect the interest or claim of any person beneficially entitled to trust moneys and any such interest or claim may be asserted and enforced as effectually as if this Division had not been enacted.

DIVISION II—THE STATUTORY INTEREST ACCOUNT

DIVISION II

The statutory interest account.

56. (1) The Society shall continue to maintain the statutory interest account.

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DIVISION II

(2) The Society shall pay into the statutory interest account all income and accretions realized from the investment of moneys from the combined trust account.

(3) The Society may invest any moneys contained in the statutory interest account in any manner in which trustees are authorized by statute to invest trust funds and shall pay the income derived from any such investment into the statutory interest account.

(4) The amount held in the statutory interest account may be applied to defraying any management fee or other expenditure relating to the management or administration of the combined trust account and the statutory interest account.

(5) After making such provision for defraying expenditure under subsection (4) as the Society thinks fit, the Society shall pay the balance of the moneys comprised in the statutory interest account (excepting moneys advanced to the statutory interest account for the purpose of investment), as to five-eighths to the Legal Services Commission, and, subject to subsection (6), as to three-eighths, to the guarantee fund.

(6) If at any time the amount of the guarantee fund (including the value of any investments in which any of its moneys have been invested) exceeds an amount calculated by multiplying five thousand dollars by the number of legal practitioners who held practising certificates on the last preceding thirtieth day of June, the Society shall hold the excess in the statutory interest account, to be paid or applied by the Society to the Legal Services Commission, or for any purpose approved by the Attorney-General and the Society.

DIVISION III

DIVISION III—THE LEGAL PRACTITIONERS GUARANTEE FUND

The guarantee fund.

57. (1) The Society shall continue to maintain the guarantee fund.

(2) The Society may from time to time invest any of the moneys constituting, or forming part of, the guarantee fund in any manner in which trustees are authorized by statute to invest trust funds, and may advance, upon such terms and conditions as the Society thinks fit, moneys from the guarantee fund to the statutory interest account.

(3) The guarantee fund shall consist of—

(*a*) the moneys paid into it from the statutory interest account;

(*b*) all moneys recovered by the Society under Part VI;

(*c*) a prescribed proportion of the fees paid in respect of the issue or renewal of practising certificates;

(*d*) costs recovered by the Attorney-General, the Committee or the Society in disciplinary proceedings against legal practitioners or former legal practitioners;

(*e*) any moneys that the Society thinks fit to include in the guarantee fund;

and

(*f*) the income and accretions arising from the investment of the moneys constituting the guarantee fund.

(4) Subject to subsection (5), moneys in the guarantee fund may be applied for any of the following purposes—

(*a*) the costs of investigating complaints against legal practitioners or former legal practitioners and of disciplinary proceedings against legal practitioners or former legal practitioners;

(*b*) the costs of prosecutions for offences against this Act;

(*c*) costs consequent upon the appointment of a supervisor or manager under this Act;

(*d*) the costs of an examination conducted at the direction of the Attorney-General or the Society under Division V of Part III;

(*e*) the payment of honoraria, approved by the Attorney-General, to members of the Committee and the Tribunal;

(*f*) the payment of moneys towards the costs of an arrangement under Division XIII of Part III to the extent that those costs are, in accordance with the terms of the scheme and with the approval of the Attorney-General, to be paid from the guarantee fund;

(*g*) the costs of processing claims under Part V and of paying out those claims to the extent authorized by that Part;

and

(*h*) defraying any management fee or other expenditure relating to the management or administration of the guarantee fund.

(5) No payment shall be made from the guarantee fund except upon the authorization of the Attorney-General.

DIVISION IV—MISCELLANEOUS

Accounts and audit.

58. (1) The Society shall keep proper accounts of all moneys received, disbursed, invested and otherwise dealt with under this Part.

(2) The Society shall cause the combined trust account, the statutory interest account, and the guarantee fund to be audited at least once in every calendar year by a public accountant approved by the Attorney-General and shall send copies of the duly audited accounts to the Attorney-General.

Power to borrow for purposes of this Part.

59. The Society may borrow moneys for the purposes of any account or fund maintained under this Part and may defray the interest and other expenditure resulting from the borrowing from the appropriate account or fund.

PART V

PART V

CLAIMS AGAINST GUARANTEE FUND

Claims.

60. (1) Subject to this Part, where—

(*a*) a person suffers loss as a result of a fiduciary or professional default;

and

(*b*) there is no reasonable prospect of recovering the full amount of that loss (otherwise than under this Part),

he may, by instrument in writing served personally or by post upon the Society, claim compensation under this Part.

(2) The amount of a claim shall not exceed—

(*a*) the actual pecuniary loss suffered by the claimant in consequence of the fiduciary or professional default;

less

(*b*) any amount that the claimant has received, or may reasonably be expected to recover (otherwise than under this Part) in reduction of that loss.

(3) If a valid claim has not been satisfied as provided by this Part at the expiration of twelve months from the day on which it was lodged with the Society it shall then, to the extent to which it has not been satisfied, be increased by interest at a prescribed rate calculated from the expiration of that period.

(4) No claim shall be made under this Part—

(*a*) in respect of a fiduciary or professional default occurring before the first day of January, 1975;

or

(*b*) in respect of a liability for which indemnity is provided under a scheme of professional indemnity insurance under Division XIII of Part III.

Limitation of claims.

61. (1) The Society may, by notice published in a newspaper circulating generally throughout the State, fix a day, not earlier than three months after the publication of the notice, on or before which claims in respect of a fiduciary or professional default, or a series of professional or fiduciary defaults, referred to in the notice, must be made.

(2) Where a notice is published under subsection (1), a claim that is not made within the time prescribed by the notice shall be barred unless the Society otherwise determines.

(3) No action in defamation shall lie in respect of the publication, in good faith, of a notice under this section.

Power to require evidence.

62. (1) The Society may, in considering any claim made under this Part, by notice in writing served personally or by post upon any person, require that person, within the time specified in the notice, to deliver up any document in his possession or power relevant to the determination of the claim.

(2) A person shall not fail duly to comply with a notice served on him pursuant to subsection (1).

Penalty: One thousand dollars.

Establishment of validity of claims.

63. (1) Where a claim is made under this Part, the Society shall determine—

(*a*) whether the claim is a valid claim;

and

(*b*) the amount payable under this Part in, or towards, satisfaction of the claim.

(2) The Society shall, by notice in writing, inform the claimant of any determination made by it under subsection (1).

(3) A notice under subsection (2) must be served—

(*a*) personally or by post upon the claimant or his personal representative;

or

(*b*) where the claimant is dead and has not left a personal representative known to the Society, or where the whereabouts of the claimant is unknown—by publication in the *Gazette*.

(4) A claimant who is aggrieved by a determination of the Society under this section may appeal to the Supreme Court against the determination.

(5) Upon an appeal under subsection (4), the Supreme Court may reverse or vary the determination of the Society and may make such further orders as it considers just in the circumstances.

(6) An appeal against a determination of the Society under this section must be instituted within three months after the day on which notice of the determination is served under this section but the Court may, if satisfied that proper cause to do so exists, dispense with the requirement that the appeal be so instituted.

(7) In any proceedings under this section, evidence of an admission or confession shall be admissible to prove a fiduciary or professional default, notwithstanding that the person by whom the admission or confession was made is not a party to the proceedings.

(8) If in any proceedings under this section the Society is satisfied, on the balance of probabilities, that a fiduciary or professional default has been committed, it may determine the claim accordingly notwithstanding that the fiduciary or professional default constitutes a criminal offence and the evidence would not be sufficient to establish the guilt of a person charged with that offence.

Satisfaction of claims.

64. (1) The Society shall satisfy any valid claim under this Part, to the extent determined by the Society or the Supreme Court, out of the guarantee fund.

(2) Where the Society has published a notice under this Part in respect of a specified fiduciary or professional default, or a specified series of fiduciary or professional defaults, the maximum amount that may be applied towards satisfaction of all claims to which the notice relates shall be the prescribed percentage of the balance of the guarantee fund (calculated to the nearest one thousand dollars) as disclosed in the accounts of the guarantee fund last audited before the proposed application of moneys towards satisfaction of the claims.

(3) Where the maximum amount that may be applied to satisfy claims made in respect of a fiduciary or professional default, or a series of fiduciary or

professional defaults, does not permit the full satisfaction of the claims, the Society shall apportion that amount between the various claims in such manner as it thinks just.

(4) The Society, in apportioning payments under this section, shall take into account the relative degrees of hardship suffered or likely to be suffered by the various claimants as a result of non-payment of the full amount of the claim for compensation.

(5) Where the Society apportions payments under this section, the claims in respect of which the payments are made shall be discharged notwithstanding that they may not have been satisfied in full.

(6) The Society may, with the approval of the Attorney-General, make further payments to any person—

(*a*) whose claim has not been satisfied in full by reason of the operation of subsection (2), or for any other reason;

or

(*b*) whose claim is barred,

but any payment so made does not revive or reinstate a claim.

Rights of the Society.

65. (1) Subject to this section, where the Society has made any payment to a claimant under this Part, the Society shall, to the extent of the payment, be subrogated to the rights of the claimant against any person liable at law or in equity for the fiduciary or professional default in respect of which the payment was made.

(2) This section does not confer upon the Society any right to recover moneys from a person whose liability in respect of a fiduciary or professional default does not arise from a wrongful or negligent act or omission on his part.

Claims by legal practitioners.

66. Where all legal or equitable claims in respect of a fiduciary or professional default committed by a partner, clerk or employee of a legal practitioner have been fully satisfied and—

(*a*) the legal practitioner has paid compensation to any person for pecuniary loss suffered by him in consequence of the fiduciary or professional default;

and

(*b*) the Society is satisfied that the legal practitioner has acted honestly and reasonably in all the circumstances of the case,

the Society may, if it is satisfied that it is just and reasonable so to do, accept a claim under this Part from the legal practitioner in respect of that payment.

Insurance in respect of claims against guarantee fund.

67. (1) The Society may, with the approval of the Attorney-General, insure the guarantee fund to such extent as the Society thinks fit against claims under this Part.

(2) The premium upon a policy of insurance entered into under this section shall be paid out of the guarantee fund.

PART VI

PART VI

INVESTIGATIONS, INQUIRIES AND DISCIPLINARY PROCEEDINGS

DIVISION I—THE LEGAL PRACTITIONERS COMPLAINTS COMMITTEE

DIVISION I

Establishment of the Legal Practitioners Complaints Committee.

68. (1) There shall be a committee entitled the "Legal Practitioners Complaints Committee".

(2) The Committee shall consist of seven members appointed by the Governor of whom—

(*a*) three shall be persons nominated by the Attorney-General of whom one shall be a legal practitioner and two shall be persons who are not legal practitioners;

and

(*b*) four shall be persons nominated by the Society (at least one of whom shall, at the time of his nomination, be a practitioner of not more than seven years standing and at least one shall be a person who is not a legal practitioner).

(3) A member of the Committee, nominated by the Attorney-General after consultation with the President of the Society, shall be appointed by the Governor to be Chairman of the Committee for such term and upon such conditions as may be fixed in the instrument of appointment.

(4) A legal practitioner is not eligible to be appointed as a member of the Committee unless he holds a current practising certificate.

(5) A member is not eligible for appointment as Chairman of the Committee unless he is a legal practitioner.

Conditions upon which members of the Committee hold office.

69. (1) Subject to this Act a member of the Committee shall be appointed—

(*a*) if he is one of the first appointees to the Committee—for a term of office not exceeding three years specified in the instrument of his appointment;

or

(*b*) in any other case—for a term of office of three years,

and, upon the expiration of his term of office, shall be eligible for re-appointment.

(2) The Governor may remove a member of the Committee from office for—

(*a*) mental or physical incapacity to carry out satisfactorily the duties of his office;

(*b*) neglect of duty;

or

(*c*) dishonourable conduct.

(3) The office of a member of the Committee shall become vacant if—

(*a*) he dies;

(*b*) his term of office expires;

(*c*) he resigns by written notice addressed to the Attorney-General;

(*d*) in the case of a member who is a legal practitioner—he ceases to hold a current practising certificate;

or

(*e*) he is removed from office by the Governor pursuant to subsection (2).

(4) Upon the office of a member of the Committee becoming vacant, a person shall be appointed in accordance with this Act to the vacant office but where the office of a member of the Committee becomes vacant before the expiration of the term for which he was appointed, the person appointed in his place shall be appointed for the balance only of the term of his predecessor.

Quorum, etc.

70. (1) Four members of the Committee (of whom not less than two are legal practitioners) shall constitute a quorum of the Committee, and no business shall be transacted at a meeting of the Committee unless a quorum is present.

(2) A decision carried by a majority of the votes cast by the members present at a meeting of the Committee shall be a decision of the Committee.

(3) Each member of the Committee shall be entitled to one vote on any matter arising from the decision of the Committee and, in the event of an equality of votes, the person presiding at the meeting shall be entitled to a second or casting vote.

(4) The Chairman shall preside at any meeting of the Committee at which he is present, and, in the absence of the Chairman, the members present shall decide who is to preside at that meeting.

(5) Subject to this Act, the business of the Committee shall be conducted in such a manner as the Committee determines.

(6) The Committee shall not meet to transact business on premises of the Society.

Validity of acts of the Committee and immunity of its members.

71. (1) An act or proceeding of the Committee shall not be invalid by reason only of a vacancy in its membership, and, notwithstanding the subsequent discovery of a defect in the nomination or appointment of a member, any such act or proceeding shall be as valid and effectual as if the member had been duly nominated or appointed.

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

Secretary of the Committee.

72. (1) There shall be a Secretary to the Committee.

(2) The Secretary shall be appointed by the Society with the approval of the Attorney-General.

Confidentiality.

73. A member of the Committee or a person employed or engaged on work related to the affairs of the Committee shall not divulge information that comes to his knowledge by virtue of his office or position except—

(*a*) in the course of carrying out the duties of his office or position;

or

(*b*) as may be authorized by or under this Act.

Penalty: Five thousand dollars.

DIVISION II—FUNCTIONS OF THE COMMITTEE

Functions of the Committee.

74. (1) The functions of the Committee are as follows:

(*a*) to receive, consider and investigate complaints of unprofessional conduct against legal practitioners;

(*b*) where the subject matter of a complaint is, in the opinion of the Committee, capable of resolution by conciliation—to attempt to resolve the matter by conciliation;

(*c*) where, in the opinion of the Committee, a complaint has substance but may be adequately dealt with by admonishing the legal practitioner against whom the complaint was made—to admonish the legal practitioner accordingly;

(*d*) to lay charges of unprofessional conduct before the Tribunal.

(2) The Committee may engage such persons as it thinks fit to assist it in carrying out its functions.

Power of delegation.

75. (1) Subject to subsection (2), the Committee may delegate any of its powers or functions under this Act to any person.

(2) The power to admonish and lay charges before the Tribunal shall not be delegated.

(3) A delegation under this section is revocable at will and does not derogate from the power of the Committee to act itself in any matter.

Investigations by Secretary.

76. (1) The Committee may of its own motion, and shall at the direction of the Attorney-General or the Society, make an investigation into the conduct of a legal practitioner.

(2) No direction shall be given to the Committee under this section unless the Attorney-General or the Society (as the case may require) has reasonable cause to suspect that the legal practitioner to whom the proposed investigation relates has been guilty of unprofessional conduct.

(3) For the purposes of an investigation, a person authorized by the Committee to exercise the powers conferred by this subsection, may at any time during ordinary business hours—

(*a*) inspect any books, accounts, documents or writings in the custody or control of the legal practitioner or of any person employed by the legal practitioner;

and

(*b*) make notes or copies of any such book, account, document or writing, or take extracts from them.

(4) A person who—

(*a*) wilfully delays or obstructs an authorized person in the exercise of powers conferred by subsection (3);

or

(*b*) being a legal practitioner, or a person employed by him, refuses without reasonable excuse to produce any book, account, document or writing when required to do so by the authorized person,

shall be guilty of an offence and liable to a penalty not exceeding five thousand dollars or imprisonment for twelve months.

PART VI
DIVISION II

Report upon investigations.

77. (1) Subject to subsection (2), where, after a complaint has been investigated, the Committee is satisfied that evidence of unprofessional conduct on the part of a legal practitioner exists, it shall make a report upon the matter to the Attorney-General and the Society.

(2) A report need not be made under subsection (1) where the subject matter of the complaint has been successfully resolved by conciliation.

(3) Where the Committee has attempted to resolve the subject matter of a complaint by conciliation, but the attempt has proved unsuccessful, the Committee shall make a report upon the matter to the Attorney-General and the Society.

DIVISION III

DIVISION III—THE LEGAL PRACTITIONERS DISCIPLINARY TRIBUNAL

Establishment of the Tribunal.

78. (1) There shall be a tribunal entitled the "Legal Practitioners Disciplinary Tribunal".

(2) There shall be twelve members of the Tribunal (each of whom shall be a legal practitioner) appointed by the Governor on the nomination of the Chief Justice.

(3) A legal practitioner is not eligible for appointment as a member of the Tribunal unless he holds a current practising certificate.

(4) One member of the Tribunal shall be appointed, on the nomination of the Chief Justice, to be the Chairman of the Tribunal, and another member shall be appointed by the Governor, on the nomination of the Chief Justice, to be Deputy Chairman of the Tribunal.

(5) The Deputy Chairman may, in the absence of the Chairman, exercise any powers conferred by this Act on the Chairman.

Conditions of Membership.

79. (1) Subject to this Act, a member of the Tribunal shall be appointed—

(*a*) if he is one of the first appointees to the Tribunal—for a term of office, not exceeding three years, specified in the instrument of his appointment;

or

(*b*) in any other case—for a term of office of three years,

and, upon the expiration of his term of office, shall be eligible for re-appointment.

(2) No person shall be appointed as a member of the Tribunal for a term expiring after the day on which he attains the age of seventy years.

(3) The Governor may remove a member of the Tribunal from office for—

(*a*) mental or physical incapacity to carry out satisfactorily the duties of his office;

(*b*) neglect of duty;

or

(*c*) dishonourable conduct.

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

(*a*) he dies;

(*b*) his term of office expires;

(*c*) he resigns by written notice addressed to the Attorney-General;

(*d*) he ceases to hold a current practising certificate;

or

(*e*) he is removed from office by the Governor pursuant to subsection (3).

(5) Upon the office of a member of the Tribunal becoming vacant a person shall be appointed, in accordance with this Act, to the vacant office, but where the office of a member of the Tribunal becomes vacant before the expiration of the term for which he was appointed, the person appointed in his place shall be appointed only for the balance of the term of his predecessor.

Constitution and proceedings of the Tribunal.

80. (1) In relation to any proceedings instituted before the Tribunal, the Tribunal shall consist of a panel of three of its members chosen by the Chairman to constitute the Tribunal for the purposes of those proceedings (one of whom may be the Chairman himself).

(2) Where the Chairman is a member of a panel chosen under subsection (1), he shall preside at the proceedings, and in any other case a member of the panel nominated by the Chairman shall preside.

(3) The Tribunal separately constituted under this section in respect of separate proceedings may sit contemporaneously to hear and determine those separate proceedings.

(4) A decision in which any of the two of the three members constituting the Tribunal concur shall be a decision of the Tribunal.

(5) Subject to this Act, the proceedings of the Tribunal shall be conducted in such manner as the Tribunal determines.

Validity of acts of Tribunal and immunity of its members.

81. (1) An act or proceeding of the Tribunal shall not be invalid by reason only of a vacancy in its membership, and, notwithstanding the subsequent discovery of a defect in the nomination or appointment of a member, any such act or proceeding shall be as valid and effectual as if the member had been duly nominated or appointed.

(2) No liability shall attach to a member of the Tribunal for any act or omission by him, or by the Tribunal, in good faith and in the exercise or purported exercise of his or its functions, or in the discharge or purported discharge of his or its duties under this Act.

DIVISION IV—PROCEEDINGS BEFORE THE TRIBUNAL

Inquiries.

82. (1) A charge may be laid under this section alleging unprofessional conduct—

(*a*) on the part of any legal practitioner;

or

(*b*) on the part of any former legal practitioner who was at the time of the alleged unprofessional conduct a legal practitioner.

(2) A charge may be laid under this section by—

(*a*) the Attorney-General;

(*b*) the Committee;

(*c*) the Society;

or

(*d*) a person claiming to be aggrieved by reason of the alleged unprofessional conduct.

(3) A charge laid under this section must be in the form prescribed by rules under this Division.

(4) Where a charge has been laid under this section, the Tribunal shall, subject to subsection (5), inquire into the conduct of the legal practitioner or former legal practitioner to whom the charge relates.

(5) The Tribunal may summarily dismiss any charge that it considers frivolous or vexatious.

(6) If after conducting an inquiry under this section the Tribunal is satisfied—

(*a*) that a legal practitioner is guilty of unprofessional conduct it may exercise any one or more of the following powers:

(i) it may reprimand the legal practitioner;

(ii) it may order the legal practitioner to pay a fine not exceeding five thousand dollars;

(iii) it may, by order, suspend the right of the legal practitioner to practise the profession of the law for a period not exceeding three months;

(iv) it may order that the legal practitioner shall not, during a period stipulated in the order (but not exceeding six months) practise the profession of the law otherwise than in accordance with conditions stipulated in the order;

(v) it may recommend that disciplinary proceedings be commenced against the legal practitioner in the Supreme Court;

or

(*b*) that a former legal practitioner was, while he remained a legal practitioner, guilty of unprofessional conduct, it may order the former legal practitioner to pay a fine not exceeding five thousand dollars.

(7) After completing an inquiry under this section, the Tribunal shall transmit the evidence taken by the Tribunal upon the inquiry together with a memorandum of its findings to the Attorney-General, the Society and, where the charge was laid by the Committee, to the Committee.

Notice of inquiry.

83. (1) The Tribunal shall give to a legal practitioner or former legal practitioner whose conduct is subject to inquiry under this Part, and to any person upon whose application an inquiry is to be held, not less than seven days' written notice of the time and place at which it intends to conduct the inquiry, and shall afford any such person a reasonable opportunity to call and give evidence, to examine or cross-examine witnesses, and to make submissions to the Tribunal.

(2) If a person to whom notice has been given pursuant to subsection (1) does not attend at the time and place fixed by the notice, the Tribunal may proceed with the inquiry in his absence.

(3) A person whose conduct is subject to an inquiry under this Part shall be entitled to be represented at the inquiry by counsel.

Powers of Tribunal.

84. (1) For the purposes of an inquiry under this Part, the Tribunal may—

(*a*) by summons signed on behalf of the Tribunal by a member of the Tribunal, require the attendance before the Tribunal of any person (including a party to the proceedings) whom the Tribunal thinks fit to call before it;

(*b*) by summons signed on behalf of the Tribunal by a member of the Tribunal, require the production of books, papers or documents;

(*c*) inspect any books, papers or documents produced before it, and retain them for such reasonable period as it thinks fit, and make copies of any of them, or of any of their contents;

(*d*) require any person to make an oath or affirmation that he will truly answer all questions put to him by the Tribunal, or by any person appearing before the Tribunal, relevant to any matter being inquired into by the Tribunal (which oath or affirmation may be administered by any member of the Tribunal);

or

(*e*) require any person appearing before the Tribunal (whether he has been summoned to appear or not) to answer any relevant question put to him by any member of the Tribunal, or by any other person appearing before the Tribunal.

(2) A summons may be issued under subsection (1) on the application of a party to proceedings before the Tribunal, notwithstanding that the Tribunal has not met to authorize the issue of the summons.

(3) If any person—

(*a*) who has been served with a summons to attend before the Tribunal, neglects or fails without reasonable excuse to attend in obedience to the summons;

(*b*) who has been served with a summons to produce any books, papers or documents neglects or fails without reasonable excuse to comply with the summons;

(*c*) misbehaves himself before the Tribunal, wilfully insults the Tribunal or any member of the Tribunal, or interrupts the proceedings of the Tribunal;

or

(*d*) refuses to be sworn or to affirm or to answer any relevant question when required to do so by the Tribunal,

he shall be guilty of an offence and liable to a penalty not exceeding five thousand dollars.

(4) If a person summoned as mentioned in subsection (1) refuses or fails to attend before the Tribunal as required by the summons, or having attended refuses to be sworn or to affirm, or to answer any relevant question when required to do so by the Tribunal, a certificate of the refusal or failure, signed by a member of the Tribunal, may be filed in the Supreme Court.

(5) Where a certificate has been filed under subsection (4), a party requiring the attendance of the person may apply (either *ex parte* or on notice) to the Supreme Court for an order directing that person to attend, or to be sworn or to affirm, or to answer questions (as the case may require), and on that application the Court may make such orders as it thinks fit (including orders for costs).

(6) A person may be required to answer a question by the Tribunal notwithstanding that the answer to that question might tend to incriminate him, or to produce any books, papers or documents notwithstanding that their contents might tend to incriminate him, but if that person objects to answering any question a note of that objection shall be taken down in the minutes of the proceedings, and the answer shall not be admissible against him in any criminal proceedings (except in proceedings for perjury).

(7) In the course of an inquiry, the Tribunal may—

(*a*) receive in evidence a transcript of evidence taken in proceedings before a court of any State or Territory of the Commonwealth, and draw any conclusions of fact from the evidence that it considers proper;

(*b*) adopt, as in its discretion it considers proper, any findings, decision, judgment, or reasons for judgment, of any such court that may be relevant to the proceedings.

Costs.

85. (1) The Tribunal may make such orders as to costs against any person upon whose application an inquiry has been held, or against any legal practitioner or former legal practitioner whose conduct has been subject to inquiry, as the Tribunal considers just and reasonable.

(2) Costs of proceedings before the Tribunal may be taxed in the Supreme Court.

(3) Where the Tribunal has ordered payment of a fine or costs, a certificate of the fine or costs shall be filed in the Supreme Court.

(4) Where a certificate has been filed under subsection (3), proceedings may be taken for the recovery of the fine or costs as if the certificate were a judgment of the Supreme Court.

PART VI
DIVISION IV
Appeal.

86. (1) Subject to subsection (2), a right of appeal to the Supreme Court shall lie against any reprimand or order of the Tribunal administered or made in the exercise or purported exercise of any of its powers or functions under this Act.

(2) An appeal must be instituted within one month of the date of the reprimand or order appealed against, but the Supreme Court may, if it is satisfied that it is just and reasonable in the circumstances to do so, dispense with the requirement that the appeal should be so instituted.

(3) The Supreme Court may, on the hearing of an appeal exercise any one or more of the following powers, as the case requires:

(*a*) affirm, vary or quash the reprimand or order appealed against, or substitute, or make any finding, reprimand or order that should have been made in the first instance;

(*b*) remit the subject matter of the appeal to the Tribunal for further hearing or consideration or for re-hearing;

(*c*) make any further or other order as to costs or any other matter that the case requires.

Operation of order may be suspended.

87. (1) Where an order has been made by the Tribunal, and the Tribunal or the Supreme Court is satisfied that an appeal against the order has been instituted, or is intended, it may suspend the operation of the order, until the determination of the appeal.

(2) Where the Tribunal has suspended the operation of an order under subsection (1), the Tribunal may terminate the suspension, and where the Supreme Court has done so, the Supreme Court may terminate the suspension.

Rules of the Tribunal.

88. Any three or more Judges of the Supreme Court may make rules for any of the following purposes:

(*a*) regulating the practice and procedure of the Tribunal;

(*b*) conferring on the Tribunal any additional powers necessary or expedient for carrying out its functions;

(*c*) making any other provision that is necessary or expedient for carrying into effect the provisions of this Part relating to the Tribunal.

DIVISION V—DISCIPLINARY PROCEEDINGS BEFORE THE SUPREME COURT

DIVISION V

Proceedings before Supreme Court.

89. (1) Where the Tribunal after conducting an inquiry into the conduct of a legal practitioner recommends that disciplinary proceedings be commenced against the legal practitioner in the Supreme Court, the Attorney-General or the Society may institute disciplinary proceedings in the Supreme Court against the legal practitioner.

(2) In any disciplinary proceedings against a legal practitioner (whether instituted under this section or not) the Supreme Court may exercise any one or more of the following powers:

(*a*) it may reprimand the legal practitioner;

(*b*) it may suspend the right of the legal practitioner to practise the profession of the law for a specified period, or until further order of the Supreme Court;

PART VI
DIVISION V

(*c*) it may order that the legal practitioner shall not practise the profession of the law otherwise than in accordance with conditions stipulated in the order;

(*d*) it may order that the name of the legal practitioner be struck off the roll of legal practitioners;

(*e*) it may make any other order (including an order as to the costs of proceedings before the Court and the Tribunal) that it considers just.

(3) This Part does not derogate from the inherent jurisdiction of the Supreme Court to discipline legal practitioners.

(4) In any disciplinary proceedings the Supreme Court may refer any matter to a Judge or Master, or to the Tribunal for investigation and report.

(5) In any disciplinary proceedings—

(*a*) the Supreme Court may, without further inquiry, accept and act upon any findings of the Tribunal or of a Judge or Master to whom a matter has been referred for investigation and report under subsection (4);

and

(*b*) the Supreme Court may—

(i) receive in evidence a transcript of evidence taken in any proceedings before a court of any State or Territory of the Commonwealth and draw any conclusions of fact from the evidence that it considers proper;

(ii) adopt, as in its discretion it considers proper, any findings, decision, judgment or reasons for judgment of any such court that may be relevant to the proceedings.

(6) Where the Supreme Court is satisfied, upon the application of the Attorney-General or the Society, that a legal practitioner is disqualified or suspended from practice under the law of any other State or Territory of the Commonwealth, it may, without further inquiry, impose a corresponding disqualification or suspension under the provisions of this section.

(7) Where the Supreme Court is satisfied that a legal practitioner has been convicted of an offence of sufficient gravity to justify invoking the provisions of this subsection, the Supreme Court may, of its own motion, or on the application of the Attorney-General or the Society, suspend the legal practitioner from practice pending the investigation and determination of disciplinary proceedings or until further order.

DIVISION VI

DIVISION VI—LAY OBSERVERS

Lay Observers.

90. (1) The Attorney-General may appoint suitable persons (not being legal practitioners) to be lay observers for the purposes of this Part.

(2) A lay observer shall not, as such, be subject to the Public Service Act, 1967-1978, but shall hold office on terms and conditions determined by the Attorney-General.

(3) A lay observer shall be entitled to be present at any proceedings of the Committee or the Tribunal and may report to the Attorney-General on any aspect of the proceedings of the Committee or the Tribunal.

(4) A complainant in proceedings before the Committee or Tribunal who is dissatisfied with the proceedings or the decision of the Committee or Tribunal shall be entitled to make representations directly to the lay observer.

PART VII

PUBLIC NOTARIES

Appointment of notaries.

91. (1) A person who desires to be admitted as a public notary may apply to the Supreme Court for an order admitting him as such.

(2) The Court shall have power to admit the applicant as a notary or to dismiss the application as, in its discretion, it thinks fit.

(3) A person admitted as a public notary under this Part shall make an oath in the prescribed form before the Registrar of the Supreme Court or a Commissioner authorized to take affidavits in the Supreme Court.

(4) A person admitted as a notary under this Part shall have all the powers and authorities (including the power to take affidavits) exercisable by law or custom by public notaries.

Roll of notaries.

92. (1) The Registrar of the Supreme Court shall cause a roll to be kept of all notaries admitted in pursuance of this Part.

(2) On the application of any person whose name appears on the roll, the Registrar shall grant a certificate in the prescribed form certifying that that person is a public notary duly authorized and admitted to practise as such in this State.

(3) An apparently genuine document purporting to be a certificate under this section shall in the absence of proof to the contrary be accepted in any legal proceedings that the person named in the certificate is a public notary.

Power of court to strike off name of any notary.

93. (1) Where the Supreme Court is satisfied that the name of a public notary should be struck from the roll of public notaries, the Court may, of its own motion, or upon the application of the Attorney-General or the Society, strike the name of the public notary from the roll of public notaries.

(2) Any person whose name is struck off the roll of public notaries shall cease to be a public notary, but the Court may at any time, if it thinks fit, order the name of that person to be reinstated on the roll.

(3) Where a legal practitioner is admitted as a public notary, and the name of that legal practitioner is struck from the roll of legal practitioners, his name shall also be struck from the roll of public notaries.

Persons acting as notaries contrary to this Part.

94. If any person in his own name, or in the name of any other person, acts as a public notary without being admitted under this Part, he shall be guilty of an offence and liable to a penalty not exceeding five thousand dollars.

PART VIII

PART VIII

MISCELLANEOUS

Payment of moneys to Society.

95. (1) The Treasurer shall in each year pay to the Society—

(*a*) a prescribed proportion of the moneys paid by way of practising certificate fees for the purpose of maintaining and improving the library of the Society;

and

(*b*) a prescribed proportion of the moneys paid by way of practising certificate fees to be credited by the Society to the guarantee fund.

(2) The Treasurer may, upon the recommendation of the Attorney-General, make payments towards defraying the costs of administering Part VI.

(3) This section is, without further appropriation, sufficient authority for the payment of the moneys to which it relates from the General Revenue of the State.

Proceedings.

96. (1) Proceedings for an offence against this Act shall be disposed of summarily.

(2) Proceedings for an offence against this Act shall not be brought unless the Attorney-General has, by instrument in writing, authorized the institution of the proceedings.

(3) An apparently genuine document purporting to be an authorization under this section shall, in the absence of proof to the contrary, be accepted as such in any legal proceedings.

Regulations.

97. (1) The Governor may make such regulations as are contemplated by this Act, or as are necessary or expedient for the purposes of this Act.

(2) Without limiting the generality of the foregoing, those regulations may—

(*a*) prescribe and provide for the recovery of, any fee for the purposes of this Act;

(*b*) prescribe any form for the purposes of this Act;

(*c*) prescribe requirements to be observed by companies holding practising certificates under this Act;

and

(*d*) prescribe penalties, not exceeding five thousand dollars, for breach of, or non-compliance with, any regulation.

(3) Regulations may, with the concurrence of the Society, be made under this section—

(*a*) declaring that in circumstances specified in the regulations the business of a company is to be regarded as being conducted in association with a legal practice;

(*b*) making special provision with respect to the keeping and auditing of the accounts of any such company;

and

(*c*) regulating the conduct of business by any such company and restricting the classes of transaction into which any such company may enter.

(4) This section is in addition to, and does not derogate from, any other provision of this Act providing for the making of regulations.

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

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No. 60 of 1981

An Act to amend the Industrial Conciliation and Arbitration Act, 1972-1979, and to make consequential amendments to the Industrial Commission Jurisdiction (Temporary Provisions) Act, 1975-1977.

[*Assented to* 31 *August* 1981]

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 "Industrial Conciliation and Arbitration Act Amendment Act, 1981".

(2) The Industrial Conciliation and Arbitration Act, 1972-1979, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Industrial Conciliation and Arbitration Act, 1972-1981".

Commencement.

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

Amendment of s. 3—Arrangement of Act.

3. Section 3 of the principal Act is amended by inserting after the item:

DIVISION I—GENERAL

the item:

DIVISION IA—INDUSTRIAL AUTHORITIES TO PAY DUE REGARD TO THE PUBLIC INTEREST.

Amendment of s. 101—Reference of matters to the Full Commission.

4. Section 101 of the principal Act is amended by striking out from subsection (1) the passage "any party or a member of the committee" and substituting the passage "a party, a member of the Committee or the Minister".

Insertion of new Division.

5. The following Division is inserted after Division I of Part X of the principal Act:

DIVISION IA—INDUSTRIAL AUTHORITIES TO PAY DUE REGARD TO THE PUBLIC INTEREST

Interpretation.

146a. (1) In this Division—

"the Commonwealth Commission" means the Australian Conciliation and Arbitration Commission;

"determination" includes decision, award and order:

"determination affecting remuneration or working conditions" includes a declaration of the Commission under section 8 of the Industrial Commission Jurisdiction (Temporary Provisions) Act, 1975-1981, that an industrial agreement is consistent with the public interest:

"industrial authority" means—

(*a*) the Commission;

(*b*) a Committee;

or

(*c*) the Teachers Salaries Board:

"remuneration" includes—

(*a*) wages or salary;

(*b*) amounts payable by way of piece-work or contract rates in respect of employment or service in an industry;

(*c*) amounts payable by way of penalty rates, or shift premiums;

(*d*) amounts payable as compensation for lost time;

(*e*) amounts payable for overtime and special work;

and

(*f*) allowances:

"working conditions" means conditions of employment or service.

Industrial authorities to pay due regard to the public interest.

146b. (1) In arriving at a determination affecting remuneration or working conditions, an industrial authority shall have due regard to the public interest and shall not make a determination unless satisfied that it is consistent with the public interest.

(2) In deciding whether a proposed determination would be consistent with the public interest an industrial authority—

(*a*) shall consider the state of the economy of the State and the likely effects of the determination on that economy with particular reference to its likely effects on the level of employment and on inflation;

(*b*) shall give effect to principles enunciated by the Commonwealth Commission (as they apply from time to time) that flow from consideration by that Commission of the state of the national economy and the likely effects of determinations of that Commission on the national economy;

(*c*) where there is a nexus between the proposed determination and a determination of the Commonwealth Commission—shall consider the desirability of achieving or maintaining uniformity between rates of remuneration payable under the respective determinations;

and

(*d*) may consider any other matters relevant to the question.

Application of this Division.

146c. This Division applies in relation to all determinations made after the commencement of the Industrial Conciliation and Arbitration Act Amendment Act, 1981, whether made in proceedings that were commenced before or after the commencement of that amending Act.

Consequential amendments to Industrial Commission Jurisdiction (Temporary Provisions) Act.

6. (1) The Industrial Commission Jurisdiction (Temporary Provisions) Act, 1975-1977, is amended—

(*a*) by striking out subsection (1) of section 8 and substituting the following subsection:

(1) No industrial agreement affecting remuneration or working conditions has effect unless and until the Commission, by order, declares that the agreement is consistent with the public interest;

635

(*b*) by striking out from subsection (2) the passage "may apply" and substituting the passage "may, subject to the principal Act, apply";

and

(*c*) by inserting after subsection (2) of section 8 the following subsections:

(3) This section does not apply to an agreement filed in the office of the Registrar before the commencement of the Industrial Conciliation and Arbitration Act Amendment Act, 1981, unless the agreement is one in respect of which—

(*a*) provision for certification was made under this Act, as in force before the commencement of that amending Act;

but

(*b*) that certification had not been granted as at the commencement of that amending Act,

in which case any uncompleted proceedings in which certification was sought may be continued and completed as if they were proceedings for a declaration under this section.

(4) In this section "remuneration" and "working conditions" have the meanings respectively assigned to those terms in Division IA of Part X of the principal Act.

(2) The Industrial Commission Jurisdiction (Temporary Provisions) Act, 1975-1977, as amended by this section, may be cited as the "Industrial Commission Jurisdiction (Temporary Provisions) Act, 1975-1981".

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

****

No. 61 of 1981

An Act to amend the Local Government Act, 1934-1981.

[*Assented to* 3 *September* 1981]

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 (No. 2), 1981".

(2) The Local Government Act, 1934-1981, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Local Government Act, 1934-1981".

Amendment of s. 94—Votes of persons whose names do not appear on voter's rolls.

2. Section 94 of the principal Act is amended—

(*a*) by striking out from subsection (1) the passage "returning officer or a deputy returning officer" and substituting the passage "presiding officer";

(*b*) by striking out from subsection (2) the passage "returning officer or deputy returning officer" and substituting the passage "presiding officer";

(*c*) by striking out from subsection (3) the passage "returning officer or deputy returning officer" and substituting the passage "presiding officer";

and

(*d*) by striking out from subsection (4) the passage "returning officer or deputy returning officer" and substituting the passage "presiding officer".

Amendment of s. 120—Proceedings on the day of election.

3. Section 120 of the principal Act is amended by striking out subparagraphs (*a*) and (*b*) of paragraph II and substituting the passage "commence at eight o'clock in the forenoon and shall close at six o'clock in the afternoon of the same day:".

Repeal of s. 755b and substitution of new section.

4. Section 755b of the principal Act is repealed and the following section is substituted:

Interest in non-profit making organization not interest for purposes of Act.

755b. (1) For the purposes of sections 52 (1) (*d*), 147 VIII and 755, a mayor, chairman, alderman or councillor shall not be deemed to be interested in any matter by reason only of the fact that he has an interest in, or takes part in any capacity in proceedings of, a non-profit-making organization that is a party to any contract or dealing with the council or that is affected by any discussion before or vote by the council.

(2) Where a non-profit-making organization is affected by a discussion before or vote by a council, a member of the council who has an interest in the organization shall, before participating in the discussion or vote, disclose that interest to the council.

(3) Any disclosure of an interest under subsection (2) shall be recorded in the minutes of the council.

(4) In this section—

"interest" in relation to a non-profit-making organization means an interest arising by virtue only of being a member, trustee, officer or employee of the organization:

"non-profit-making organization" means—

(*a*) a body, whether incorporated or unincorporated and whether constituted by or under an Act or otherwise—

(i) the principal purpose of which is not to engage in trade or secure a profit;

and

(ii) that is so constituted that its profits (if any) must be applied towards the purposes for which it is established and may not be distributed to its members;

or

(*b*) a body that is a governing body of, board of trustees for, or committee of any kind established by or for the purposes of, a body referred to in paragraph (*a*).

Amendment of s. 804— Hours of voting.

5. Section 804 of the principal Act is amended by striking out paragraphs (*a*) and (*b*) and substituting the passage "commence at eight o'clock in the forenoon and shall close at six o'clock in the afternoon of the same day:".

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

****

No. 62 of 1981

An Act to apply, out of Consolidated Account, the sum of Three Hundred and Ten Million Dollars for the Public Service of the State for the financial year ending on the thirtieth day of June, 1982.

[*Assented to* 10 *September* 1981]

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 "Supply Act (No. 2), 1981".

Issue and application of $310 000 000.

2. Out of Consolidated Account there may be issued and applied, for the Public Service of the State for the financial year ending on the thirtieth day of June, 1982, in addition to any moneys so issued and applied pursuant to the Supply Act (No. 1), 1981, any moneys not exceeding in the aggregate three hundred and ten million dollars.

Payments not to exceed amounts voted last year except in certain respects.

3. (1) No payments for any establishment or service shall be made out of the moneys referred to in section 2 in excess of the amounts voted for similar establishments or services for the financial year ended on the thirtieth day of June, 1981, but there may be paid out of those moneys increases of salaries or wages payable by the Government of the State 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.

(2) The Treasurer is hereby authorized to pay such increases out of those moneys.

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

****

No. 63 of 1981

An Act to amend the Constitution Act, 1934-1980.

{*Reserved* 18 *June* 1981
Royal Assent proclaimed 8 *October* 1981}

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 "Constitution Act Amendment Act, 1981".

(2) The Constitution Act, 1934-1980, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Constitution Act, 1934-1981".

Commencement.

2. This Act shall be deemed to have come into operation on the first day of July, 1981.

Repeal of s. 73 and substitution of new section.

3. Section 73 of the principal Act is repealed and the following section is substituted:

Salary of the Governor.

73. (1) The salary of the Governor shall be as follows:

(*a*) in respect of the financial year commencing on the first day of July, 1981—the salary of the Governor shall be at the rate of $30 000 per annum;

and

(*b*) in respect of a subsequent financial year—the salary of the Governor shall be at an annual rate determined by dividing the sum of $30 000 by the consumer price index for the quarter ending on the thirty-first day of March, 1981, and multiplying the quotient so obtained by the consumer price index for the quarter ending on the thirty-first day of March in the financial year immediately preceding the financial year for which the salary is to be determined, and by adjusting the product to the nearest multiple of $100.

(2) The salary of the Governor shall accrue from day to day, and shall be paid monthly by the Treasurer out of the General Revenue of the State.

(3) In this section, the expression "consumer price index" means the quarterly consumer price index number for Adelaide prepared and published by the Commonwealth Statistician.

Reserved for the signification of Her Majesty the Queen's pleasure thereon.

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

****

No. 64 of 1981

An Act to amend the Governors' Pensions Act, 1976.

{*Reserved* 18 *June* 1981
Royal Assent proclaimed 8 *October* 1981}

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 "Governors' Pensions Act Amendment Act, 1981".

(2) The Governors' Pensions Act, 1976, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Governors' Pensions Act, 1976-1981".

Amendment of s. 2—Interpretation.

2. Section 2 of the principal Act is amended—

(*a*) by striking out subparagraph (i) of paragraph (*b*) of the definition of "former Governor" and substituting the following subparagraph:

(i) after having served in that office for a period (excluding periods of furlough) of not less than four years and six months;;

and

(*b*) by inserting after the definition of "former Governor" the following definition:

"furlough", in relation to a Governor, means absence from office for recreational purposes for a continuous period of more than one month:.

Reserved for the signification of Her Majesty the Queen's pleasure thereon.

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

****

No. 65 of 1981

An Act to amend the Irrigation Act, 1930-1981.

[*Assented to* 15 *October* 1981]

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 (No. 2), 1981".

(2) The Irrigation Act, 1930-1981, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Irrigation Act, 1930-1981".

Commencement.

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

Amendment of s. 75—Provision for recovery of rates.

3. Section 75 of the principal Act is amended by striking out subsection (3) and substituting the following subsection:

(3) Rates shall become due and payable upon the expiration of thirty days from the day on which the Minister causes to be served on the owner, lessee or occupier of the land, a notice setting out the amount of the rates, and interest at the rate of five per centum per annum shall be added to the amount of the rates from the time when they become due and payable and may be recovered by the Minister in the same manner as unpaid rates may be recovered.

Amendment of s. 77—Water supply in return for rates.

4. Section 77 of the principal Act is amended by striking out from subsection (3) the passage "as for water supplied to him by measure under the next succeeding section" and substituting the passage "as if the water were supplied to the land by measure under section 78".

Repeal of s. 78 and substitution of new sections.

5. Section 78 of the principal Act is repealed and the following sections are substituted:

Supply of water by measure.

78. (1) The Minister may, on such terms and conditions as he determines, supply water by measure to—

(*a*) ratable land where—

(i) the land constitutes a block;

and

(ii) the water will be used for domestic purposes;

or

(*b*) land that is not ratable land whether that land is situated in an irrigation area or not.

(2) The Minister may, by notice published in the *Gazette*—

(*a*) fix a charge per kilolitre to be paid for water supplied by measure under this section to land specified in the notice;

or

(*b*) vary or revoke a notice previously published under this subsection.

(3) The owner, lessee and the occupier of land to which water is supplied by measure under this section are jointly and severally liable to pay the charges for the water supplied to the land.

(4) Any charges for water supplied to land shall become due and payable upon the expiration of thirty days from the day on which the Minister causes to be served on the owner, lessee or occupier of the land, a notice setting out the amount of the charges for water supplied to the land during a period specified in the notice.

(5) Any charges that are due and payable under subsection (4) shall, until paid, be a charge upon the land to which the water was supplied and unpaid charges—

(*a*) shall bear interest;

and

(*b*) may be recovered by the Minister,

as if they were unpaid rates.

Power of Minister to remit payment of interest.

78a. The Minister may, where, in his opinion, the payment of interest would cause hardship, remit the whole or part of the interest payable under section 75 or section 78.

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

****

No. 66 of 1981

An Act to amend the Motor Vehicles Act, 1959-1981.

[*Assented to* 15 *October* 1981]

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 "Motor Vehicles Act Amendment Act (No. 4), 1981".

(2) The Motor Vehicles Act, 1959-1981, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Motor Vehicles Act, 1959-1981".

Amendment of s. 125—Power of insurer to deal with claims against insured.

2. Section 125 of the principal Act is amended by striking out from subsection (3) the passage "in a case where that other claim was in respect of an insured liability, unless the negotiations or proceedings in respect of the firstmentioned claim were conducted or controlled by the insurer who insured the liability in respect of which the other claim was made, or by a person acting with the authority of that insurer".

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

****

No. 67 of 1981

An Act to amend the Community Welfare Act, 1972-1979.

[*Assented to* 15 *October* 1981]

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 "Community Welfare Act Amendment Act, 1981".

(2) The Community Welfare Act, 1972-1979, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Community Welfare Act, 1972-1981".

Commencement.

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

(2) The Governor may, in a proclamation made for the purposes of subsection (1), suspend the operation of any specified provisions of this Act until a day fixed by the proclamation, or a day to be fixed by subsequent proclamation.

Amendment of s. 4—Arrangement.

3. Section 4 of the principal Act is amended—

(*a*) by striking out all the items from "Division I—Objectives" to "PART V—ABORIGINAL RESERVES" (inclusive) and substituting the following items:

DIVISION I—ADMINISTRATION

DIVISION II—OBJECTIVES AND POWERS OF THE MINISTER AND THE DEPARTMENT

DIVISION III—COMMUNITY WELFARE ADVISORY COMMITTEES AND PROGRAMME ADVISORY PANELS

DIVISION IV—COMMUNITY AIDES

DIVISION V—COMMUNITY WELFARE CONSUMER FORUMS

PART III—THE PROVISION OF COMMUNITY WELFARE SERVICES

DIVISION I—PROVISION OF LOCAL SERVICES

DIVISION II—COMMUNITY WELFARE GRANTS

DIVISION III—CONTRACTS FOR COMMUNITY WELFARE SERVICES

PART IV—SUPPORT SERVICES FOR CHILDREN

DIVISION I—PRINCIPLES TO BE OBSERVED

DIVISION II—THE CARE OF CHILDREN

Subdivision 1—*Placing a Child under the Guardianship of the Minister*

Subdivision 2—*Establishment by the Minister and the Director-General of Certain Facilities for Children*

Subdivision 3—*Foster Care and Licensed Foster Care Agencies*

Subdivision 4—*Licensed Children's Homes*

Subdivision 5—*Licensed Child Care Centres*

Subdivision 6—*Licensed Baby-Sitting Agencies*

Subdivision 7—*Approved Family Day-Care and Licensed Family Day-Care Agencies*

Subdivision 8—*Miscellaneous*

DIVISION III—THE PROTECTION OF CHILDREN

Subdivision 1—*Establishment of Regional and Local Child Protection Panels*

Subdivision 2—*Notification of Maltreatment*

Subdivision 3—*Offences Against Children*

Subdivision 4—*Medical Examination and Treatment and Temporary Custody of Children*;

(*b*) by striking out the items—

DIVISION I—THE MAINTENANCE OF PERSONS IN NEED

Subdivision 1—*Orders Generally*

and substituting the items—

DIVISION I—MAINTENANCE ORDERS

Subdivision 1—*Orders with respect to Children*;

(*c*) by striking out from the item commencing "*Subdivision* 4—*Orders for*" the word "*Funeral*,";

and

(*d*) by striking out the item—

DIVISION II—THE SUMMARY PROTECTION OF WOMEN.

Insertion of new S. 5a.

4. The following section is inserted after section 5 of the principal Act:

Transitional provision relating to the Community Welfare Act Amendment Act, 1980.

5a. (1) An executive act in force under the repealed provisions immediately before the commencement of the Amending Act shall, if it is such as could be done in pursuance of the substituted provisions, remain in force for the purposes of, and subject to, the substituted provisions.

(2) In this section—

"the Amending Act" means the Community Welfare Act Amendment Act, 1981":

"executive act" means an appointment, licence, approval, order, direction, notice, placement or other administrative act or decision, and an includes a judgment or order of a court:

"the repealed provisions" means the provisions repealed by the Amending Act:

"the substituted provisions" means the provisions substituted for the repealed provisions by the Amending Act.

Amendment of s. 6— Interpretation.

5. Section 6 of the principal Act is amended—

(*a*) by striking out from subsection (1) the definitions of "Aboriginal" and "Aboriginal Reserve";

(*b*) by striking out from subsection (1) from the definition of "baby-sitting agency" the passage "parents or" wherever it occurs;

(*c*) by striking out from subsection (1) the definition of "child care centre" and substituting the following definition:

"child care centre" means any premises or place in which more than three children who under the age of six years are, for monetary or other consideration, cared for on a non-residential basis apart from their guardians and relatives:;

(*d*) by striking out from subsection (1) the definition of "children's home" and substituting the following definition:

"children's home" means any premises or place in which more than three children are, for monetary or other consideration, maintained and cared for on a residential basis apart from their guardians and relatives:;

(*e*) by striking out from subsection (1) from the definition of "Deputy Director-General" the passage "under this Act";

(*f*) by striking out from subsection (1) from the definition of "Director-General" the passage "under this Act";

(*g*) by inserting in subsection (1) after the definition of "Director-General" the following definitions:

"family day-care agency" means the business of introducing to the guardians of children persons who are prepared to care for the children on a non-residential basis in a family environment away from their own homes and apart from their guardians and relatives:

"foster care agency" means the business of placing children in the care and control of foster parents:;

(*h*) by striking out from subsection (1) from the definition of "foster-parent" the word "near" and substituting the passage "parent or";

(*i*) by striking out from subsection (1) the definition of "near relative" and substituting the following definition:

"near relative" in relation to a child means a parent or step-parent of the child:;

(*j*) by striking out from subsection (1) the definition of "relative" and substituting the following definition:

"relative" in relation to a child, means a step-parent, brother, sister, uncle, aunt, grandfather or grandmother of the child:;

and

(*k*) by striking out from subsection (1) the definitions of "step-father" and "step-mother" and substituting the following definition:

"step-parent" in relation to a child means a person (not being a parent of the child)—

(*a*) who—

(i) is married to a parent of the child;

or

(ii) was married to a deceased parent of the child at the date of death of the parent;

and

(*b*) who at any time during that marriage accepted the child as a member of a household formed with the parent:.

Repeal of Parts II, III and IV and substitution of new Parts.

6. Parts II, III and IV of the principal Act are repealed and the following Parts are substituted:

PART II

THE PROMOTION OF COMMUNITY WELFARE

DIVISION I—ADMINISTRATION

Incorporation of the Minister.

7. (1) The Minister of Community Welfare and his successors in office shall continue to be a corporation sole.

(2) The Minister shall, in his corporate name and capacity, be capable of—

(*a*) suing and being sued;

(*b*) acquiring, holding, dealing with and disposing of real and personal property of any kind;

and

(*c*) acquiring or incurring any other rights or liabilities.

(3) In any legal proceedings, where a document purports to bear the signature or the common seal of the Minister, the document shall, in the absence of evidence to the contrary, be deemed to have been duly executed by the Minister.

Delegation.

8. (1) The Minister may, from time to time, by instrument in writing, delegate to the Director-General such of his powers, duties, responsibilities and functions under this Act as the Minister thinks fit, and may at any time revoke any such delegation.

(2) The Director-General may delegate to the Deputy Director-General, or to any officer of the Department, any of the powers, duties, responsibilities and functions vested in, or delegated to, the Director-General under this Act.

(3) A delegation under this section shall be revocable at will, and shall not prevent the exercise or performance of any power, duty, responsibility or function by the Minister or Director-General.

(4) Any power, duty, responsibility or function vested in, or delegated to, the Director-General may, if the Director-General is absent or otherwise unable to perform the duties of his office, be exercised or discharged by the Deputy Director-General.

Report.

9. (1) The Director-General shall, on or before the thirty-first day of October in each year, submit to the Minister a report on the administration of this Act and of the work of the Department during the year ending on the preceding thirtieth day of June and information upon such other matters as the Minister may direct.

(2) The Minister shall, as soon as practicable after his receipt of a report submitted to him under subsection (1), cause a copy of the report to be laid before each House of Parliament.

DIVISION II—OBJECTIVES AND POWERS OF THE MINISTER AND THE DEPARTMENT

Objectives of the Minister and the Department.

10. (1) The objectives of the Minister and the Department under this Act are—

(*a*) to promote the welfare of the community generally and of individuals, families and groups within the community; and

(*b*) to promote the dignity of the individual and the welfare of the family as the bases of the welfare of the community,

in the following manner:

(*c*) by providing, assisting in the provision of or promoting services designed to assist individuals or groups to overcome the personal or social problems with which they are confronted;

(*d*) by providing, assisting in the provision of or promoting services designed to reduce the incidence of disruption of family relationships, to mitigate the adverse effects of such disruption, to support and assist families under stress and to enhance the quality of family life;

(*e*) by providing, assisting in the provision of or promoting services designed to assist migrants, members of ethnic communities, aboriginals, children, youth, aged persons, unemployed persons, women, mentally or physically handicapped persons, single parents, persons who live in isolated areas or any other section of the community to overcome the disadvantages suffered by them, and to participate to the greatest possible extent in the life of the community;

(*f*) by providing individuals or families in need or distress with assistance by way of grants or loans of money or commodities, accommodation, financial counselling or any other form of assistance;

(*g*) by providing, assisting in the provision of or promoting services designed to assist people to enrich their lives, or to develop their personalities and capabilities;

(*h*) by encouraging or assisting in the provision of welfare services by volunteers and non-government groups or organizations;

(*i*) by encouraging or assisting any section of the community to develop its own welfare services;

(*j*) by providing, or assisting in the provision of, training or instruction for persons working, or proposing to work, in the field of community welfare services;

(*k*) by keeping the public informed as to all the community welfare services, whether government or non-government, that are available and how they may be obtained;

(*l*) by promoting a better understanding throughout the community of the problems or disadvantages faced by various sections of the community;

(*m*) by instituting, assisting in or promoting research in the field of community welfare;

(*n*) by collecting, or assisting in the collection of, data and statistics in relation to the problems and disadvantages faced by the various sections of the community and to the provision of community welfare services;

(*o*) by promoting the co-ordination of all community welfare services, whether government or non-government, and the efficient use of resources for the provision of those services;

(*p*) by collaborating and consulting with other government departments of this State, with non-government organizations that provide, or support or promote the provision of, community welfare services, and with those government departments of the Commonwealth and the other States and Territories of the Commonwealth that are involved in the provision of community welfare services;

(*q*) by keeping the services provided by the Department and the policies of the Department under constant review and evaluation;

(*r*) by doing such other things as may be necessary or desirable for the purposes of achieving those objectives.

(2) The Minister and the Department, in providing any service, shall endeavour to preserve and foster the dignity, self-respect and independence of the persons to whom the service is being provided.

(3) The Minister and the Department, in providing any service, shall not discriminate against or in favour of any person on the ground of his sex, marital status, mental or physical impairment, religion, race or nationality, except so far as it is necessary to do so for the purpose of assisting a person to overcome any social or other disadvantage arising out of his sex, marital status, mental or physical impairment, religion, race or nationality.

(4) In recognition of the fact that this State has a multi-cultural community, the Minister and the Department shall, in administering this Act, take into consideration the different customs, attitudes and religious beliefs of the ethnic groups within the community.

(5) The Minister, for the purpose of giving effect to the provisions and objects of this Act, may—

(*a*) employ the resources of the Department in such manner as he thinks fit;

(*b*) establish any facility;

(*c*) acquire land in accordance with the provisions of the Land Acquisition Act, 1969-1972;

and

(*d*) perform any other action that may be necessary or expedient for that purpose.

Division III—Community Welfare Advisory Committees and Programme Advisory Panels

Appointment of advisory committees.

11. (1) The Minister may appoint community welfare advisory committees to advise him upon matters pertaining to community welfare.

(2) A committee so appointed shall consist of a chairman and such other members as the Minister thinks fit.

(3) A community welfare advisory committee must consist of persons with special knowledge of or experience in the matters to be referred to the committee for advice.

(4) At least one of the members of a community welfare advisory committee must be an officer of the Department.

(5) The Director-General shall provide such secretarial and other services and facilities as may be reasonably required for the purposes of the committee.

Terms of office of members of advisory committees.

12. (1) A member of a community welfare advisory committee shall, subject to subsection (2), hold office upon terms and conditions fixed by the Minister.

(2) The term of office of any such member shall not exceed two years.

(3) Upon the expiration of his first term of office, a member shall be eligible for re-appointment for one further term.

(4) The Minister may pay to the members of such a committee such allowances and expenses as he thinks fit.

Procedure, etc.

13. (1) Subject to this Act, and any direction of the Minister, the procedure of a community welfare advisory committee shall be such as is determined by the committee.

(2) The chairman shall make such reports to the Minister on the deliberations of and conclusions reached by the committee as the Minister may require.

Programme advisory panels.

14. (1) The Director-General may appoint programme advisory panels to advise him on matters pertaining to the services provided by the Department.

(2) The Director-General shall, upon appointing a programme advisory panel, advise the Minister of the appointment and the purposes for which he has appointed the panel.

(3) A panel so appointed shall consist of a chairman and such other members as the Director-General thinks fit.

(4) At least one of the members of a programme advisory panel must be a client of the Department.

(5) A member of a programme advisory panel shall hold office on such terms and conditions as the Director-General thinks fit.

(6) The Director-General may re-imburse a member of a programme advisory panel such of the expenses incurred by the member in carrying out his duties of office as the Director-General thinks fit.

(7) The Director-General shall provide such secretarial and other services and facilities as may be reasonably required by a programme advisory panel.

Procedure of programme advisory panels.

15. (1) Subject to any direction of the Director-General, the procedure of a programme advisory panel shall be such as is determined by the panel.

(2) The chairman shall make such reports to the Director-General on the deliberations of and conclusions reached by the panel as the Director-General may require.

(3) The Director-General shall forward to the Minister a copy of any report he receives from a programme advisory panel.

Division IV—Community Aides

Appointment of community aides.

16. (1) The Director-General may appoint such persons as he thinks fit to act in a voluntary capacity as community aides.

(2) Subject to subsection (3), a community aide shall be appointed upon such terms and conditions as the Director-General thinks fit and specifies in the instrument of his appointment.

(3) The term of office for which a person may be appointed as a community aide shall not exceed one year in respect of his first term of office, and two years in respect of subsequent terms of office.

(4) Upon the expiration of his term of office, a community aide shall be eligible for re-appointment.

(5) The Director-General may, at any time, by instrument in writing addressed to a person appointed as a community aide under this section, remove him from his position as a community aide.

Duties and functions.

17. A community aide shall have the following duties and functions:

(*a*) to act subject to the direction and supervision of an officer of the Department in the establishment and furtherance of programmes designed to promote any aspect of community welfare;

and

(*b*) any other duties and functions that the Director-General may determine to be appropriate to a community aide.

Allowances in respect of expenses.

18. The Director-General may, with the approval of the Minister, pay to a community aide such allowances to reimburse the community aide for expenses incurred or to be incurred in the course of his duties as the Director-General thinks fit.

Training of community aides.

19. The Director-General shall arrange for a community aide to receive such orientation, education, training, support and supervision as the Director-General thinks fit.

Register.

20. (1) The Director-General shall cause a register of community aides to be kept.

(2) The name of any person who has ceased to be a community aide by reason of the expiration of the term for which he was appointed to act as such, the resignation or removal of the community aide from his position as such, or any other reason, shall be removed from the register.

Division V—Community Welfare Consumer Forums

The Minister shall cause community welfare forums to be held.

21. (1) The Minister shall, at such intervals as he thinks fit, cause a community welfare consumer forum to be held in each locality served by a community welfare centre of the Department.

(2) The Minister shall invite to a forum held under this section the residents of the locality in respect of which the forum is to be held to whom services have been, or are being, provided by the Department or who have applied for the provision of a service by the Department.

(3) The Minister may invite to a forum held under this section representatives from any government department or instrumentality, any non-government organization that provides community welfare services within the locality and from any other appropriate organization.

(4) The function of a forum held under this section is to provide the persons invited to the forum with an opportunity to make known to the Department—

(*a*) any comments relating to the services provided by the Department, or the manner in which those services are provided;

(*b*) any areas of unmet needs;

(*c*) any recommendations for the withdrawal, improvement, extension, variation or rationalization of any service provided by the Department;

and

(*d*) any other matters relevant to the provision of community welfare services by the Department.

(5) The Minister shall cause a record to be kept of the proceedings of a forum held under this section, and a copy of that record to be made available for perusal by any person who attended the forum.

(6) The Minister shall ensure that due consideration is given by the appropriate officers of the Department to any views expressed or recommendations made by a forum held under this section.

PART III

THE PROVISION OF COMMUNITY WELFARE SERVICES

DIVISION I—PROVISION OF LOCAL SERVICES

Provision of services from community welfare centres and other places.

22. (1) The Minister shall endeavour, as far as is practicable, to make the services provided by the Department available to members of the public within the localities in which they live, and at or near to places where people congregate, whether for the purposes of employment, recreation, education, medical treatment or any other purpose.

(2) A community welfare centre established by the Minister may be used, with the approval of the Minister, by any other department, person, agency or organization, for the furtherance of community welfare within the locality in which the centre is established.

DIVISION II—COMMUNITY WELFARE GRANTS

Community Welfare Grants.

23. (1) The Minister—

(*a*) shall continue to maintain the fund entitled the "Community Welfare Grants Fund";

and

(*b*) shall establish a fund entitled the "Community Welfare Residential Care and Support Grants Fund".

(2) Each fund shall consist of such moneys as are, from time to time, provided by Parliament for the purpose of the fund and moneys appropriated to the fund by the Minister from any other sources.

(3) The Minister may apply any portion of the Community Welfare Grants Fund towards the costs incurred, or to be incurred, by any person or group of persons in establishing, operating, maintaining, promoting or extending any service, project or facility that will advance the welfare of children, youth or any other section of the community.

(4) The Minister may apply any portion of the Community Welfare Residential Care and Support Grants Fund towards the costs incurred, or to be incurred, by any person or group of persons in establishing, operating, maintaining, extending or advancing—

(*a*) any children's home licensed, or to be licensed, under this Act;

or

(*b*) any service, project or facility designed for the purposes of reducing the occurrence, or mitigating the adverse effects, of the placement of children in children's homes.

(5) An application for a grant of moneys under this section shall be made to the Minister in a manner and form determined by the Minister.

(6) A grant of moneys under this section may be made by the Minister subject to such conditions as he thinks fit.

DIVISION III—CONTRACTS FOR COMMUNITY WELFARE SERVICES

The Minister may enter into agreements for services.

24. (1) The Minister may enter into agreements for the provision or promotion of community welfare services or other related services.

(2) Subject to subsection (3), the Minister may enter into such an agreement with—

(*a*) a person or group of persons with appropriate experience, qualifications or expertise in the provision or promotion of the relevant services;

(*b*) an organization, established for the purpose of providing or promoting community welfare services, or other related services, that employs staff with appropriate experience, qualifications or expertise in the provision or promotion of the relevant services;

or

(*c*) a local government authority.

(3) The Minister should avoid, so far as practicable, entering into agreements providing for long-term care of persons in need of such care unless he is satisfied that the other parties to the agreement do not enter into those agreements with the object of making a profit.

PART IV

SUPPORT SERVICES FOR CHILDREN

DIVISION I—PRINCIPLES TO BE OBSERVED

Persons dealing with children must observe certain principles.

25. A person dealing with a child under or by virtue of any of the provisions of this Part—

(*a*) shall regard the interests of the child as the paramount consideration;

(*b*) shall seek to secure for the child care, guidance and support within a healthy and balanced family environment;

(*c*) shall deal with the child in a caring and sensitive manner;

(*d*) shall have regard to the rights of the child, and to the needs and wishes expressed by him;

and

(*e*) shall promote, where practicable, a satisfactory relationship between the child and other members of, or persons within, his family or domestic environment.

The Children's Interests Bureau.

26. (1) The Minister shall establish a body entitled the "Children's Interests Bureau".

(2) The Bureau shall be comprised of such persons, appointed upon such terms and conditions, as the Minister thinks fit.

(3) The functions of the Bureau shall be—

(*a*) to increase public awareness of the rights of children, and of matters relating to the welfare of children, by the dissemination of information, or by any other means the Bureau thinks appropriate;

(*b*) to carry out reseach or conduct inquiries into such matters affecting the welfare of children as the Bureau thinks fit or the Minister directs;

(*c*) to develop within the Department such services for the promotion of the welfare of children as the Minister directs;

(*d*) to monitor, review and evaluate the policies of the Department in relation to children;

(*e*) to carry out such other functions as the Minister may assign to the Bureau;

and

(*f*) to report in writing to the Minister, in accordance with his directions, on the work carried out by the Bureau.

(4) The Minister shall establish a community welfare advisory committee for the purposes of providing the Bureau with consultative, supportive and advisory services.

Division II—The Care of Children

Subdivision 1—Placing a Child under the Guardianship of the Minister

Application for child to be placed under guardianship of the Minister.

27. (1) A guardian of a child may apply in the prescribed form to the Minister for an order that the child be placed under the guardianship of the Minister.

(2) A child of or above the age of fifteen years may apply to the Minister in the prescribed form for an order that he be placed under the guardianship of the Minister.

(3) Where the Minister is satisfied that the child the subject of an application is in need of care by reason that—

(*a*) a guardian of the child has maltreated or neglected the child to the extent that the child has suffered, or is likely to suffer, physical or mental injury, or to the extent that his physical, mental or emotional development is in jeopardy;

(*b*) the guardians of the child are unable or unwilling to exercise adequate supervision and control over the child;

or

(*c*) the guardians of the child are unable or unwilling to maintain the child,

the Minister may, by order in writing, place the child under his guardianship for such period of time as the Minister thinks fit, but not extending beyond the time at which the child attains the age of eighteen years nor, in the case of an application by a child, exceeding a period of one year.

(4) Except as provided in subsection (5), no such order shall be made in respect of a child under the age of fifteen years unless the parents of the child have consented to the making of the order.

(5) If the whereabouts of a parent whose consent is required under subsection (4) cannot after reasonable inquiry by the Minister be ascertained, an order may be made under subsection (3) without the consent of that parent.

(6) The Minister shall not place a child of or above the age of fifteen years under his guardianship under this section pursuant to an application by a guardian unless the child consents to the making of the order.

(7) Subject to subsection (8), the Minister shall not place a child under his guardianship pursuant to an application by the child unless the Minister has consulted with the guardians of the child.

(8) If the whereabouts of any guardian of the child cannot after reasonable inquiry by the Minister be ascertained, an order under subsection (2) may be made without consulting that guardian.

Temporary guardianship of a child.

28. (1) The Minister, upon receipt of a request by a guardian of a child, or by a child of or above the age of fifteen years, may place the child under his guardianship for such period of time, not exceeding four weeks, as the Minister thinks fit, where the Minister is of the opinion that it is in the interests of the child to do so.

(2) The Minister shall not place a child of or above the age of fifteen years under his guardianship under this section pursuant to a request of a guardian unless the child consents to the placement.

(3) Where the Minister has placed a child under his guardianship under this section pursuant to a request of the child, the Minister shall give written notice of the placement to the guardians of the child, personally or by post, at their addresses last known to him.

Guardianship of children from other States.

29. (1) The Minister may, on request by or on behalf of an authority having the guardianship in any other State or Territory of the Commonwealth of a child who has entered or is about to enter this State, by order in writing, place the child under his guardianship for so long as the child remains in this State.

(2) The Minister may make financial or other arrangements with an authority in any other State or Territory of the Commonwealth for the guardianship of a child while in this State and may, subject to those arrangements, cause the child at any time while he remains under the guardianship of the Minister to be removed from this State and returned to the guardianship of the authority in that other State or Territory.

(3) The child shall not remain under the guardianship of the Minister for a period in excess of that for which he would, if he had not been placed under the guardianship of the Minister, have remained subject to the guardianship of the authority from which he was received.

Minister may place child in the custody of an interstate authority.

30. (1) The Minister may request the appropriate authority in any other State or Territory of the Commonwealth to have the guardianship of a child who is under the guardianship of the Minister for so long as the child is in that State or Territory.

(2) The Minister may make financial or other arrangements with the appropriate authority in any other State or Territory of the Commonwealth for the return to this State of any child who has been in the guardianship of that authority pursuant to a request under subsection (1).

Minister is lawful guardian.

31. While a child is under the guardianship of the Minister, the Minister shall be entitled to the custody and guardianship of the child to the exclusion of the rights of any other person.

Powers of Director-General.

32. (1) Subject to this Act, the Director-General may from time to time make provision for the care of a child who is under the guardianship of the Minister pursuant to this Act in any of the following ways:

(*a*) he may place the child, or permit the child to remain, in the care of any guardian or relative of the child;

(*b*) he may place the child in the care of an approved foster parent, or any other suitable person;

(*c*) he may place the child in any home established or licensed under this Act (not being a training centre or any other home used for the detention of children charged with, or convicted of, offences), or in any other suitable place, and give such directions as to the care and keeping of the child in that home as he thinks fit;

(*d*) he may, if he is of the opinion that the behaviour of the child is such that he is likely to cause serious injury to himself, to others or to property, and that he cannot properly be controlled in any other manner, place the child in a training centre, or any other home used for the detention of children charged with, or convicted of, offences, for such period of time, not exceeding seven days, as may be necessary or desirable for the purpose of preventing the child from causing such injury;

(*e*) he may, if it is necessary or desirable for the sake of the physical or mental health of the child, place him in a hospital;

or

(*f*) he may make such other provision for the care of the child as the circumstances of the case may require.

(2) Whenever a child is dealt with by the Director-General pursuant to subsection (1), the Director-General shall advise the guardians of the child, in writing, at their last address known to him, of the manner in which the child has been dealt with under that subsection.

(3) Where a child under the guardianship of the Minister has been placed in the care of any person or in any home or hospital under subsection (1), the child may be removed from the custody of that person, or from that home or hospital, by any officer of the Department authorized for the purpose by the Minister.

(4) For the purpose of removing a child under subsection (3), the authorized officer may, without any warrant, enter or break into any place or premises in which he knows or reasonably suspects the child to be and use such force as is reasonably necessary.

(5) A person who hinders an authorized officer in the exercise of his powers under this section shall be guilty of an offence.

Removal of child from any place.

33. (1) Where the Director-General has directed that any child under the guardianship of the Minister be placed in a home, any member of the police force, or an officer of the Department authorized in writing by the Minister, may, without any warrant, remove the child from any place and bring him to the home specified in the direction, and for the purposes of removing the child, may enter or break into any place or premises in which he knows or reasonably suspects the child to be and use such force as may be reasonably necessary.

(2) A person who hinders a member of the police force or an officer of the Department in the exercise of his powers under this section shall be guilty of an offence.

Review of guardianship of child.

34. Where a child is under the guardianship of the Minister pursuant to this Act, the Minister shall cause a review to be made of the progress and circumstances of the child at least once in each year that the child is under the guardianship of the Minister.

Discharge of child from guardianship of Minister and appeals.

35. (1) The Minister may order that a child who has been placed under the guardianship of the Minister pursuant to this Act be discharged from guardianship.

(2) A guardian of a child who has been placed under the guardianship of the Minister pursuant to this Act may apply to the Minister in the prescribed manner for an order that the child be discharged from guardianship.

(3) A child of or above the age of fifteen years may apply to the Minister in the prescribed manner for an order that he be discharged from guardianship.

(4) Where the Minister refuses an application that has been duly made under this section, the applicant may appeal to a Judge of the Children's Court against that refusal.

(5) In any appeal under this section the Children's Court shall not be bound by the rules of evidence, but may inform itself upon any matter in such manner as the Court thinks fit.

(6) Where an appeal has been instituted under this section, the Director-General shall furnish the Court with a report on the personal circumstances and social background of the child.

(7) Where on any appeal the Court is not fully satisfied as to whether the child should or should not be discharged from the guardianship of the Minister, the Court may adjourn the proceedings for a period of time not exceeding six months.

(8) The Court shall not exercise its powers under subsection (7) more than once in respect of the one appeal.

(9) Upon the hearing of an appeal under this section, the Court may order—

(*a*) that the appeal be dismissed;

(*b*) that the child be discharged from guardianship;

or

(*c*) that the child remain under the guardianship of the Minister but subject to, for the period specified in the order, such conditions relating to his care or control as the Court may specify in the order.

(10) Where the Court has made an order under subsection (9) (*c*), the Minister, a guardian of the child or, where the child is of or above the age of fifteen years, the child may apply to the Court for the termination or variation of any of the conditions specified in the order.

Subdivision 2—Establishment by the Minister and the Director-General of Certain Facilities for Children

Establishment of facilities for young offenders and children in need of care.

36. (1) The Minister shall establish such homes as are necessary for the care, correction, detention, training or treatment of children who are charged with offences, or who have committed offences for which they are sentenced to detention.

(2) The Director-General shall constitute such assessment panels as are necessary for the examination of children who are alleged to have committed offences or to be in need of care, the evaluation of their personal circumstances and social background, and the assessment of the most appropriate form of care, treatment or rehabilitative correction or education for each child.

(3) The Minister shall establish such youth project centres as he thinks fit in which children who have committed offences may, without going into residence, receive training and treatment.

(4) The Minister shall establish a programme whereby families are approved by the Director-General for the purpose of placing within those families children who—

(*a*) are declared by the Children's Court to be in need of care and are directed by the Court to reside with a member of such a family;

(*b*) are under the guardianship of the Minister and are to be placed by the Director-General in the care of a member of such a family;

(*c*) are charged with an offence and are released by a court into the custody of a member of such a family;

or

(*d*) are found guilty of an offence and are required by a condition of a recognizance to reside with a member of such a family.

Establishment of children's homes and child care centres.

37. (1) The Minister may establish such homes as he thinks necessary or desirable for the residential care of children.

(2) The Minister may establish such child care centres as he thinks necessary or desirable for the care of children on a non-residential basis.

Management and control of home and centres.

38. A home, youth project centre or child care centre established under this Subdivision shall be under the control of the Minister, and the Director-General shall, subject to any instructions of the Minister, manage every such home, youth project centre or child care centre, and shall ensure that proper standards of administration are observed.

Ex officio visitors to homes.

39. All members of the Executive Council and members of the Legislature, any Judge, and any person authorized in writing for the purpose by the Minister shall be entitled to visit every home established under this Subdivision and the persons detained or resident in such homes.

Subdivision 3—Foster Care and Licensed Foster Care Agencies

The purpose of foster care.

40. The purpose of foster care is to provide a means by which children whose parents or relatives are for any period unable or unwilling to care for them may receive care, support and guidance within another family.

Foster parents to be approved.

41. A person shall not, for any monetary or other consideration, be a foster parent to any child unless he is approved as a foster parent under this Subdivision.

Application for approval as foster parents.

42. In considering any application for approval as a foster parent the Director-General shall attempt to assess the capacity and willingness of the applicant to care for a child according to adequate principles and standards of child care, and shall, in such manner as he thinks fit, satisfy himself as far as reasonably possible—

(*a*) that the applicant will have adequate interest in, and affection and respect for, a child, placed in his care;

(*b*) that the applicant will treat the child in a consistent manner and will provide a stable family environment for the child;

(*c*) that the applicant will understand adequately the developing personality of the child, and will provide opportunities to develop the abilities of the child;

(*d*) that the applicant will provide adequate accommodation for the child and any other material provision necessary for the welfare of the child;

(*e*) that, where appropriate, the applicant will provide opportunities for the child to maintain or recover his identity as a member of his own family and will allow the child reasonable access to his own family;

(*f*) that, where appropriate, the applicant will assist the child to return to his own family;

(*g*) that the applicant is in sound health and is able to withstand the demands of providing foster care;

and

(*h*) on any other matters that the Director-General may consider relevant.

Approval of foster parents.

43. (1) A person is an approved foster parent for the purposes of this Part, if he is so approved in writing under the hand of the Director-General.

(2) The written approval of a person as a foster parent must state the number of foster children that the foster parent is permitted to have in his custody.

(3) A foster parent shall not be permitted to have more than three foster children in his custody unless the children are all of the same family, or unless the Director-General is of the opinion that special reasons exist for permitting a greater number.

(4) A foster parent shall not have in his custody more foster children than the number permitted under the approval.

(5) The Director-General may give approval under this section subject to such conditions as he thinks fit and specifies in the approval.

(6) A foster parent shall not fail to comply with the conditions to which his approval is subject.

Duty of the Director-General in relation to foster children.

44. (1) It shall be the duty of the Director-General to satisfy himself as to the welfare of all foster children in the custody of approved foster parents, and, subject to any directions given by the Minister in a particular case, to review at regular intervals the circumstances of each foster child and the possibility of the child being returned to his own family.

(2) In determining whether a child is to be placed in the custody of a foster parent, and, if so, the foster parent in whose custody the child is to be placed, the Director-General shall consider the views of the guardians of the child so far as they are known to, or readily ascertainable by, the Director-General.

The powers of entry.

45. (1) The Director-General, or any person authorized in writing by the Director-General, may, at any reasonable time, enter any place or premises for the purpose of providing an approved foster parent with support and guidance in relation to the care of a foster child and of ascertaining whether a foster child is being adequately cared for, and whether the provisions of this Part are being complied with.

(2) A person shall not hinder the Director-General, or any such authorized person, in the exercise of his powers under this section.

Cancellation of approval.

46. (1) Where, in the opinion of the Director-General, a foster child is not being adequately cared for, or the provisions of this Part are not being complied with by the foster parent, the Director-General may cancel the approval of the foster parent.

(2) Where the Director-General exercises his powers under this section to cancel the approval of a foster parent, the person in respect of whom the approval was given shall thereupon cease to be an approved foster parent.

(3) The Director-General shall give the foster parent notice in writing of his intention to cancel the approval under this section at least twenty-eight days before he does so.

Information to be furnished.

47. An approved foster parent—

(*a*) shall advise the Director-General as soon as practicable of any change in his address;

and

(*b*) shall furnish the Director-General with such information in relation to the foster child as he may require.

Licensing of foster care agencies.

48. (1) On and after a day to be fixed by proclamation for the purposes of this section, no person shall—

(*a*) carry on the business of a foster care agency;

or

(*b*) hold himself out to the public as a foster care agency,

unless he is licensed as a foster care agency under this section.

(2) The Director-General shall grant a licence under this section to any person who applies in the prescribed manner, if he is satisfied—

(*a*) that the person is a fit and proper person to hold such a licence;

or

(*b*) that the person was carrying on business as a foster care agency immediately prior to the commencement of the Community Welfare Act Amendment Act, 1981.

(3) In determining whether or not a person is a fit and proper person to hold a licence under this section the Director-General shall have regard to—

(*a*) the qualifications and experience in the field of foster care, or any other related field, of the person, or persons, who will be carrying on or managing the business, and of any employees, or proposed employees, of the agency;

(*b*) the system of management within the agency;

(*c*) the procedures proposed by the agency for the selection, approval, training and support of foster parents;

(*d*) the procedures proposed by the agency for the placement and supervision of foster children;

and

(*e*) such other matters as may be relevant.

(4) The Director-General may grant a licence under this section subject to such conditions as he thinks fit and specifies in the licence.

(5) A licence shall, subject to this Subdivision, remain in force for a period of twelve months from the day on which it was issued, and may be renewed for successive periods of twelve months.

(6) A person shall not contravene any condition upon which a licence is granted under this section.

Cancellation of licence.

49. (1) Where the Director-General is satisfied that proper cause for cancellation of a licence under section 48 exists, he may, by notice in writing served personally or by post upon the licensee, cancel the licence.

(2) The Director-General shall not cancel a licence pursuant to this section unless, at least twenty-eight days before he does so, he has informed the licensee by notice in writing served personally or by post upon him, of his intention to cancel the licence.

Records.

50. (1) A licensed foster care agency shall maintain such records as may be prescribed.

(2) A licensed foster care agency shall, if so required by the Director-General, produce for inspection the records the agency is required to maintain under this section and shall furnish the Director-General with such other information relating to the activities of the agency as he may require.

Subdivision 4—Licensed Children's Homes

Licensed children's homes.

51. (1) No person shall have the conduct or control of any children's home unless that person is the holder of a valid licence granted under this section in respect of the children's home.

(2) In determining whether or not to grant a licence under this section to a person, the Director-General shall have regard to—

(*a*) the qualifications and experience of the person, or persons, who will be conducting or managing the home and of any persons who will be employed in the home;

(*b*) the system of management within the home;

(*c*) the suitability of the premises proposed to be used as the home;

and

(*d*) such other matters as may be relevant.

(3) The Director-General may grant a licence under this section subject to such terms and conditions (which shall include terms and conditions as to the standards to be observed in the management and operation of the children's home) as the Director-General thinks fit and specifies in the licence.

(4) A licence granted under this section shall, subject to this Subdivision, have effect for a term of twelve months from the day on which it was granted and may be renewed from time to time for successive periods of twelve months.

(5) A person who contravenes subsection (1), or any term or condition upon which a licence under this section was granted, shall be guilty of an offence and liable, for a first offence, to a penalty not exceeding five hundred dollars, and for a subsequent offence, to a penalty not exceeding one thousand dollars or imprisonment for twelve months.

(6) This section does not apply in respect of—

(*a*) a home established by the Minister under this Act;

(*b*) any premises or place in which foster children are cared for by an approved foster parent;

or

(*c*) residential premises that are attached to a school or a tertiary education institution, or that are used solely for the purposes of caring for tertiary students.

Cancellation of licence.

52. (1) Where the Director-General is satisfied that proper cause for the cancellation of a licence under this Subdivision exists, he may, by notice in writing served personally or by post upon the licensee, cancel the licence.

(2) The Director-General shall not cancel a licence under this Subdivision unless he has given notice in writing to the licensee of his intention to cancel the licence at least twenty-eight days before he does so.

Register.

53. A person licensed under this Subdivision to have the conduct or control of a children's home shall keep a register containing the following particulars with respect to every child received by him, so far as those particulars are reasonably ascertainable by him—

(*a*) the name, age, place of birth and religion (if any) of the child;

(*b*) the names and addresses of the guardians of the child;

(*c*) the names and addresses of any persons other than the guardians from whom the child was received and their relationship to the child;

(*d*) the date on which the child was received, and the date on which the child left the children's home;

and

(*e*) such other particulars as may be prescribed.

Inspection of children's homes.

54. (1) The Director-General, or any person authorized in writing by him, may at any reasonable time enter and inspect any licensed children's home.

(2) The licensee of a children's home shall, if so required by the Director-General or any such authorized person, produce for his inspection the register that he is required to keep under this Subdivision, and shall furnish the Director-General, or the authorized person, with such information in relation to any child as he may require.

(3) A person shall not hinder the Director-General or an authorized person in the exercise of powers conferred upon him under subsection (1) or fail to comply with a requirement made of him pursuant to subsection (2).

Agreement.

55. (1) A person licensed under this Subdivision shall not receive a child into a children's home to be cared for in the home unless—

(*a*) in the case of a child under the age of fifteen years, a guardian of the child has signed an agreement in the prescribed form relating to the period for which the child will remain in the home and to the care and control of the child while he remains in the home;

or

(*b*) in the case of a child of or above the age of fifteen years—

(i) the licensee has, where it is reasonably practicable to do so, consulted with the guardians of the child;

and

(ii) the child has consented to be cared for in the home.

(2) The licensee shall, at the request of the Director-General, or an officer of the Department, produce any such agreement for inspection.

Duty of Director-General to hear complaints of child in a home.

56. (1) A child being cared for in a licensed children's home or a guardian of any such child may request the Director-General to investigate any complaint the child or the guardian may have with respect to the care or control the child is receiving in the home.

(2) The Director-General shall investigate any complaint made under this section.

Subdivision 5—Licensed Child Care Centres

Business of child care not to be carried on without licence.

57. (1) No person shall have the conduct or control of a child care centre unless that person is the holder of a valid licence granted under this section in respect of the child care centre.

(2) The Director-General may grant a licence under this section subject to such terms and conditions as he thinks fit and specifies in the licence.

(3) A licence shall, subject to this Subdivision, remain in operation for a period of twelve months after the day on which it was issued, and may be renewed for successive periods of twelve months.

(4) A person shall not contravene any condition upon which a licence is granted under this Subdivision.

(5) This section does not apply in respect of—

(*a*) a child care centre established by the Minister under this Act;

or

(*b*) any premises or place in which foster children are cared for by an approved foster parent.

(6) This section does not apply where the children who are cared for apart from their guardians and relatives are all of the same family.

Cancellation of licence.

58. (1) Where the Director-General is satisfied that proper cause for the cancellation of a licence under this Subdivision exists, he may, by notice in writing served personally or by post upon the licensee, cancel the licence.

(2) The Director-General shall not cancel a licence under this Subdivision unless he has given notice in writing to the licensee of his intention to cancel the licence at least twenty-eight days before he does so.

Period for which child may be left in child care centre.

59. (1) A person shall not leave a child under the age of six years to be cared for in a licensed child care centre for more than a prescribed number of consecutive hours over a prescribed period.

Penalty: Fifty dollars.

(2) The licensee of a child care centre shall notify the Director-General in writing of any breach of subsection (1).

Register.

60. The licensee of a child care centre shall keep a register containing the following particulars with respect to every child received by him so far as those particulars are reasonably ascertainable by him—

(*a*) the name and date of birth of the child;

(*b*) the name and address of the person from whom the child was received;

(*c*) the name and address of the person who will collect the child;

(*d*) the address and telephone number of the place or places where the guardians of the child may be contacted in the event of an emergency;

(*e*) the time of arrival and departure of the child each day;

and

(*f*) such other particulars as may be prescribed.

Powers of entry and inspection.

61. (1) The Director-General, or any person authorized in writing by him, may at any reasonable time enter and inspect a licensed child care centre.

(2) The licensee of a child care centre shall, if so required by the Director-General or any such authorized person produce for his inspection the register that he is required to keep under this Subdivision, and shall furnish the Director-General, or the authorized person, with such information in relation to any child as the Minister may require.

(3) A person shall not hinder the Director-General or any such authorized person in the exercise of powers conferred on him under subsection (1), or fail to comply with a requirement made of him pursuant to subsection (2).

Subdivision 6—Licensed Baby-Sitting Agencies

Licensing of baby-sitting agencies.

62. (1) No person shall—

(*a*) carry on the business of a baby-sitting agency;

or

(*b*) hold himself out to the public as a baby-sitting agency,

unless he is licensed as a baby-sitting agency under this section.

(2) The Director-General may grant a licence under this section subject to such terms and conditions as he thinks fit and specifies in the licence.

(3) A licence shall, subject to this Subdivision, remain in force for a period of twelve months from the day on which it was issued, and may be renewed for successive periods of twelve months.

(4) A person shall not contravene any condition upon which a licence is granted under this section.

Cancellation of licence.

63. (1) Where the Director-General is satisfied that proper cause for cancellation of a licence under this Subdivision exists, he may, by notice in writing served personally or by post upon the licensee, cancel the licence.

(2) The Director-General shall not cancel a licence under this Subdivision unless, at least twenty-eight days before he does so, he has informed the licensee by notice in writing served personally or by post upon him, of his intention to cancel the licence.

Records, etc.

64. (1) A licensed baby-sitting agency shall maintain a register of baby-sitters and such other records as may be prescribed.

(2) A licensed baby-sitting agency shall, if so required by the Director-General, or an officer of the Department authorized in writing by him, produce for inspection the records that the agency is required to maintain under this section and shall furnish the Director-General or authorized officer with such other information relating to the activities of the agency as he may require.

Subdivision 7—Approved Family Day-Care and Licensed Family Day-Care Agencies

Application for approval of of family day-care.

65. (1) A person—

(*a*) who proposes for monetary or other consideration to care for not more than three children under the age of six years on a non-residential basis in a family environment away from their own homes and apart from their guardians and relatives;

and

(*b*) who is not required to hold a licence under this Act,

may apply to the Director-General for approval—

(*c*) of the applicant as a family day-care provider;

and

(*d*) of the premises in which care is to be provided as family day-care premises.

(2) The Director-General may give an approval in writing under this section subject to such conditions as he thinks fit and specifies in the approval.

(3) An approval shall, subject to this Subdivision, remain in force for a period of twelve months after the day on which it was given, and may be renewed for successive periods of twelve months.

(4) An approved family day-care provider may care for more than three children under the age of six years where the children are all of the same family.

Revocation of approval.

66. (1) Where the Director-General is satisfied that proper cause for the revocation of an approval under this Subdivision exists, he may, by notice in writing served personally or by post upon the approved family day-care provider, revoke the approval.

(2) The Director-General shall not revoke an approval pursuant to this section unless he has given notice in writing to the approved family day-care provider of his intention to revoke the approval at least twenty-eight days before he does so.

Register.

67. An approved family day-care provider shall keep a register containing the following particulars with respect to every child received by him so far as those particulars are reasonably ascertainable by him—

(*a*) the name and date of birth of the child;

(*b*) the name and address of the person from whom the child was received;

(*c*) the name and address of the person who will collect the child;

(*d*) the address and telephone number of the place or places at which the guardians of the child may be contacted in the event of an emergency;

and

(*e*) such other particulars as may be prescribed.

Powers of entry and inspection.

68. (1) The Director-General, or any person authorized in writing by him, may at any reasonable time enter and inspect any approved family day-care premises.

(2) An approved family day-care provider shall, if so required by the Director-General or any such authorized person, produce for his inspection the register that he is required to keep under this Subdivision, and shall furnish the Director-General, or the authorized person, with such information in relation to any child as the Director-General may require.

(3) A person shall not hinder the Director-General or any authorized person in the exercise of powers conferred on him under subsection (1), or fail to comply with a requirement made of him pursuant to subsection (2).

False representation as to approval.

69. A person shall not falsely represent that he or any premises have been approved under this Subdivision, nor make any representation that might reasonably be expected to cause or induce any other person falsely to believe that he or the premises have been so approved.

Licensing of family day-care agencies.

70. (1) No person shall—

(*a*) carry on the business of a family day-care agency;

or

(*b*) hold himself out to the public as a family day-care agency,

unless he is licensed as a family day-care agency under this section.

(2) The Director-General may grant a licence under this section subject to such terms and conditions as he thinks fit and specifies in the licence.

(3) A licence shall, subject to this Subdivision, remain in force for a period of twelve months from the day on which it was issued, and may be renewed for successive periods of twelve months.

(4) A person shall not contravene any condition upon which a licence is granted under this section.

Cancellation of licence.

71. (1) Where the Director-General is satisfied that proper cause for cancellation of a licence under this Subdivision exists, he may, by notice in writing served personally or by post upon the licensee, cancel the licence.

(2) The Director-General shall not cancel a licence under this Subdivision unless, at least twenty-eight days before he does so, he has informed the licensee by notice in writing served personally or by post upon him, of his intention to cancel the licence.

Records, etc.

72. (1) A licensed family day-care agency shall maintain such records as may be perscribed.

(2) A licensed family day-care agency shall, if so required by the Director-General, or an officer of the Department authorized in writing by him, produce for inspection the records that the agency is required to maintain under this section and shall furnish the Director-General or authorized officer with such other information relating to the activities of the agency as he may require.

Subdivision 8—*Miscellaneous*

Interpretation.

73. In this Subdivision—

"child to whom this section applies" means—

(*a*) a child who is under the guardianship of the Minister pursuant to this Act or to Part III of the Children's Protection and Young Offenders Act, 1979-1980;

or

(*b*) a person who is detained in any place pursuant to the Children's Protection and Young Offenders Act, 1979-1980.

Assistance to persons caring for children.

74. (1) The Director-General may grant to the foster parent, or any other person in charge, of—

(*a*) a child to whom this section applies;

(*b*) a child who has been placed in the care or custody of a member of an approved family or any other person pursuant to an order or direction of the Children's Court;

or

(*c*) a child who is under the guardianship of the Director-General pursuant to the Adoption of Children Act, 1966-1978,

such financial or other assistance in relation to the care and maintenance of the child as may be determined by the Minister.

(2) For the purposes of this section, the governing authority or person in charge of any home or place in which any such child is cared for shall be deemed to be the person in charge of the child.

Unlawful absence from training centre, etc.

75. Where a child to whom this section applies is absent without lawful excuse from any place in which he is being detained, or has been placed by the Director-General, an officer of the Department authorized

for the purpose or a member of the police force may, without any warrant, apprehend the child, and for that purpose may enter or break into any premises in which he knows or reasonably suspects the child to be and use such force as is reasonably necessary.

Unlawful taking of child.

76. A person who—

(*a*) induces a child to whom this section applies unlawfully to leave, or without lawful excuse takes such a child from, any place in which the child is being detained, or has been placed by the Director-General;

or

(*b*) harbours or conceals any such child,

shall be guilty of an offence and liable to a penalty not exceeding five hundred dollars or imprisonment for three months.

Unlawful communication with child, etc.

77. A person who—

(*a*) having entered any home, or the grounds thereof, does not depart therefrom when required to do so by an officer of the Department;

or

(*b*) having been forbidden to do so by the Director-General, holds any communication with any child to whom this section applies,

shall be guilty of an offence and liable to a penalty not exceeding one hundred dollars.

Power of Director-General to enter certain places.

78. (1) The Director-General, or any person authorized by him in writing, may, where the Director-General suspects on reasonable grounds that a child is being cared for in any place in contravention of this Act, enter that place for the purpose of investigating the matter.

(2) A person shall not hinder the Director-General or any authorized person in the exercise of powers conferred on him under subsection (1).

Restriction upon child-minding advertisements.

79. No person shall by public advertisement represent that he is prepared, for monetary or other consideration, to mind, look after or care for children under the age of six years away from their own homes unless he is the holder of a valid licence under this Act in respect of caring for such children or unless he is an approved family day-care provider.

Minister may in certain circumstances grant greater degree of control over child under his guardianship to foster parent.

80. (1) Where a child who is under the guardianship of the Minister pursuant to this Act or to Part III of the Children's Protection and Young Offenders Act, 1979-1980, has been placed by the Director-General in the care of an approved foster parent and has been in the care of that parent for a period of not less than three years, the Minister may, by instrument in writing, upon the application of the foster parent, delegate to him such of the powers, functions or duties vested in or imposed upon the Minister as guardian of the child as the Minister thinks fit.

(2) An application under subsection (1) may not be made in respect of a child who is of or above the age of fifteen years unless the child has consented to the making of the application.

(3) The Minister shall cause the guardians of the child the subject of an application under subsection (1) to be notified of the application, and shall consider any submissions made by a guardian in respect of the application.

(4) If the whereabouts of a guardian of the child cannot after reasonable inquiry by the Minister be ascertained, the Minister may determine the application without notifying that guardian.

(5) A delegation under this section—

(*a*) may be varied or revoked at any time by the Minister;

and

(*b*) does not prevent the exercise or performance by the Minister of any power, function or duty so delegated.

(6) Where the Minister exercises his powers under subsection 5 (*a*) or (*b*), he shall give written notice personally or by post of that exercise of powers—

(*a*) to the foster parent;

(*b*) where the child is of or above the age of fifteen years—to the child;

and

(*c*) to the guardians of the child,

at their addresses last known to him.

Review panels.

81. (1) The Minister shall establish such number of review panels as may be necessary for the following purposes:

(*a*) reviewing the progress and circumstances of children under the guardianship of the Minister pursuant to this Act or any other Act;

(*b*) reviewing the progress and circumstances of children under the control of the Director-General pursuant to an order of the Children's Court;

(*c*) reviewing the progress and circumstances of persons found guilty of offences and discharged upon recognizance subject to the supervision of an officer of the Department or other person nominated by the Director-General;

and

(*d*) carrying out any other functions assigned by the Minister.

(2) A review panel shall consist of an officer of the Department and a person (not being an officer of the Department) who has experience in the field of community welfare.

(3) The Minister may pay to the members of a review panel such allowances and expenses as he thinks fit.

Power of entry.

82. (1) The Director-General, or any officer of the Department authorized in writing by the Director-General, may, where he suspects on reasonable grounds that there is a child in need of care in any place or premises, enter and remain in that place or premises for the purpose of inquiring into the circumstances of the child.

(2) A person shall not hinder the Director-General or any such officer in the exercise of powers under subsection (1).

Tobacco and other prescribed substances or articles not to be sold, etc., to child under sixteen years of age.

83. (1) Any person who sells, lends, or gives, or offers to sell, lend or give, to any child under the age of sixteen years any tobacco, cigar or cigarette shall be guilty of an offence and liable to a penalty not exceeding fifty dollars.

(2) Any person who sells, lends or gives, or offers to sell, lend or give, to any child under the age of sixteen years any prescribed substance or article shall be guilty of an offence and liable to the penalty prescribed, which shall not exceed two hundred dollars in any case, in relation to the substance or article involved in the offence.

Payment of moneys to the Director-General.

84. (1) The Director-General may receive moneys on behalf of a child.

(2) The Director-General shall cause any moneys received on behalf of a child to be deposited in the Treasury in the name of the Director-General on account of the child or in any banking account in the name of the child.

(3) All such moneys deposited in the Treasury shall bear interest at a rate determined by the Treasurer.

(4) The whole, or any portion of, moneys deposited in the Treasury, and any interest thereon, may be expended by the Director-General for the benefit of the child when, and in such manner, as the Director-General thinks fit.

(5) All moneys deposited in the Treasury, and not expended as provided by this section, shall be payable to the child upon his ceasing to be a child to whom this section applies and the Director-General shall notify the child accordingly, but if the moneys are not claimed by the child, or any person lawfully claiming under him, before the expiration of seven years after that date, they may be appropriated by the Director-General and shall not thereafter be recoverable unless the Minister directs otherwise in any particular case.

Director-General may in certain circumstances consent to medical or dental treatment of child in detention or placed under his control by order of the Children's Court.

85. (1) Where, pursuant to Part III of the Children's Protection and Young Offenders Act, 1979-1980, a child has been declared to be in need of care and placed under the control of the Director-General, or is detained in a training centre or other place pursuant to Part IV of that Act, and the Director-General believes on reasonable grounds that the child requires medical or dental treatment for which the consent of a guardian of the child must be obtained, the Director-General may give that consent if—

(*a*) the whereabouts of the guardians of the child has not, after reasonable inquiries, been ascertained;

or

(*b*) it would be detrimental to the health of the child to delay the treatment while the consent of a guardian is obtained.

(2) The consent of the Director-General given in accordance with subsection (1) shall be as valid and effectual as if it had been given by a guardian of the child.

Division III—The Protection of Children

Subdivision 1—Establishment of Regional and Local Child Protection Panels

Establishment of regional panels.

86. (1) For the purposes of this Division the Minister may divide the State into such regions as he thinks expedient.

(2) In relation to each region, the Minister shall establish a regional child protection panel with a distinctive name.

(3) A regional panel shall consist of the following members:

(*a*) one person nominated by the Director-General;

(*b*) one person who is experienced in the field of early childhood health, nominated by the Chairman of the Health Commission;

(*c*) one person who is a child psychiatrist or who is experienced in child psychology, nominated by the Chairman of the Health Commission;

(*d*) one person nominated by the Commissioner of Police;

(*e*) one person nominated by the Director-General of Education;

and

(*f*) one legally qualified medical practitioner.

(4) A member of a regional panel shall be appointed for a term of office not exceeding two years and, at the expiration of his term of office, shall be eligible for re-appointment.

(5) A member of a regional panel shall be appointed by the Minister to be chairman of the panel.

(6) A member of a regional panel shall be entitled to such allowances and expenses as may be determined by the Minister.

Procedure of the panel.

87. (1) A decision in which a majority of members of a regional panel concur shall be a decision of the panel.

(2) Subject to any direction of the Minister, the procedure of a regional panel shall be as determined by the panel.

Functions of regional panel.

88. The functions of a regional panel are as follows:

(*a*) to receive and consider notifications of maltreatment of children;

(*b*) to make such recommendations as to remedial treatment or action to the persons involved in a case of maltreatment and to any appropriate health or welfare agency as the panel thinks appropriate, and to facilitate the carrying into effect of that remedial treatment or action;

(*c*) to keep all cases under regular review;

(*d*) to carry out, or assist in, research in relation to the maltreatment of children;

(*e*) to compile and maintain statistical data in relation to the maltreatment of children;

(*f*) to identify the services within its region that are involved in the prevention, treatment or management of cases of maltreatment of children, and to promote effective use of those services in appropriate cases;

(*g*) to promote the development of those services and such new services as the panel considers desirable;

(*h*) to disseminate information amongst the community relating to the maltreatment of children;

(*i*) to encourage persons who are maltreating a child, or who believe they are about to maltreat a child, to consult with the panel of their own volition;

(*j*) to assign to any local panel within the region such functions as may be necessary or incidental to the functions of the regional panel;

and

(*k*) such other functions as may be prescribed.

Establishment of local panels.

89. (1) The Minister may establish such number of local child protection panels as he thinks fit within each region constituted under section 86.

(2) A local panel shall have a distinctive name and shall consist of three members of whom—

(*a*) one shall be an officer of the Department;

(*b*) one shall be a person nominated by the regional panel from the following:

(i) a legally qualified medical practitioner;

(ii) a registered or enrolled nurse;

(iii) a psychiatrist or a registered psychologist;

and

(*c*) one shall be a person nominated by the regional panel from the following:

(i) a member of the police force;

(ii) a registered teacher;

(iii) a social worker employed in a hospital or a medical practice;

(iv) a person who is qualified, or has experience, in the field of child welfare.

(3) A member of a local panel shall hold office at the pleasure of the Minister.

(4) A member of a local panel shall be entitled to such allowances and expenses as may be determined by the Minister.

(5) Subject to any direction of the Minister, the procedure of a local panel shall be as determined by the panel.

Functions of local panels.

90. The functions of a local panel are as follows:

(*a*) to provide guidance, assistance and support to persons involved in the prevention, treatment or management of cases of maltreatment of children;

(*b*) to provide guidance, assistance and support to persons who seek help in relation to the maltreatment of children;

(*c*) to report at regular intervals of no more than six months to the regional panel for the region in relation to which the local panel was established, on the work being done by the local panel;

and

(*d*) such other functions as may be assigned to it by the regional panel.

Subdivision 2—Notification of Maltreatment

Notification of maltreatment.

91. (1) Where a person suspects on reasonable grounds that an offence under this Division has been committed against a child, that person—

(*a*) if he is not obliged to comply with this section—may notify an officer of the Department of his suspicion;

or

(*b*) if he is obliged to comply with this section—shall notify an officer of the Department of his suspicion,

as soon as practicable after he forms the suspicion.

(2) The following persons are obliged to comply with this section—

(*a*) any legally qualified medical practitioner;

(*b*) any registered dentist;

(*c*) any registered or enrolled nurse;

(*d*) any registered psychologist;

(*e*) any pharmaceutical chemist;

(*f*) any registered teacher;

(*g*) any person employed in a school as a teacher aide;

(*h*) any person employed in a kindergarten;

(*i*) any member of the police force;

(*j*) any employee of an agency that provides health or welfare services to children;

(*k*) any social worker employed in a hospital, health centre or medical practice;

or

(*l*) any person of a class declared by regulation to be a class of persons to which this section applies.

(3) Any such notification must be accompanied by a statement of the observations and opinions upon which the suspicion is based.

(4) An officer of the Department who has received any such notification shall forthwith report the matter to the regional panel constituted for the region in which the offence is alleged to have been committed.

(5) Where a person acts in good faith and in compliance with the provisions of this section, he incurs no civil liability in respect of that action.

Subdivision 3—Offences against Children

Offences against children.

92. (1) Any person having the care, custody, control or charge of a child, who maltreats or neglects the child, or causes the child to be maltreated or neglected, in a manner likely to subject the child to physical or mental injury, shall be guilty of an offence and liable to a penalty not exceeding one thousand dollars or imprisonment for a period not exceeding twelve months.

(2) Proceedings for an offence against this section shall not be commenced except upon the authorization of a regional panel.

(3) An apparently genuine document purporting to be under the hand of a member of a regional panel, and to certify that the commencement of specified proceedings has been authorized by the panel, shall be accepted in any legal proceedings, in the absence of proof to the contrary, as proof of the matter so certified.

Subdivision 4—Medical Examination and Treatment and Temporary Custody of Children

Medical examination and treatment of children suspected to be victims of maltreatment.

93. (1) Where an officer of the Department or a member of the police force suspects on reasonable grounds that an offence against this Division has been committed in relation to a child, he may, if the Director-General authorizes him to do so, cause the child to be taken to a hospital or legally qualified medical practitioner for medical examination, if—

(*a*) the whereabouts of the guardians of the child has not, after reasonable enquiries, been ascertained;

(*b*) it would be detrimental to the interests of the child to delay the medical examination while the consent of a guardian is obtained;

or

(*c*) the guardians of the child refuse or fail to take the child for such medical examination.

(2) Where a child is taken for medical examination under subsection (1), the person who carries out the examination may do so without the consent of a guardian of the child, and—

(*a*) shall report in writing as soon as reasonably practicable the results of the examination to the regional child protection panel for the region in which the offence is alleged to have been committed;

and

(*b*) may, without seeking the consent of any guardian of the child, or contrary to the wishes of any guardian of the child, admit the child to hospital, or give the child, or cause the child to be given, such medical treatment as he thinks necessary or desirable.

Temporary custody of children.

94. Where—

(*a*) a child has been admitted into a hospital;

and

(*b*) the person in charge of that hospital suspects upon reasonable grounds that an offence against this Division has been committed in relation to the child,

it shall be lawful for the child to be detained against the will of any guardian of the child in the hospital for a period not exceeding ninety-six hours and, while so detained, to receive such medical treatment as the person in charge thinks necessary or desirable.

Repeal of Part V.

7. Part V of the principal Act is repealed.

Repeal of headings preceding s. 92 and substitution of new headings.

8. The headings—

DIVISION I—THE MAINTENANCE OF PERSONS IN NEED

Subdivision 1—*Orders Generally*

preceding section 92 of the principal Act are repealed and the following headings are substituted:

DIVISION I—MAINTENANCE ORDERS

Subdivision 1—*Orders with respect to Children.*

Repeal of ss. 92 to 98 and substitution of new section.

9. Sections 92 to 98 (inclusive) of the principal Act are repealed and the following section is substituted:

Liability of near relatives for maintenance of child.

98. (1) The near relatives of any child (including a child under the guardianship of the Minister) shall be liable to pay for, or contribute towards, the cost of maintenance of the child according to their respective financial capacities.

(2) The parents of a child shall be primarily liable under subsection (1) to pay for the maintenance of the child and any step-parent of the child shall be liable to pay for, or contribute towards, its maintenance only in the event of the death, disappearance (reasonable inquiries having been made) or financial incapacity of the parents or any combination of those circumstances applying in relation to the parents.

Amendment of s. 100—Order for payment of maintenance.

10. Section 100 of the principal Act is amended by striking out from subsection (1) the passage ", to the Director-General".

Amendment of s. 110—Power to lay complaint for support of child born outside marriage against one or more persons.

11. Section 110 of the principal Act is amended by striking out from subsection (3) the passage "one or more" and substituting the passage "or without".

Amendment of s. 112—Provision for blood tests.

12. Section 112 of the principal Act is amended—

(*a*) by striking out from subsection (3) the passage "A court of summary jurisdiction shall" and substituting the passage "A court of summary jurisdiction may".

(*b*) by inserting in subsection (3) after the passage "at the request of" the passage "the complainant or";

(*c*) by inserting in subsection (3) after the passage "the mother of the child" the passage "(if the mother is alive)";

(*d*) by striking out subsections (4) and (5) and substituting the following subsections:

(4) No direction shall be given unless the child is at least six months old.

(5) In any such direction, the court shall nominate a medical practitioner or an analyst to take such blood samples as may be necessary for the purpose of the blood tests, and to make the tests, and shall also fix a period within which the child, the mother and the defendant, or the child and the defendant, as the case may be, shall attend upon the medical practitioner or analyst so nominated to enable him to take the samples.;

(*e*) by inserting in subsection (7) after the word "The" the passage "medical practitioner or";

(*f*) by striking out from subsection (7) the passage "Director-General of Public Health" and substituting the passage "Chairman of the South Australian Health Commission";

(*g*) by striking out from subsection (8) the passage "and the analyst" and substituting the passage "or the analyst";

(*h*) by inserting in paragraph (*b*) of subsection (9) after the passage "or either of them does not," the passage "or, where the mother is dead, the child referred to in the direction does not,".

(*i*) by inserting in paragraph (*b*) of subsection (9) after the passage "medical practitioner" the passage "or analyst";

(*j*) by inserting in paragraph (*c*) of subsection (9) after the passage "medical practitioner" the passage "or analyst";

(*k*) by inserting after subsection (9) the following subsection:

(9a) Where a direction has been given by a court pursuant to this section and the defendant refuses or without reasonable excuse fails to attend within the period or extended period fixed under subsection (5) or subsection (6) upon the medical practitioner or analyst nominated in the direction and to permit him to take the necessary blood samples for the purposes of the blood tests, the court may draw such inferences from that refusal or failure as it thinks fit.;

(*l*) by striking out from subsection (10) the passage "and the analyst" and substituting the passage "or the analyst";

(*m*) by inserting in subsection (10) after the passage "recovered by the Minister" the passage "by complaint to a court of summary jurisdiction";

(*n*) by striking out subsection (11) and substituting the following subsection:

(11) The medical practitioner or analyst nominated in the direction shall, within such period as may be prescribed, carry

out the blood tests and embody the results of the tests in a certificate in the prescribed form signed by him.;

and

(*o*) by inserting in subsection (12) after the word "The" the passage "medical practioner or".

Amendment of heading preceding s. 114.

13. The heading preceding section 114 of the principal Act is amended by striking out the word "*Funeral,*".

Repeal of ss. 114, 115 and 116.

14. Sections 114, 115 and 116 of the principal Act are repealed.

Repeal of Division II of Part VI and heading thereto.

15. Division II of Part VI of the principal Act and the heading thereto are repealed.

Amendment of s. 131—Orders directing payment of nominal sum only.

16. Section 131 of the principal Act is amended—

(*a*) by striking out from subsection (1) the passage "or Division II";

and

(*b*) by striking out paragraph (*a*) of subsection (1) and the word "or" immediately following that paragraph.

Repeal of s. 132.

17. Section 132 of the principal Act is repealed.

Amendment of s. 133—Interim orders for payment of maintenance.

18. Section 133 of the principal Act is amended—

(*a*) by striking out from subsection (1) the passage "or Division II";

and

(*b*) by striking out from subsection (1) the passage "wife, husband or child" and substituting the word "person".

Amendment of s. 134—Orders for maintenance of children, etc.

19. Section 134 of the principal Act is amended by inserting in paragraph (*b*) after the passage "eighteen years," the passage "marries,".

Repeal of s. 135 and substitution of new section.

20. Section 135 of the principal Act is repealed and the following section is substituted:

Maintenance after child's eighteenth year.

135. (1) Upon complaint or application to a court of summary jurisdiction made by or on behalf of a child (including a child who has attained the age of eighteen years), if the court is satisfied that it is necessary to make an order under this section—

(*a*) for the purposes of enabling the child to undertake or complete a course of education or training that will fit him for a profession, trade or occupation in which to earn his livelihood;

or

(*b*) if the child is unable to earn his livelihood by reason of physical or mental incapacity—for the purposes of maintaining him,

the court may make an order against a near relative for maintenance in respect of the child that will be in force, or vary an existing order for maintenance in respect of the child so that it will be in force, for an amount specified in the order and for a period specified in the order that commences after or continues beyond the date at which the child attained or will attain the age of eighteen years.

(2) This section does not apply—

(*a*) in respect of a course of education or training commenced after a child attains the age of twenty-one years;

or

(*b*) in respect of any physical or mental incapacity occurring after a child attains the age of eighteen years.

(3) An application under this section to vary an existing maintenance order shall be heard by a court at the place where the maintenance order was made unless—

(*a*) the parties to the application consent to the hearing of the application by a court sitting at another place;

or

(*b*) the hearing of the application is adjourned, upon application by any party, to a court sitting at another place.

(4) The amount specified in an order under this section may include such allowance for or towards the expenses incurred or to be incurred in undertaking or completing a course of education or training as the court thinks proper.

Repeal of s. 137

21. Section 137 of the principal Act is repealed.

Repeal of s. 139.

22. Section 139 of the principal Act is repealed.

Amendment of s. 140—Evidence of mother as to paternity of child born outside marriage, etc., not to be accepted without corroboration except in certain cases.

23. Section 140 of the principal Act is amended—

(*a*) by striking out the word "and" occurring between paragraph (*a*) and (*b*);

(*b*) by inserting after paragraph (*b*) the following paragraph:

(*c*) where a direction has been given by the court pursuant to section 112 of this Act and the defendant refuses or without reasonable excuse fails to attend within the period or extended period fixed under that section upon the medical practitioner or analyst nominated in the direction and to permit him to take the necessary blood samples for the purposes of the blood tests directed by the court,;

and

(*c*) by striking out the passage "and in either case" and substituting the passage "and in any of those cases".

Amendment of s. 154—Court may require defendant to state his employer, etc.

24. Section 154 of the principal Act is amended—

(*a*) by striking out subsection (2) and substituting the following subsections:

(2) If the defendant fails to comply with the direction, the court may upon proof that the direction was duly served upon the defendant, issue a warrant for the apprehension of the defendant.

(2a) A direction under this section may be served upon a person—

(*a*) by delivering it to him;

(*b*) by leaving it at his usual or last known place of residence or business with some person apparently over the age of sixteen years who apparently resides in that place of residence or is employed at that place of employment;

or

(*c*) by sending it by post to him at his usual or last known place of residence or business.;

and

(*b*) by inserting in paragraph (*a*) of subsection (4) after the passage "applicable to him" the passage "and was duly served upon him".

Amendment of s. 155—Attachment of property of persons against whom order is sought.

25. Section 155 of the principal Act is amended—

(*a*) by inserting between paragraphs (*a*) and (*b*) the word "or";

(*b*) by striking out paragraph (*c*) and the word "or" preceding that paragraph;

(*c*) by inserting in paragraph (*d*) after the passage "payable to" the passage ", or standing to the credit of, ";

and

(*d*) by inserting after its present contents as amended by this section (now to be designated as subsection (1)) the following subsection:

(2) Money deposited by or on behalf of the person complained against in an account with a banker or other person shall, for the purposes of this section, be deemed to be standing to the credit of the person complained against, notwithstanding that any condition relating to the account or payment under the account is unsatisfied.

Repeal of s. 168 and substitution of new section.

26. Section 168 of the principal Act is repealed and the following section is substituted:

Recognizance or security for compliance with maintenance order.

168. (1) A court may—

(*a*) upon making a maintenance order, if it thinks fit, by the same or a separate order;

or

(*b*) upon complaint made by or on behalf of any person for whose benefit a maintenance order has been made, if it is satisfied that arrears of maintenance under the order are payable by the defendant or that the defendant intends to evade compliance with the order, by a subsequent order,

require the defendant to enter into a recognizance with or without sureties, in such sum as it thinks fit, or to give such security as it thinks fit, conditioned upon the defendant complying with the maintenance order and, where arrears of maintenance are payable, making such payments in respect of the arrears as are specified by the court.

(2) The court may, in default of a recognizance or security being entered into, or given, commit the defendant to gaol for any period not exceeding three months, but, in that event, a justice may at any time take such recognizance or security from the defendant as he thinks sufficient and order that the defendant be discharged from gaol.

(3) No order shall be made requiring the defendant to enter into or give a recognizance or security or forfeiting a recognizance or security if the court is satisfied that the defendant has not and has not had the means and ability and could not by reasonable effort have had the means and ability to comply with the maintenance order.

Amendment of s. 169— Power to commit for failure to pay maintenance.

27. Section 169 of the principal Act is amended—

(*a*) by striking out subsection (1) and substituting the following subsection:

(1) Where a court of summary jurisdiction is satisfied, upon complaint made by or on behalf of any person for whose benefit a maintenance order has been made, that arrears of maintenance under the order are payable by the defendant, the court may order that the defendant be committed to gaol in default of payment of the arrears for such term, not exceeding six months, as the court thinks proper in the circumstances.;

(*b*) by striking out subsection (4) and substituting the following subsection:

(4) Where—

(*a*) the issue of a warrant of commitment has been suspended under this section;

and

(*b*) a court of summary jurisdiction, upon complaint made by or on behalf of the person for whose benefit the maintenance order was made, is satisfied that payment by the defendant of the maintenance is in arrears in breach of the condition of the suspension,

the court may issue the warrant of commitment or may order that the issue of the warrant be further suspended upon the condition that the defendant make such payments in respect of the arrears of maintenance that have accrued up to the time of the hearing as are specified by the court, and duly pays all sums becoming payable under the maintenance order or the order for costs after the order for further suspension.;

(*c*) by striking out subsection (9) and substituting the following subsection:

(9) A court shall not make an order committing the defendant to gaol or issue a warrant of commitment if it is satisfied—

(*a*) that the defendant has not and has not had the means and ability and could not by reasonable effort have had the means and ability to pay the amount of the arrears of maintenance;

or

(*b*) that for any other reason payment of the arrears of maintenance should not be enforced by imprisonment.;

and

(*d*) by striking out from subsection (10) the passage "the court referred to in subsection (1) of this section is aware that a court has previously refused to commit the defendant to gaol" and substituting the passage "a court referred to in this section is aware that a court has previously refused to make an order committing the defendant to gaol or to issue a warrant of commitment".

Amendment of s. 170—Warrant may be issued upon complaint enforcing maintenance order.

28. Section 170 of the principal Act is amended by striking out the passage "in respect of any alleged disobedience of, or neglect to comply with," and substituting the passage "made in connection with the enforcement of".

Amendment of s. 175—Interpretation.

29. Section 175 of the principal Act is amended by striking out from subsection (1) the definition of "net earnings" and substituting the following definition:

"net earnings", in relation to a pay-day, means the amount of the earnings becoming payable by a particular employer on that pay-day, after deduction from those earnings of any sum deducted by that employer, being a deduction of a prescribed class:.

Amendment of s. 196—Interpretation.

30. Section 196 of the principal Act is amended by striking out from the definition of "certified copy" in subsection (1) the passage "*Matrimonial Causes Act* 1959", twice occurring, and substituting, in each case, the passage "*Family Law Act* 1975".

Insertion of new s. 235a.

31. The following section is inserted in Part VII before section 236 of the principal Act:

Immunity from liability of persons acting under this Act.

235a. (1) A person shall not incur any civil liability for any act or omission done by him in good faith in the exercise or discharge of his powers, functions, duties or responsibilities under this Act.

(2) A liability that would, but for subsection (1), lie against a person shall lie against the Crown.

Amendment of s. 236— Limitation upon tortious liability for acts of certain children.

32. Section 236 of the principal Act is amended—

(*a*) by striking out the passage "child who is being detained" and substituting the passage "person who is being detained";

(*b*) by striking out the passage "whether or not the child" and substituting the passage "whether or not the person";

and

(*c*) by inserting after the passage "while the child" the passage "or person".

Amendment of s. 242— The Director-General may require report.

33. Section 242 of the principal Act is amended by striking out paragraph (*c*) from subsection (1).

Insertion of new ss. 250a and 250b.

34. The following sections are inserted after section 250 of the principal Act:

Loans by the Director-General to persons in need or distress.

250a. The Director-General shall not lend any moneys to a person who is in need or distress unless—

(*a*) he is of the opinion that the person will have the means to repay the amount of the loan within a reasonable period of time;

and

(*b*) he and the person enter into a written agreement for the repayment of the loan at such time or times and in such manner as may be specified in the agreement.

Appeals.

250b. (1) Any person who is aggrieved by a decision made in relation to him under this Act by the Minister, the Director-General or any other officer of the Department may appeal to the Minister in the prescribed manner against the decision.

(2) This section does not apply in relation to a decision made under any section of this Act that may be prescribed.

(3) The Minister shall establish such number of appeal boards as may be necessary for the purposes of investigating appeals under this section.

(4) The Minister may pay to the members of an appeal board such allowances and expenses as he thinks fit.

(5) Where an appeal under this section has been instituted against a decision, any action in relation to the decision shall be stayed until the appeal has been determined or withdrawn, unless the Minister directs otherwise.

(6) The Minister may, upon determining an appeal, revoke the decision appealed against and may substitute for that decision any other decision that could have been made in the first instance.

Amendment of s. 251— Regulations.

35. Section 251 of the principal Act is amended—

(*a*) by striking out paragraph (*b*) and substituting the following paragraph:

(*b*) the composition of any community welfare advisory committee, and the meetings and proceedings of any community welfare advisory committee;;

(*b*) by striking out paragraph (*d*);

(*c*) by striking out paragraph (*k*) and substituting the following paragraphs:

(*k*) the issue of licences and approvals under Part IV;

(*k*1) the fixing and collection of fees in relation to the issue and renewal of licences and approvals under Part IV;;

(*d*) by inserting in paragraph (*o*) after the passage "relating to" the passage "maintenance or";

and

(*e*) by striking out paragraph (*p*).

Amendment of s. 252—Offences.

36. Section 252 of the principal Act is amended by striking out from subsection (2) the word "two" and substituting the word "five".

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

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No. 68 of 1981

An Act to amend the Fire Brigades Act, 1936-1976.

[*Assented to* 22 *October* 1981]

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 "Fire Brigades Act Amendment Act, 1981".

(2) The Fire Brigades Act, 1936-1976, is in this Act referred to as "the principal Act".

Commencement.

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

Repeal of s. 1 and substitution of new section.

3. Section 1 of the principal Act is repealed and the following section is substituted:

Short title.

1. This Act may be cited as the "South Australian Metropolitan Fire Service Act, 1936-1981".

Amendment of s. 4—

Arrangement of Act.

4. Section 4 of the principal Act is amended—

(*a*) by striking out the item:

PART II—Constitution, duties and powers of the board.

and substituting the item:

PART II—administration.;

and

(*b*) by striking out the item:

PART VI—Contributions to the board.

and substituting the item:

PART VI—Contributions towards the cost of administration of this Act.

5. The following section is inserted after section 4 of the principal Act: Insertion of new section.

4a. (1) All property, rights and liabilities vested in or attached to The Fire Brigades Board immediately before the commencement of the Fire Brigades Act Amendment Act, 1981, shall, upon the commencement of that Act, vest in, or attach to, the Corporation. Transitional provision.

(2) A reference in any Act, regulation, rule, by-law or document to The Fire Brigades Board shall, where the context admits, be construed as a reference to the Corporation.

(3) A person who was immediately before the commencement of the Fire Brigades Act Amendment Act, 1981, employed by The Fire Brigades Board shall become, upon the commencement of that amending Act, an officer or employee of the Corporation without loss of salary or status and without prejudice to his existing and accruing rights in relation to his employment.

6. Section 5 of the principal Act is amended— Amendment of s. 5—Interpretation.

(*a*) by striking out the definitions of "board", "by-law" and "chairman";

(*b*) by striking out the definition of "chief officer" and substituting the following definitions:

"the Chief Officer" means the person for the time being holding, or acting in, the office of Chief Officer under this Act:

"commanding officer" means the Chief Officer or any other officer—

(*a*) to whom command of a fire brigade has been assigned by the Chief Officer;

(*b*) to whom control of operations at the scene of a fire has been assigned by the Chief Officer;

or

(*c*) to whom responsibility for investigating and reporting on the cause of a fire has been assigned by the Chief Officer:;

(*c*) by striking out from the definition of "contributory company" the passage "the board" and substituting the passage "the Corporation";

(*d*) by inserting after the definition of "contributory company" the following definition:

"the Corporation" means the body corporate entitled the "South Australian Metropolitan Fire Service" established under this Act:;

(*e*) by striking out the definition of "member";

(*f*) by striking out the definition of "secretary";

and

(*g*) by striking out from the definition of "this Act" the passage "and by-laws".

Repeal of ss. 6 and 7 and substitution of new section.

7. Sections 6 and 7 of the principal Act are repealed and the following section is substituted:

Establishment, etc., of fire districts.

6. (1) The Governor may, by proclamation—

(*a*) constitute a fire district;

(*b*) alter the boundaries of a fire district;

or

(*c*) abolish a fire district.

(2) A fire district must be constituted of land within the area of a council, or within the areas of a number of councils.

(3) Before a proclamation is made under this section at least one month's notice of the terms of the proposed proclamation must be given to any council affected by the proposal.

Substitution of heading.

8. The heading immediately preceding section 8 of the principal Act is repealed and the following heading is substituted:

PART II

ADMINISTRATION

Repeal of ss. 8 to 33 and substitution of new sections.

9. Sections 8 to 33 (inclusive) of the principal Act are repealed and the following sections are substituted:

Establishment of the Corporation.

8. (1) There shall be a corporation entitled the "South Australian Metropolitan Fire Service".

(2) The Corporation shall be constituted of the Minister.

(3) A document purporting to bear the common seal of the Corporation and to be signed by the Minister or a delegate of the Minister shall be presumed in any legal proceedings, in the absence of proof to the contrary, to have been duly executed by the Corporation.

Functions and powers of the Corporation.

9. (1) The functions of the Corporation are as follows:

(*a*) to provide efficient fire fighting services in fire districts;

and

(*b*) to provide services with a view to preventing the outbreak of fire in fire districts.

(2) For the purposes of carrying out those functions, the Corporation may—

(*a*) establish and maintain fire stations and fire brigades;

(*b*) provide and maintain proper appliances and equipment for fire stations and fire brigades;

(*c*) acquire, hold, deal with and dispose of real and personal property;

(*d*) borrow moneys from the Treasurer, or, with the consent of the Treasurer, from any other person;

(*e*) enter into any other kind of contract or arrangement;

and

(*f*) exercise any other powers that are necessary for, or incidental to, the efficient discharge of its functions.

Delegation.

10. (1) The Corporation may delegate to the Chief Officer, or any other person, any of its powers or functions under this Act.

(2) A delegation under this section is revocable at will and does not derogate from the power of the Corporation to act in any matter itself.

Accounts and audit.

11. (1) The Corporation shall cause proper accounts to be kept of its financial affairs.

(2) The accounts of the Corporation shall be audited annually by the Auditor-General.

Annual report.

12. (1) On or before the 30th day of September in each year the Corporation shall cause a report on the administration of this Act during the preceding financial year to be prepared.

(2) The Minister shall cause a copy of the report prepared under subsection (1) together with the audited accounts of the Corporation to be laid before each House of Parliament.

Amendment of s. 34—Power to establish and maintain salvage corps.

10. Section 34 of the principal Act is amended by striking out the passage "The board" and substituting the passage "The Corporation".

Amendment of s. 35—Fire brigade to assist salvage corps.

11. Section 35 of the principal Act is amended—

(*a*) by striking out from subsection (1) the passage "subject to any by-laws" and substituting the passage "subject to this Act";

and

(*b*) by striking out from subsections (2) and (3) the passage "the board", wherever it occurs, and substituting in each case, the passage "the Corporation".

Amendment of s. 36—Inspection of salvage corps.

12. Section 36 of the principal Act is amended—

(*a*) by striking out the passage "the board" and substituting the passage "the Corporation";

and

(*b*) by striking out the passage "any by-laws" and substituting the passage "any provision of this Act".

Amendment of s. 37—Registration of volunteer fire brigades.

13. Section 37 of the principal Act is amended by striking out from subsection (2) the passage "by by-law" and substituting the passage "by the regulations".

Amendment of s. 39—Payment for services of volunteer fire brigades.

14. Section 39 of the principal Act is amended by striking out the word "board" wherever it occurs and substituting, in each case, the word "Corporation".

Repeal of ss. 40, 41, 42 and 43 and substitution of new sections.

15. Sections 40, 41, 42 and 43 of the principal Act are repealed and the following sections are substituted:

Officers and employees of the Corporation.

40. (1) The Corporation shall have the following officers—

(*a*) the Chief Officer;

(*b*) the Deputy Chief Officer;

and

(*c*) such other officers as the Corporation thinks fit to appoint.

(2) The Corporation may appoint such employees as it thinks fit.

(3) In the absence of the Chief Officer, or in the event of his being unable to carry out his duties, the Deputy Chief Officer shall act in the office of Chief Officer and shall have all the powers and functions of the Chief Officer.

(4) The Corporation may appoint a suitable person to act in an office or position (other than the office of Chief Officer) in the absence of the person appointed to that office or position, or in the event of his being unable to carry out his duties.

(5) An officer or employee of the Corporation shall carry out the directions—

(*a*) of the Corporation;

and

(*b*) of any officer—

(i) to whom he is responsible by virtue of this Act;

or

(ii) who has been placed in a position of authority over him by the Corporation.

(6) The terms and conditions of employment of an officer or employee of the Corporation shall, subject to the terms of any relevant industrial award or agreement, be determined by the Corporation.

(7) A person shall not be appointed by the Corporation as Chief Officer, or Deputy Chief Officer, without the approval of the Governor.

Responsibilities of the Chief Officer.

41. (1) The Chief Officer is responsible to the Corporation—

(*a*) to carry out the policies and implement the decisions of the Corporation;

(*b*) for the general administration of the business of the Corporation;

(*c*) for the discipline and control of the fire brigades maintained by the Corporation;

and

(*d*) to carry out responsibilities assigned to him by the Corporation.

Command of fire brigades.

42. A fire brigade maintained by the Corporation shall be under the command of—

(*a*) the Chief Officer;

or

(*b*) a commanding officer who is responsible to the Chief Officer for the discipline and control of the fire brigade.

Amendment of s. 45—Duties and powers of commanding officers.

16. Section 45 of the principal Act is amended—

(*a*) by striking out the passage "The chief officer shall, subject to any by-laws" and substituting the passage "A commanding officer shall, subject to the regulations,";

and

(*b*) by striking out from paragraph VIII the passage "the board" and substituting the passage "the Corporation".

Amendment of s. 46—Power to remove flammable materials from building.

17. Section 46 of the principal Act is amended by striking out the passage "The chief officer" and substituting the passage "A commanding officer".

Repeal of s. 47.

18. Section 47 of the principal Act is repealed.

Amendment of s. 48—Power to inspect.

19. Section 48 of the principal Act is amended—

(*a*) by striking out from subsection (1) the passage "authorized in that behalf by the board" and substituting the passage "authorized by him";

(*b*) by striking out from paragraph (*b*) of subsection (1) the passage "the board" and substituting the passage "the Corporation";

and

(*c*) by striking out subsection (2).

Amendment of s. 49—Right of access to place where explosives or dangerous materials are stored.

20. Section 49 of the principal Act is amended by striking out from subsection (1) the passage "The chief officer, or any officer authorized in that behalf by the board, shall, at all times, but subject to any by-laws" and substituting the passage "The Chief Officer, or any other officer authorized by him, may, subject to the regulations".

Repeal of s. 50 and substitution of new section.

21. Section 50 of the principal Act is repealed and the following section is substituted:

Chain of command in respect of fire-fighting operations.

50. (1) Where there is a fire in a locality to which this Act applies, the Chief Officer, or in his absence, the most senior commanding officer at the scene of the fire shall have command of all fire brigades present at the scene of the fire.

(2) Where a fire brigade is called to a fire that is outside the localities to which this Act applies, the commanding officer of the fire brigade shall forthwith inform the Director of Country Fire Services—

(*a*) of the fact that the fire brigade has been called to the fire;

(*b*) of the position of the fire;

and

(*c*) whether or not the fire brigade is proceeding to the fire in response to the call.

Amendment of s. 51—Power to proceed beyond limits of municipality or district.

22. Section 51 of the principal Act is amended—

(*a*) by striking out from subsection (1) the passage "The chief officer" and substituting the passage "A commanding officer";

(*b*) by striking out from subsection (1) the passage "by the board, with their engines, hoses, reels, horses, vehicles, escapes, and other appliances" and substituting the passage "by the Corporation with their appliances and equipment";

(*c*) by striking out from subsection (2) the passage "the board" wherever it occurs and substituting, in each case, the passage "the Corporation";

and

(*d*) by striking out subsection (2a).

Amendment of s. 52— Police to recognize authority of Chief Officer and commanding officers.

23. Section 52 of the principal Act is amended—

(*a*) by striking out from subsection (1) the passage "chief officer" and substituting the passage "Chief Officer and commanding officers";

and

(*b*) by striking out from subsection (2) the passage "chief officer" wherever it occurs and substituting, in each case, the passage, "Chief Officer or a commanding officer".

Substitution of heading.

24. The heading immediately preceding section 53 of the principal Act is repealed and the following heading is substituted:

PART VI
CONTRIBUTIONS TOWARDS THE COST OF ADMINISTRATION OF THIS ACT

Amendment of s. 53— Yearly estimate of expenditure.

25. Section 53 of the principal Act is amended—

(*a*) by striking out subsections (1), (2) and (3) and substituting the following subsections:

(1) In the month of May of each year, the Corporation shall prepare an estimate of the costs to be incurred by it during the next financial year in the administration of this Act.

(2) The estimated amount shall be apportioned as the Corporation thinks just to each fire district, and to each municipality or district, or part of a municipality or district, within each fire district.

(3) A council becomes liable to contribute under this Act towards such proportion of the estimated costs of administering this Act as relates to its area or portion of its area.

(3a) The Corporation shall forward to each council a statement of the amount towards which it becomes liable to contribute under subsection (3).;

and

(*b*) by striking out from subsection (4) the passage "expenditure of the board in any year" and substituting the passage "estimate prepared under subsection (1)".

Amendment of s. 54—Contributions to the expenditure of the Corporation.

26. Section 54 of the principal Act is amended—

(*a*) by striking out from subsection (1) the passage "the board" and substituting the passage "the Corporation";

(*b*) by striking out from subsection (4) the passage "the board" wherever it occurs and substituting, in each case, the passage "the Corporation";

(*c*) by striking out from subsection (8) the passage "the board" and substituting the passage "the Corporation";

(*d*) by striking out from subsection (8) the passage "the chairman and the secretary" and substituting the passage "an officer of the Corporation";

and

(*e*) by striking out from subsection (9) the passage "the board" and substituting the passage "the Corporation".

Amendment of s. 55—Contributions by new companies

27. Section 55 of the principal Act is amended by striking out the passage "the board" and substituting the passage "the Corporation".

Amendment of s. 58—Returns by insurance companies.

28. Section 58 of the principal Act is amended by striking out from subsections (1) and (3) the word "board" wherever it occurs and substituting, in each case, the word "Corporation".

Amendment of s. 59—Inspection of books.

29. Section 59 of the principal Act is amended by striking out from subsection (1) the passage "the board" and substituting the passage "the Corporation".

Amendment of s. 60—Returns by councils.

30. Section 60 of the principal Act is amended by striking out from subsection (1) the passage "the board" wherever it occurs and substituting, in each case, the passage "the Corporation".

Amendment of s. 60a—Contributions where insurer outside the State.

31. Section 60a of the principal Act is amended—

(*a*) by striking out from paragraphs (*a*) and (*b*) of subsection (1) the passage "the board" wherever it occurs and substituting, in each case, the passage "the Corporation";

(*b*) by striking out from subsection (3) the passage "the board" where it occurs for the first time and substituting the passage "the Corporation";

(*c*) by striking out from subsection (3) the passage "the chairman of the board and the secretary" and substituting the passage "an officer of the Corporation";

and

(*d*) by striking out from subsections (4) and (6) the passage "the board" wherever it occurs and substituting, in each case, the passage "the Corporation".

Amendment of s. 61—Brigades may be employed on special services.

32. Section 61 of the principal Act is amended by striking out the word "board" wherever it occurs and substituting, in each case, the word "Corporation".

Repeal of s. 62 and substitution of new section.

33. Section 62 of the principal Act is repealed and the following section is substituted:

Uniforms.

62. The Corporation may furnish its officers and employees with such uniform as it thinks suitable.

Amendment of s. 65—Disconnection of gas or electricity.

34. Section 65 of the principal Act is amended—

(*a*) by striking out the passage "artificial light" wherever it occurs and substituting, in each case, the word "electricity";

and

(*b*) by striking out the passage "the chief officer" and substituting the passage "the commanding officer".

Amendment of s. 66—Offences.

35. Section 66 of the principal Act is amended—

(*a*) by striking out paragraph (*a*) and substituting the following paragraph:

(*a*) wilfully obstructs, hinders, delays or interferes with an officer or employee of the Corporation, or a person acting under the authority of the Corporation or an officer of the Corporation, in the exercise or discharge of any power or duty under this Act:;

and

(*b*) by striking out from paragraphs (*b*), (*c*) and (*d*) of subsection (1) the passage "the board" wherever it occurs and substituting, in each case, the passage "the Corporation";

Amendment of s. 69—Payment of expenses where ship or property uninsured.

36. Section 69 of the principal Act is amended—

(*a*) by striking out the passage "the board" wherever it occurs in subsections (1), (1a) and (4) and where it occurs for the first time in subsection (2) and substituting, in each case, the passage "the Corporation";

and

(*b*) by striking out from subsection (2) the passage "The board's apportionment, when intimated to the parties by writing under the seal of the board" and substituting the passage "The Corporation's apportionment when intimated to the parties by instrument in writing under the hand of an officer of the Corporation".

Amendment of s. 70—Duty to give information as to insurance.

37. Section 70 of the principal Act is amended by striking out subsection (1) and substituting the following subsection:

(1) The owner of property that is destroyed or damaged by fire shall, at the request of any officer of the Corporation, inform him whether the property was insured, and if so, the name of the insurer and the amount of the insurance.

Amendment of s. 71—Damage done to be within policy.

38. Section 71 of the principal Act is amended by striking out the passage "the board, or by the chief officer or any member of a brigade" and substituting the passage "the Corporation, or by an officer or employee of the Corporation or any other person acting in pursuance of an authority conferred under this Act".

Repeal of s. 72 and substitution of new section.

39. Section 72 of the principal Act is repealed and the following section is substituted:

Inquests.

72. The Corporation is entitled to be heard at any inquest into the causes of a fire and may be represented at the inquest by counsel or by one of its officers.

Amendment of s. 73—Debris of fire may be searched.

40. Section 73 of the principal Act is amended—

(*a*) by striking out from subsection (1) the passage "or any officer, servant, or agent of the board" and substituting the passage "or any officer or employee of the Corporation";

and

(*b*) by striking out from subsections (1) and (2) the passage "the board" wherever it occurs and substituting, in each case, the passage "the Corporation".

Repeal of s. 74.

41. Section 74 of the principal Act is repealed.

Amendment of s. 75—Power to take property that is unlawfully detained.

42. Section 75 of the principal Act is amended—

(*a*) by striking out the passage ", or any officer, servant, or agent of the board" and substituting the passage "or any officer or employee of the Corporation";

and

(*b*) by striking out the passage "the board" wherever it occurs and substituting, in each case, the passage "the Corporation".

Amendment of s. 76—Report of fire.

43. Section 76 of the principal Act is amended—

(*a*) by striking out from subsection (1) the passage "chief officer or foreman" and substituting the passage "commanding officer";

(*b*) by striking out from subsections (1) and (2) the passage "the board" wherever it occurs and substituting, in each case, the passage "the Corporation";

and

(*c*) by striking out from subsection (2) the passage ", or the secretary,".

Amendment of s. 77—Regulations.

44. Section 77 of the principal Act is amended—

(*a*) by striking out subsection (1) and substituting the following subsections:

(1) The Governor may make such regulations as are contemplated by this Act, or as are necessary or expedient for the purposes of this Act.

(1a) Without limiting the generality of subsection (1), the regulations may—

(*a*) provide for the discipline of fire brigades, and of the officers and other members of fire brigades;

(*b*) provide for the registration of voluntary fire brigades;

(*c*) provide for payment to any person for voluntary or special services rendered to a fire brigade;

(*d*) make any provision necessary or expedient for the prevention, extinction or containment of fire, or for the protection of persons or property in the event of fire.;

and

(*b*) by inserting after subsection (2) the following subsection:

(3) Any by-laws in force under this Act immediately before the commencement of the Fire Brigades Act Amendment Act, 1981, shall be deemed to be regulations under this section.

Repeal of s. 79.

45. Section 79 of the principal Act is repealed.

Repeal of s. 80.

46. Section 80 of the principal Act is repealed.

Repeal of s. 81.

47. Section 81 of the principal Act is repealed.

Amendment of s. 83— Financial.

48. Section 83 of the principal Act is amended—

(*a*) by striking out the passage "the board" (firstly and thirdly occurring) and substituting, in each case, the passage "the Corporation";

and

(*b*) by striking out the passage "the board" (secondly occurring) and substituting the word "it".

Repeal of third schedule.

49. The third schedule to the principal Act is repealed.

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

****

No. 69 of 1981

An Act to amend the South Australian Health Commission Act, 1975-1980.

[*Assented to* 22 *October* 1981]

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 "South Australian Health Commission Act Amendment Act, 1981".

(2) The South Australian Health Commission Act, 1975-1980, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "South Australian Health Commission Act, 1975-1981".

Commencement.

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

(2) The Governor may, in a proclamation made for the purposes of subsection (1), suspend the operation of any specified provisions of this Act until a subsequent day fixed in the proclamation, or a day to be fixed by subsequent proclamation.

Amendment of s. 4—Arrangement of Act.

3. Section 4 of the principal Act is amended by inserting before the item:

DIVISION V—HEALTH CENTRE FEES

the item:

DIVISION IVA—BY-LAWS

Amendment of s. 6—Interpretation.

4. Section 6 of the principal Act is amended—

(*a*) by striking out the definition of "Government health centre" and substituting the following definition:

"Government health centre" means a health centre designated as a Government health centre by the regulations:;

(*b*) by striking out the definition of "health centre" and substituting the following definition:

"health centre" means a body of persons (whether corporate or unincorporate) by which health services are provided, being health services that may include services provided to persons on a live-in basis:;

and

(*c*) by striking out the definitions of "incorporated health centre" and "incorporated hospital" and substituting the following definitions:

"hospital" means a body of persons (whether corporate or unincorporate) by which health services are provided, being health services that include services provided to persons on a live-in basis:

"incorporated health centre" means an incorporated health centre established under Part IV:

"incorporated hospital" means an incorporated hospital established under Part III:.

Amendment of s. 16—Functions of the Commission.

5. Section 16 of the principal Act is amended by inserting in subsection (1) after paragraph (*f*) the following paragraph:

(*fa*) to ensure that incorporated hospitals, incorporated health centres and any health service established, maintained or operated by, or with the assistance of, the Commission are operated in an efficient and economical manner;.

Amendment of s. 17—Delegation.

6. Section 17 of the principal Act is amended by inserting in subsection (1) after the passage "officer or employee of the Commission" the passage "or officer of the Public Service of the State".

Amendment of s. 21—Superannuation, accrued leave rights, etc.

7. Section 21 of the principal Act is amended by striking out subsection (2) and substituting the following subsections:

(2) Where a person becomes an officer or employee of the Commission after ceasing to be employed—

(*a*) in the Public Service of the State;

(*b*) by an incorporated hospital;

or

(*c*) by an incorporated health centre,

and that employment with the Commission follows immediately upon the cessation of that previous employment, the following provisions shall apply—

(*d*) his existing and accruing rights immediately before the cessation of that previous employment in respect of recreation leave, sick leave and long service leave shall continue in full force and effect as if that previous employment had been employment by the Commission;

and

(*e*) he shall not be entitled to payment in lieu of those rights.

(3) Except where subsection (2) applies, where a person becomes an officer or employee of the Commission within three months after ceasing to be employed—

(*a*) in the Public Service of the State;

(*b*) by an incorporated hospital;

(*c*) by an incorporated health centre;

or

(*d*) in prescribed employment,

his existing and accruing rights immediately before the cessation of that employment in respect of recreation leave, sick leave and long service leave shall continue to the extent directed by the Commission and subject to such conditions as may be imposed by the Commission as if that previous employment had been employment by the Commission.

Amendment of s. 26—Annual report.

8. Section 26 of the principal Act is amended by inserting in subsection (1) after the passage "activities of the Commission" the passage ", and the efficiency of incorporated hospitals, incorporated health centres and any health service established, maintained or operated by, or with the assistance of, the Commission,".

Amendment of s. 27—Incorporation, etc.

9. Section 27 of the principal Act is amended by striking out subsections (1), (2) and (3) and substituting the following subsections:

(1) The Governor may, by proclamation—

(*a*) establish an incorporated hospital to provide health services in accordance with its constitution;

and

(*b*) assign a name to the incorporated hospital.

(2) A proclamation under subsection (1) that establishes an incorporated hospital to take over from any other body the function of providing health services provided by that other body before the date of the proclamation may provide that any incorporation of that other body is dissolved, and the proclamation shall have effect according to its terms.

(3) Where the incorporation of a body is dissolved by a proclamation under subsection (1), all the real and personal property and rights and liabilities of that body are, by force of this section, transferred to and vested in the incorporated hospital established by the proclamation.

(3a) A proclamation shall not be made under subsection (1)—

(*a*) that establishes an incorporated hospital to take over from any other body (not being the Commission or a Government hospital or Government health centre) the function of providing health services provided by that other body before the date of the proclamation unless—

(i) the governing body of that other body consents to the establishment of the incorporated hospital;

and

(ii) the Commission and the governing body have reached mutual agreement upon the terms of the constitution under which the incorporated hospital is to operate;

or

(*b*) in any other case, unless the Commission has approved the terms of the constitution under which the incorporated hospital is to operate.

Amendment of s. 31—Superannuation, accrued leave rights, etc.

10. Section 31 of the principal Act is amended by striking out subsection (2) and substituting the following subsections:

(2) Where a person becomes an officer or employee of an incorporated hospital after ceasing to be employed—

(*a*) in the Public Service of the State;

(*b*) by the Commission;

(*c*) by another incorporated hospital;

or

(*d*) by an incorporated health centre,

and that employment with the incorporated hospital follows immediately upon the cessation of that previous employment, the following provisions shall apply—

(*e*) his existing and accruing rights immediately before the cessation of that previous employment in respect of recreation leave, sick leave and long service leave shall continue in full force and effect as if that previous employment had been employment by the incorporated hospital;

and

(*f*) he shall not be entitled to payment in lieu of those rights.

(3) Except where subsection (2) applies, where a person becomes an officer or employee of an incorporated hospital within three months after ceasing to be employed—

(*a*) in the Public Service of the State;

(*b*) by the Commission;

(*c*) by another incorporated hospital;

(*d*) by an incorporated health centre;

or

(*e*) in prescribed employment,

his existing and accruing rights immediately before the cessation of that employment in respect of recreation leave, sick leave and long service leave shall continue to the extent directed by the board of the hospital and subject to such conditions as may be imposed by that board as if that previous employment had been employment by the hospital.

Repeal of s. 32.

11. Section 32 of the principal Act is repealed.

Amendment of s. 34—Accounts and audit.

12. Section 34 of the principal Act is amended—

(*a*) by inserting in subsection (2) after the word "hospital" the passage ", other than a prescribed incorporated hospital,";

and

(*b*) by inserting after subsection (2) the following subsections:

(3) The accounts of a prescribed incorporated hospital shall be audited at least once in every year by the Auditor-General.

(4) For the purposes of the audit, the Auditor-General shall have and may exercise, in relation to the accounts of prescribed incorporated hospitals and the officers and employees of such hospitals, the same powers as are vested in him by virtue of the Audit Act, 1921-1981, in relation to public accounts and accounting officers.

Amendment of s. 48—Incorporation etc.

13. Section 48 of the principal Act is amended by striking out subsections (1), (2) and (3) and substituting the following subsections:

(1) The Governor may, by proclamation—

(*a*) establish an incorporated health centre to provide health services in accordance with its constitution;

and

(*b*) assign a name to the incorporated health centre.

(2) A proclamation under subsection (1) that establishes an incorporated health centre to take over from any other body the function of providing health services provided by that other body before the date of the proclamation may provide that any incorporation of that other body is dissolved, and the proclamation shall have effect according to its terms.

(3) Where the incorporation of a body is dissolved by a proclamation under subsection (1), all the real and personal property and rights and liabilities of that body are, by force of this section, transferred to and vested in the incorporated health centre established by the proclamation.

(3a) A proclamation shall not be made under subsection (1)—

(*a*) that establishes an incorporated health centre to take over from any other body (not being the Commission or a Government hospital or Government health centre) the function of providing health services provided by that other body before the date of the proclamation unless—

(i) the governing body of that other body consents to the establishment of the incorporated health centre;

and

(ii) the Commission and the governing body have reached mutual agreement upon the terms of the constitution under which the incorporated health centre is to operate;

or

(*b*) in any other case, unless the Commission has approved the terms of the constitution under which the incorporated health centre is to operate.

Amendment of s. 51—Officers and employees.

14. Section 51 of the principal Act is amended by inserting after subsection (2) the following subsection:

(3) The management committee of an incorporated health centre may, with the approval of the Minister administering any Department of the Public Service of the State, make use of the services of any officer, or use any facilities or equipment, of that Department.

Amendment of s. 52—Superannuation accrued leave rights, etc.

15. Section 52 of the principal Act is amended by striking out subsection (2) and substituting the following subsections:

(2) Where a person becomes an officer or employee of an incorporated health centre after ceasing to be employed—

(*a*) in the Public Service of the State;

(*b*) by the Commission;

(*c*) by an incorporated hospital;

or

(*d*) by another incorporated health centre,

and that employment with the incorporated health centre follows immediately upon the cessation of that previous employment, the following provisions shall apply—

(*e*) his existing and accruing rights immediately before the cessation of that previous employment in respect of recreation leave, sick leave and long service leave shall continue in full force and effect as if that previous employment had been employment by the incorporated health centre;

and

(*f*) he shall not be entitled to payment in lieu of those rights.

(3) Except where subsection (2) applies, where a person becomes an officer or employee of an incorporated health centre within three months after ceasing to be employed—

(*a*) in the Public Service of the State;

(*b*) by the Commission;

(*c*) by an incorporated hospital;

(*d*) by another incorporated health centre;

or

(*e*) in prescribed employment,

his existing and accruing rights immediately before the cessation of that employment shall continue to the extent directed by the management committee of the health centre and subject to such conditions as may be imposed by that committee as if that previous employment had been employment by the health centre.

16. Section 53 of the principal Act is repealed. Repeal of s. 53.

17. Section 55 of the principal Act is amended— Amendment of s. 55—Accounts audit.

(*a*) by inserting in subsection (2) after the word "centre" the passage ", other than a prescribed incorporated health centre,";

and

(*b*) by inserting after subsection (2) the following subsections:

(3) The accounts of a prescribed incorporated health centre shall be audited at least once in every year by the Auditor-General.

(4) For the purposes of the audit, the Auditor-General shall have and may exercise, in relation to the accounts of prescribed incorporated health centres and the officers and employees of such health centres, the same powers as are vested in him by virtue of the Audit Act, 1921-1981, in relation to public accounts and accounting officers.

18. The following Division and heading are inserted after section 57 of the principal Act: Insertion of new Division IVA.

DIVISION IVA—BY-LAWS

57aa. (1) The management committee of an incorporated health centre may make, alter and repeal by-laws— By-laws.

(*a*) relating to the discharge and performance by the health centre of its functions and duties, or the administration of the health centre;

(*b*) necessary or expedient for the maintenance of good order, the protection of property of the health centre, or the prevention of hindrance to, or interference with, any activities carried on at the health centre or in any part of its grounds;

(*c*) prescribing fines not exceeding fifty dollars for contravention of any by-law.

(2) Every by-law made under this section must be sealed with the seal of the incorporated health centre and submitted to the Commission for approval.

(3) Upon approval of a by-law made under this section the by-law shall be transmitted to the Governor for confirmation and upon confirmation by the Governor shall come into force.

19. Section 61 of the principal Act is amended by striking out paragraph (*a*) of subsection (1) and substituting the following paragraph: Amendment of s. 61—Recognized organizations.

(*a*) the Federated Miscellaneous Workers' Union of Australia, South Australian Branch;.

Insertion of new s. 62a.

Notification of dissolution of incorporated body.

20. The following section is inserted after section 62 of the principal Act:

62a. Where the incorporation of a body is dissolved pursuant to this Act, the Commission shall, by writing, notify the Corporate Affairs Commission of that fact.

Repeal of third schedule.

21. The third schedule to the principal Act is repealed.

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

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No. 70 of 1981

An Act to amend the Stamp Duties Act, 1923-1980.

[*Assented to* 30 *October* 1981]

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, 1981".

(2) The Stamp Duties Act, 1923-1980, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Stamp Duties Act, 1923-1981".

Commencement.

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

Repeal of s. 31*l*.

3. Section 31*l* of the principal Act is repealed.

Repeal of s 31p.

4. Section 31p of the principal Act is repealed.

Repeal of ss. 47b, 47c and 47d.

5. Sections 47b, 47c and 47d of the principal Act are repealed.

Amendment of s. 48—When bills, notes, etc., to be stamped.

6. Section 48 of the principal Act is amended by striking out from subsection (3) the passage "eight cents" and substituting the passage "ten cents".

Amendment of s. 48a—Payment of duty on cheques.

7. Section 48a of the principal Act is amended—

(*a*) by striking out subsections (3) and (3a);

and

(*b*) by inserting after subsection (5) the following subsection:

(5a) Notwithstanding any other provision of this Act, but subject to subsection (5b), a cheque drawn on a form—

(*a*) that was issued to a customer by a bank pursuant to a licence in force under this section;

or

(*b*) that was issued to a customer by a bank and impressed with a stamp for the amount of duty payable in respect of cheques at the time of stamping,

shall be deemed to be duly stamped notwithstanding that the rate of duty payable in respect of cheques increased before the time at which the cheque was drawn.

(5b) Subsection (5a) does not apply to a cheque where—

(*a*) the form on which the cheque was drawn was issued by a bank before the day specified for the purposes of this paragraph in a proclamation;

and

(*b*) the cheque was drawn after the day specified for the purposes of this paragraph in the proclamation, being a day not earlier than the thirtieth day after the publication of the proclamation.

(5c) A proclamation may be made for the purposes of subsection (5b) in relation to a particular increase in the rate of duty payable in respect of cheques and subsequent proclamations may be made for the purposes of that subsection in relation to subsequent increases in that rate of duty.

(5d) Where a proclamation referred to in subsection (5b) is made and, by virtue of the operation of the proclamation and that subsection, subsection (5a) does not apply to a cheque, the cheque shall be deemed to have been duly stamped if—

(*a*) an adhesive stamp or impressed stamp is applied to the cheque, being a stamp for the amount of the increase in duty that became payable between the time of the issue of the form on which the cheque was drawn and the time at which the cheque was drawn;

or

(*b*) the Commissioner signifies, by writing, that he is satisfied that proper arrangements have been made with him for payment of the additional duty referred to in paragraph (*a*).

Amendment of s. 66ab—Computation of duty in case of certain real property transactions.

8. Section 66ab of the principal Act is amended by inserting after subsection (1a) the following subsection:

(1b) Subsection (1) does not apply in relation to land used wholly or mainly for primary production conveyed in separate parcels to different persons by separate conveyances arising from sales made to different persons, where the Commissioner is satisfied—

(*a*) that each transferee is to use the parcel of land conveyed to him wholly or mainly for primary production;

and

(*b*) that no arrangement or understanding exists between the purchasers under which the parcels of land conveyed by the separate conveyances are to be used otherwise than separately and independently from each other.

Amendment of s. 90a—Interpretation.

9. Section 90a of the principal Act is amended by inserting after the definition of "dealer" the following definitions:

"odd lot" means a parcel of marketable securities that is, under the rules of the stock exchange on which the sale or purchase is effected, required to be bought or sold through an odd lot specialist:

"odd lot specialist" means a broker who is appointed by the Stock Exchange of Adelaide Limited for the purpose of buying and selling odd lots:.

Amendment of s. 90c—Sales and purchases to be recorded.

10. Section 90c of the principal Act is amended by inserting after paragraph (*d*) of subsection (3) the following word and paragraph:

or

(*c*) in respect of any sale or any purchase, where the sale or, as the case may be, the purchase is of an odd lot by an odd lot specialist.

Amendment of s. 106a—Transfers of marketable securities not to be registered unless duly stamped.

11. Section 106a of the principal Act is amended—

(*a*) by inserting in paragraph (*b*) of subsection (1) after the word "Act" the passage "or is, under subsection (1b), deemed to have been duly stamped";

and

(*b*) by inserting after subsection (1) the following subsections:

(1a) Notwithstanding any other provision of this Act, where marketable securities are transferred pursuant to a take-over scheme, the Commissioner may, if he thinks it expedient to do so, upon payment of the duty payable in respect of the instruments of transfer, denote payment of the duty on a statement in the prescribed form.

(1b) Where payment of duty is denoted on a statement pursuant to subsection (1a), each instrument of transfer to which the statement relates shall be deemed to have been duly stamped.

Amendment of second Schedule.

12. The second schedule to the principal Act is amended—

(*a*) by striking out from the item commencing "BILL OF EXCHANGE (Cheque, Order, etc.)" the numerals "0.08" and substituting the numerals "0.10";

and

(*b*) by striking out from the item commencing "BILL OF EXCHANGE and PROMISSORY NOTE drawn or made out of South Australia" the numerals "0.08" and substituting the numerals "0.10".

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

****

No. 71 of 1981

An Act to amend the Mining Act, 1971-1978.

[*Assented to* 5 *November* 1981]

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 Act Amendment Act, 1981".

(2) The Mining Act, 1971-1978, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Mining Act, 1971-1981".

Commencement.

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

(2) The Governor may, in a proclamation for the purposes of subsection (1), suspend the operation of any specified provisions of this Act until a subsequent day fixed in the proclamation, or a day to be fixed by subsequent proclamation.

Amendment of s. 4—Arrangement of Act.

3. Section 4 of the principal Act is amended—

(*a*) by inserting after the item:

PART IX—ENTRY UPON LAND, COMPENSATION AND RESTORATION

the item:

PART IXA—ACCESS TO SUB-SURFACE STRATA.;

and

(*b*) by striking out the item:

PART XI—ENCOURAGEMENT OF MINING

and substituting the items:

PART XI—ASSISTANCE TO MINING

PART XIA—CAVEATS.

Amendment of s. 6— Interpretation.

4. Section 6 of the principal Act is amended—

(*a*) by inserting after the definition of "declared equipment" the following definitions:

"exempt land" means land that is exempt from mining operations under section 9:

"exploring" means operations of any kind in the course of—

(*a*) exploring for minerals;

or

(*b*) establishing the extent of a mineral deposit,

and includes prospecting; and "to explore" and "exploratory" have corresponding meanings:;

(*b*) by striking out the definition of "fossicking" and substituting the following definition:

"fossicking" means the gathering of minerals—

(*a*) as a recreation;

and

(*b*) without any intention to sell the minerals or to utilize them for a commercial or industrial purpose,

but does not include the gathering of minerals by any means involving disturbance of land or water by machinery or explosives:;

(*c*) by inserting after the definition of "inspector" the following definition:

"machinery" means any device operated otherwise than by muscular force exerted by the operator:;

(*d*) by striking out from paragraph (*a*) of the definition of "minerals" the word "coal" and substituting the passage "coal, oil shale,";

(*e*) by inserting in the definition of "mining" and "mining operations" after the word "prospecting" the word ", exploring";

(*f*) by striking out the definition of "precious stones field" and substituting the following definition:

"precious stones field" means mineral lands declared by proclamation under this Act to be a precious stones field, but where those mineral lands have been divided into strata under this Act, the precious stones field consists only of the surface stratum:;

(*g*) by striking out the definition of "prospecting" and "to prospect" and substituting the following definition:

"prospecting" means operations of any kind in the course of exploring for minerals except such as involve the disturbance of land or water by machinery or explosives; and "to prospect" has a corresponding meaning:;

(*h*) by inserting after the definition of "registrar" the following definitions:

"sub-surface stratum" means a stratum resulting from the division of mineral lands into strata under this Act, being a stratum that lies beneath a surface stratum:

"surface stratum" means a stratum resulting from the division of mineral lands into strata under this Act, being a stratum of which the upper surface is the surface of those lands:;

and

(*i*) by inserting after its present contents as amended by this section (now to be designated as subsection (1)) the following subsection:

(2) Where mineral lands are divided into strata under this Act, a reference to lands, or an area, shall, where appropriate, be construed as a reference to the surface stratum or a sub-surface stratum as the case may require.

Amendment of s. 7— Application of Act.

5. Section 7 of the principal Act is amended by inserting after its present contents (now to be designated as subsection (1)) the following subsection:

(2) This Act does not regulate quarrying or other mining operations relating to extractive minerals conducted by the Commissioner of Highways or a council, or require payment of a royalty in respect of extractive minerals recovered in the course of quarrying or other mining operations so conducted.

Amendment of s. 8— Declaration of mineral lands, precious stones fields, etc.

6. Section 8 of the principal Act is amended—

(*a*) by striking out paragraph (*ba*) of subsection (1) and substituting the following paragraph:

(*ba*) divide mineral lands into a surface stratum and one or more sub-surface strata and fix the depth of the surface stratum and the depth of any sub-surface stratum below which lies any further sub-surface stratum resulting from the division;;

and

(*b*) by inserting after subsection (2) the following subsection:

(3) The depth of strata into which mineral lands are divided under this section may vary from place to place but where those mineral lands constitute a precious stones field, or part of a precious stones field, the depth of the surface stratum must be at least 50 metres.

Amendment of s. 9— Exempt lands.

7. Section 9 of the principal Act is amended by striking out subsection (3) and substituting the following subsections:

(3) Where—

(*a*) the owner of exempt land, by agreement with a person who seeks to carry out mining operations on the land, waives the exemption;

or

(*b*) the Land and Valuation Court, on the application of a person who seeks to carry out mining operations on exempt land, determines that the exemption should cease,

the land shall cease to be exempt land but the exemption shall revive upon completion of the mining operations in respect of which the agreement or determination was made or at such earlier time as may be stipulated in that agreement or determination.

(3a) An agreement or determination under subsection (3) may be made upon such terms and conditions as the parties, or the Court, thinks fit.

Amendment of s. 10a—Special conditions attaching to mining of radio-active minerals.

8. Section 10a of the principal Act is amended—

(*a*) by striking out from subsection (1) the passage "(other than prospecting)" and substituting the passage "(other than exploratory operations)";

and

(*b*) by striking out from subsection (1) the passage "mining lease" and substituting the passage "mining lease or retention lease".

Amendment of s. 17—Royalty.

9. Section 17 of the principal Act is amended—

(*a*) by striking out from subsection (4) the passage "the value of the minerals immediately upon recovery from the earth" and substituting the passage "the amount that could reasonably be expected to be realized upon sale of the minerals assuming that any processing that would normally be carried out by the mining operator were in fact carried out by him or at his expense and the minerals were delivered to a purchaser at the expense of the mining operator at the nearest port within the State.;

and

(*b*) by inserting after subsection (10) the following subsection:

(11) The Minister may, upon the application of a person liable to pay royalty, having regard to the effect that payment of royalty as required by this section would be likely to have on the viability or profitability of mining operations or related processing operations carried on by that person, waive payment of royalty, or reduce the rate at which royalty is payable, on minerals recovered in the course of those operations.

Amendment of s. 20—Issue, transfer, surrender, etc., of miner's right.

10. Section 20 of the principal Act is amended by inserting after subsection (5) the following subsection:

(6) A miner's right may, subject to this Act and in accordance with the regulations, be surrendered.

Amendment of s. 22—Rights attaching to miner's right.

11. Section 22 of the principal Act is amended—

(*a*) by inserting after subsection (1) the following subsections:

(1a) Subject to subsection (1b), where mineral lands are divided into strata, a mineral claim may be pegged out, in accordance with the regulations, in respect of lands within either the surface stratum or a sub-surface stratum.

(1b) A mineral claim shall not be pegged out in respect of lands within a sub-surface stratum except by a person who holds an exploration licence in respect of those lands.;

and

(*b*) by striking out subsection (3) and substituting the following subsection:

(3) A miner's right shall not authorize the pegging out of a mineral claim in respect of lands within a precious stones field, but where a precious stones field consists of the surface stratum of lands that are divided into strata, this subsection does not prevent the pegging out on the precious stones field of a claim in respect of lands within a sub-surface stratum.

Amendment of s. 24—Registration of claim.

12. Section 24 of the principal Act is amended—

(*a*) by striking out from subsection (4) the passage "A mining registrar may" and substituting the passage "Subject to subsection (4a), a mining registrar may";

and

(*b*) by inserting after subsection (4) the following subsection:

(4a) A mining registrar shall not exercise his power under subsection (4) to refuse to register a claim if the claim relates solely to extractive minerals.

Amendment of s. 25—Rights conferred by ownership of mineral claim.

13. Section 25 of the principal Act is amended by striking out subsection (1) and substituting the following subsection:

(1) A mineral claim shall confer on the owner of the claim an exclusive right, subject to the provisions of this Act—

(*a*) to prospect for minerals in the lands comprised in the claim;

(*b*) to carry out such other exploratory operations on or in respect of the lands comprised in the claim as are approved in writing by the Director;

and

(*c*) to apply for a mining lease or a retention lease in respect of the whole or part of the lands comprised in the claim.

Amendment of s. 26—Mineral claim not transferable, etc.

14. Section 26 of the principal Act is amended—

(*a*) by striking out from subsection (2) the word "lease" and substituting the passage "mining lease or a retention lease";

(*b*) by striking out from subsection (3) the word "lease" and substituting the passage "mining lease or a retention lease";

and

(*c*) by inserting after subsection (3) the following subsection:

(4) A mineral claim may, subject to this Act and in accordance with the regulations, be surrendered.

Amendment of s. 27—Land not to be re-pegged where claim lapses, etc.

15. Section 27 of the principal Act is amended—

(*a*) by striking out the passage "or is abandoned" and substituting the passage "or is surrendered";

and

(*b*) by striking out the word "abandonment" and substituting the word "surrender".

Amendment of s. 28— Grant of exploration licence.

16. Section 28 of the principal Act is amended by striking out subsections (1), (2), (3) and (4) and substituting the following subsections:

(1) Subject to this Act, the Minister may grant an exploration licence to any person.

(2) An exploration licence shall authorize the licensee to carry out exploratory operations of a kind described in the licence in respect of lands described, or referred to, in the licence.

(3) An exploration licence shall not be granted in respect of precious stones or extractive minerals.

(4) The area of the lands in respect of which an exploration licence is granted shall not exceed 2 500 square kilometres unless in the opinion of the Minister circumstances exist that justify the grant of a licence in respect of a greater area.

(5) The Minister shall, at least twenty-eight days before he grants an exploration licence, cause notice to be published in the *Gazette* describing the lands in respect of which he proposes to grant the licence and, where the licence is to be granted in respect of a particular stratum, specifying that stratum.

Amendment of s. 29— Application for exploration licence.

17. Section 29 of the principal Act is amended—

(*a*) by striking out from paragraph (*b*) of subsection (2) the passage "the area" and substituting the passage "the lands";

and

(*b*) by striking out paragraph (*c*) of subsection (2) and substituting the following paragraph:

(*c*) a statement outlining the exploratory operations that the applicant proposes to carry out in pursuance of the licence showing the estimated expenditure to be incurred in carrying out those operations;.

Amendment of s. 30— Incidents of licence.

18. Section 30 of the principal Act is amended—

(*a*) by inserting the word "and" between paragraphs (*a*) and (*b*) of subsection (1);

(*b*) by striking out paragraph (*c*) and the word "and" immediately preceding that paragraph;

(*c*) by striking out paragraphs (*a*), (*b*), (*c*) and (*d*) of subsection (2) and substituting the following paragraphs:

(*a*) the natural beauty of any locality or place that may be affected by the conduct of operations in pursuance of the licence;

(*b*) flora and fauna that may be endangered or disturbed by those operations;

(*c*) buildings of architectural or historical interest, and features and objects of scientific or historical interest, that may be affected by those operations,;

and

(*d*) by striking out from subsection (3) the passage "in consequence of the conduct of mining operations in pursuance of the licence" and substituting the passage "in consequence of loss or damage suffered by him as a result of operations conducted in pursuance of the licence".

Insertion of new s. 30a.

19. The following section is inserted after section 30 of the principal Act:

Term of licence, etc.

30a. (1) An exploration licence shall be granted for an initial term, not exceeding two years, and that term may be extended at the discretion of the Minister from time to time but not so that the licence would remain in force for a total period exceeding five years.

(2) The Minister may, upon extending the term of an exploration licence, or with the consent of the licensee at any other time alter an exploration licence in either or both of the following ways:

(*a*) by adding to, varying or revoking the conditions of the licence, or any of those conditions;

(*b*) by reducing the area of the lands in respect of which the licence operates.

Amendment of s. 33— Cancellation, suspension, etc., of licence.

20. Section 33 of the principal Act is amended—

(*a*) by striking out subsection (3);

and

(*b*) by striking out subsection (8).

Amendment of 34— Grant of Mining lease.

21. Section 34 of the principal Act is amended—

(*a*) by striking out from subsection (1) the passage "lands comprised in the claim" and substituting the passage "the whole or part of the lands comprised in the claim";

(*b*) by inserting after subsection (1) the following subsections:

(1a) Where the registered mineral claim relates to a particular stratum, the lease shall, if granted, relate to the same stratum.

(1b) A mining lease shall not be granted in respect of lands within a sub-surface stratum except upon the authority of a resolution passed by both Houses of Parliament.;

(*c*) by striking out subsection (2) and substituting the following subsection:

(2) The Minister shall, at least twenty-eight days before he grants a mining lease, cause notice to be published in the *Gazette* describing the lands in respect of which he proposes to grant the lease and, where the lease is to be granted in respect of a particular stratum, specifying that stratum.;

(*d*) by striking out subsection (5) and substituting the following subsection:

(5) The maximum permissible area of the lands in respect of which a mining lease may be granted shall be as prescribed.;

and

(*e*) by striking out paragraphs (*a*), (*b*), (*c*) and (*d*) of subsection (6) and substituting the following paragraphs:

(*a*) the natural beauty of any locality or place that may be affected by the conduct of operations in pursuance of the lease;

(*b*) flora and fauna that may be endangered or disturbed by those operations;

(*c*) buildings of architectural or historical interest, and objects and features of scientific or historical interest, that may be affected by those operations,.

22. Section 35 of the principal Act is amended— Amendment of s. 35— Application for lease.

(*a*) by striking out subsection (1) and substituting the following subsection:

(1) An application for a mining lease must be in the prescribed form and must be accompanied by—

(*a*) a statement of—

(i) the mining operations that the applicant proposes to carry out in pursuance of the lease;

(ii) the measures that the applicant proposes to take to remedy damage to land that may result from the proposed mining operations;

and

(iii) such other information as is prescribed

and

(*b*) the prescribed fee.;

and

(*b*) by inserting after subsection (2) the following subsection:

(3) The Minister shall not grant a mining lease unless he is satisfied that there is a reasonable prospect that the lands in respect of which the lease is sought could be effectively and efficiently mined.

23. The following section is inserted after section 35 of the principal Act: Insertion of new s. 35a.

35a. (1) The Minister shall, within fourteen days after receiving an application for a mining lease, send a copy of the application to the owner of the land to which the application relates and invite him to submit written representations on the application to the Minister within a time fixed in the invitation. Representations in relation to grant of lease.

(2) Where application is made for a mining lease in respect of lands within the area of a council, the Minister shall within fourteen days after receiving the application send a copy of the application to the council and invite it to submit written representations on the application to the Minister within a time fixed in the invitation.

(3) In determining whether to grant or refuse an application for a mining lease and, if so, the terms and conditions on which it should be granted, the Minister shall have regard to any representations made in response to an invitation under this section.

Amendment of s. 38—Term and renewal of mining lease.

24. Section 38 of the principal Act is amended by striking out from subsection (2) the passage "The holder of a mining lease" and substituting the passage "Subject to the terms and conditions of a mining lease, the holder of the lease".

Amendment of s. 39—Rights conferred by lease.

25. Section 39 of the principal Act is amended by striking out from paragraph (*a*) the passage "upon the area comprised in the lease" and substituting the passage "for the recovery of minerals from the lands comprised in the lease".

Repeal of s. 41.

26. Section 41 of the principal Act is repealed.

Amendment of s. 41a—Grant of retention leases.

27. Section 41a of the principal Act is amended—

(*a*) by striking out from subsection (1) the passage "lands comprised in the claim" and substituting the passage "the whole or part of the lands comprised in the claim";

(*b*) by inserting after subsection (1) the following subsection:

(1a) Where the registered mineral claim relates to a particular stratum, the lease shall, if granted, relate to the same stratum.;

and

(*c*) by striking out paragraphs (*a*), (*b*), (*c*) and (*d*) of subsection (5) and substituting the following paragraphs:

(*a*) the natural beauty of any locality or place that may be affected by the conduct of operations in pursuance of the lease;

(*b*) flora and fauna that may be endangered or disturbed by those operations;

(*c*) buildings of architectural or historical interest and objects and features of scientific or historical interest, that may be affected by those operations,.

Repeal of s. 41d and substitution of new section.

28. Section 41d of the principal Act is repealed and the following section is substituted:

Term and renewal of retention lease.

41d. (1) A retention lease shall be granted for a term, not exceeding five years, specified in the lease.

(2) The holder of a retention lease may, not later than three months before the expiration of the term of the lease, apply, in the prescribed manner and form, to the Minister for the renewal of the lease.

(3) If the applicant has complied with this Act and with the terms and conditions to which the lease is subject, the Minister may renew the lease for a further term, not exceeding five years, on such terms and conditions as he thinks fit.

Repeal of s. 41f and substitution of new section.

29. Section 41f of the principal Act is repealed and the following section is substituted:

Rights conferred by lease.

41f. A retention lease shall—

(*a*) confer an exclusive right upon the holder of the lease to prospect for minerals in the lands comprised in the lease;

(*b*) confer on the holder of the lease such other rights to conduct mining operations in respect of the lands comprised in the lease as may be stipulated in the lease;

and

(*c*) confer on the holder of the lease an exclusive right to apply for a mining lease in respect of the lands comprised in the lease.

Amendment of s. 42—Issue of precious stones prospecting permit.

30. Section 42 of the principal Act is amended—

(*a*) by inserting in subsection (1) after the passage "any person" the passage "(not being a body corporate)";

and

(*b*) by inserting after subsection (5) the following subsection:

(6) A precious stones prospecting permit may, subject to this Act and in accordance with the regulations, be surrendered.

Amendment of s. 43—Term of and renewal of permit.

31. Section 43 of the principal Act is amended—

(*a*) by striking out from subsection (2) the passage "A mining registrar" and substituting the passage "Subject to subsection (3), a mining registrar";

(*b*) by striking out from subsection (2) the passage "a precious stones permit" and substituting the passage "a precious stones prospecting permit";

and

(*c*) by inserting after subsection (2) the following subsection:

(3) A precious stones prospecting permit issued to a body corporate before the commencement of the Mining Act Amendment Act, 1981, shall not be renewed.

Amendment of s. 44—Rights of holder of permit.

32. Section 44 of the principal Act is amended—

(*a*) by inserting after subsection (2) the following subsection:

(2a) Notice of the pegging of a precious stones claim must be given in accordance with the regulations and if such notice is not given the claim shall lapse.;

and

(*b*) by inserting after subsection (6) the following subsection:

(7) A precious stones claim is not transferable.

Amendment of s. 46— Registration of claim.

33. Section 46 of the principal Act is amended—

(*a*) by striking out from subsection (1) the word "thirty" and substituting the word "fourteen";

and

(*b*) by inserting after subsection (1) the following subsection:

(2) The office at which an application under subsection (1) is to be lodged shall be determined in accordance with the regulations.

Amendment of s. 47— Rights conferred by claim.

34. Section 47 of the principal Act is amended by striking out from paragraph (*a*) the passage "within the area comprised in the claim" and substituting the passage "from the lands comprised in the claim".

Repeal of s. 48.

35. Section 48 of the principal Act is repealed.

Amendment of s. 51— Lease or licence not to be granted in respect of precious stones field.

36. Section 51 of the principal Act is amended by striking out subsections (2) and (3).

Amendment of s. 52— Grant of licence.

37. Section 52 of the principal Act is amended by striking out paragraphs (*a*), (*b*), (*c*) and (*d*) of subsection (4) and substituting the following paragraphs:

(*a*) the natural beauty of any locality or place that may be affected by the conduct of operations in pursuance of the licence;

(*b*) flora and fauna that may be endangered or disturbed by those operations;

(*c*) buildings of architectural or historical interest, and objects and features of scientific or historical interest, that may be affected by those operations,.

Amendment of s. 57— Entry upon land.

38. Section 57 of the principal Act is amended by inserting after the passage "authorized to prospect" the word ", explore".

Amendment of s. 58— Notice of entry.

39. Section 58 of the principal Act is amended—

(*a*) by inserting in subsection (1) after the passage "for the purposes of prospecting" the word ", exploring";

(*b*) by striking out from subsection (3) the passage "six months" and substituting the passage "three months";

(*c*) by striking out subsection (4) and substituting the following subsection:

(4) The court shall cause a copy of a notice of objection under subsection (3) to be sent to the mining operator.;

(*d*) by inserting in paragraph (*a*) of subsection (5) after the passage "should not be entered or used" the passage "by the mining operator";

and

(*e*) by inserting in paragraph (*b*) of subsection (5) after the passage "operations effectively conducted" the passage "by the mining operator".

Insertion of new s. 58a.

40. The following section is inserted after section 58 of the principal Act:

Entry on certain lands for mining purposes.

58a. (1) A mining operator must, at least twenty-one days before first entering upon any land to which this section applies for the purpose of prospecting, exploring or mining serve personally or by post on the owner of the land written notice, in the prescribed form, of his intention to enter the land describing the operations that he proposes to carry out on the land.

(2) Where a mining operator enters land and purports to peg a claim without having given notice as required by this section, the claim is invalid.

(3) This section applies to all land except—

(*a*) freehold land;

(*b*) land held of the Crown pursuant to a perpetual lease or an agreement to purchase;

(*c*) land comprised in a precious stones field.

Amendment of s. 59— Use of declared equipment.

41. Section 59 of the principal Act is amended—

(*a*) by striking out from subsection (1) the passage "A mining operator" and substituting the passage "Subject to this section, a mining operator";

(*b*) by striking out paragraph (*b*) of subsection (1) and substituting the following paragraph:

(*b*) upon land comprised in a registered precious stones claim or registered access claim within a precious stones field;;

(*c*) by inserting after subsection (1a) the following subsection:

(1b) A mining operator shall not use declared equipment in the course of mining operations upon land comprised in a registered precious stones claim or registered access claim within a precious stones field unless he has first served on the Director—

(*a*) notice, in the prescribed form, of his intention to use that equipment;

and

(*b*) prescribed particulars of the equipment and where it will be used.

Penalty: One thousand dollars.;

(*d*) by inserting in subsection (2) after the passage "upon land" the passage "(not being land comprised in a mining lease)";

and

(*e*) by striking out from subsection (8) the passage "Subsections (1a)" and substituting the passage "Subsections (2)".

Amendment of s. 60— Restoration of land.

42. Section 60 of the principal Act is amended—

(*a*) by striking out from subsection (1) the passage "Where a mining operator" and substituting the passage "Subject to the terms and conditions of any relevant lease, licence or authorization granted under this Act, where a mining operator";

and

(*b*) by striking out subsection (5).

Amendment of s. 62— Bond and security.

43. Section 62 of the principal Act is amended—

(*a*) by striking out from subsection (1) the passage "that any civil or statutory liability likely to be incurred by that person in the course of mining operations conducted under this Act will be satisfied" and substituting the passage—

that—

(*a*) any civil or statutory liability likely to be incurred by that person in the course of carrying out mining operations;

and

(*b*) the present and future obligations of that person in relation to the rehabilitation of land disturbed by mining operations,

will be satisfied.;

and

(*b*) by striking out subsection (3) and substituting the following subsection:

(3) If the holder of a mining tenement fails to comply with a requirement under this section within three months of the making of the requirement, the Minister may, by notice in writing—

(*a*) prohibit mining operations in the area of the mining tenement;

or

(*b*) cancel the mining tenement.

Insertion of new Part IXA.

44. The following Part is inserted after section 63 of the principal Act:

PART IXA

ACCESS TO SUB-SURFACE STRATA

Pegging put of access claim.

63a. (1) A person who holds a mining tenement in respect of a sub-surface stratum may peg out an access claim, in accordance with the regulations, on land above the land comprised in the tenement.

(2) The dimensions of an access claim must conform with the requirements of the regulations.

(3) No more than four access claims may be held at the same time in respect of the same mining tenement.

Access claim may be pegged by agreement or by authority of the warden's court over land comprised in mining tenement.

63b. (1) Subject to subsection (2), a person is not entitled to peg out an access claim on or above land held under a mining tenement by some other person unless that other person has consented to the pegging out of the access claim or the warden's court has, in pursuance of subsection (2), authorized the pegging out of the claim.

(2) Where a person desiring to peg out an access claim satisfies the warden's court that there is proper cause for the court to authorize the pegging out of the claim notwithstanding absence of the consent of the holder of a mining tenement, the court may, on such conditions as it thinks just, authorize the pegging out of the access claim.

Registration of access claim.

63c. (1) Application for registration of an access claim—

(*a*) must be in the prescribed form;

(*b*) must be lodged at the office of a mining registrar within fourteen days after the day on which the claim is pegged out;

and

(*c*) must be accompanied by the prescribed particulars.

(2) The mining registrar shall, upon receipt of due application for registration of an access claim that has been lawfully pegged out register the claim.

(3) If application for registration of an access claim is not made as required by this section, or if the mining registrar lawfully refuses to register the claim, the claim shall lapse.

Rights conferred by access claim.

63d. (1) An access claim shall confer on the owner of the claim an exclusive right, subject to the provisions of this Act, to conduct mining operations of the kind authorized by the mining tenement to which the claim relates from the lands comprised in the claim.

(2) The rights conferred by an access claim are exclusive of the rights of any other person to conduct mining operations on, or in respect of, the lands comprised in the claim.

Term, etc., of access claim.

63e. (1) Subject to this section, an access claim shall remain in force for an initial term of twelve months and may, upon application being made to a mining registrar in accordance with the regulations, be renewed from time to time for a further term of twelve months.

(2) An access claim shall lapse if for any reason the mining tenement to which it relates ceases to be in force.

(3) The holder of an access claim may, subject to this Act, surrender the claim at any time.

Amendment of s. 65—Powers, etc., of warden's court.

45. Section 65 of the principal Act is amended by inserting after subsection (3) the following subsections:

(3a) The Director or the registrar may appeal against a judgment or order of the warden's court whether or not he was a party to the proceedings in which the judgment or order was given or made.

(3b) An appeal against a judgment or order of the warden's court must be instituted within one month after publication of the judgment or order, but the Land and Valuation Court may, for proper cause, extend the period for instituting an appeal.

Amendment of s. 66— Rules of warden's court.

46. Section 66 of the principal Act is amended by inserting after subsection (1) the following subsection:

(1a) The rules may prescribe and provide for the payment of fees in respect of the lodging of documents in the court, or the issuing of documents by the court.

Amendment of s. 68— Cancellation of miner's right or precious stones prospecting permit.

47. Section 68 of the principal Act is amended by striking out from paragraph (*a*) of subsection (1) the word "of" and substituting the word "or".

Amendment of s. 69— Forfeiture of claim.

48. Section 69 of the principal Act is amended by inserting after subsection (3) the following subsection:

(3a) After an application has been made under this section the mineral claim or precious stones claim to which the application relates shall not be surrendered until the application has been determined.

Amendment of s. 70— Forfeiture of leases.

49. Section 70 of the principal Act is amended by inserting after subsection (4) the following subsection:

(4a) After an application has been made under this section the lease to which the application relates shall not be transferred or surrendered until the application has been determined.

Amendment of heading.

50. The heading appearing immediately after section 70 of the principal Act is repealed and the following heading is substituted:

PART XI
ASSISTANCE TO MINING

Insertion of new Part XIA.

51. The following Part is inserted after Part XI of the principal Act:

PART XIA
CAVEATS

Lodging of caveats.

73a. (1) A person claiming an interest in a mining tenement may lodge with a mining registrar a caveat forbidding the registration of any transfer or other instrument affecting the mining tenement or interest.

(2) A caveat lodged under this section—

(*a*) shall be in the prescribed form and shall be accompanied by the prescribed fee;

(*b*) shall state the full name and address of the caveator;

(*c*) shall be signed by the caveator or his agent;

and

(*d*) shall give an address within the State for the service of notices and proceedings in relation to the caveat.

(3) Upon the lodging of the caveat—

(*a*) a memorial or copy of the caveat shall be entered in the register;

and

(*b*) notice of the lodging of the caveat shall be sent by registered post or certified mail to the holder of the mining tenement affected by the caveat.

(4) Successive caveats shall not be lodged in respect of the same subject matter except by leave of the warden's court.

Duration and effect of caveat.

73b. (1) Except as provided in this section, a caveat shall lapse upon—

(*a*) the order of the warden's court for the removal of the caveat;

(*b*) the withdrawal of the caveat by the caveator;

(*c*) the expiration of a period of fourteen days after notification that application has been made for the registration of a transfer or other instrument affecting the subject matter of the caveat, has been sent by or on behalf of the registrar by registered post or certified mail to the caveator at the address for service given in the caveat, unless within that period the warden's court otherwise orders.

(2) When a caveat lapses, a memorial of that fact shall be entered in the register.

(3) Where the holder of a mining tenement has entered into an agreement with any person relating to the sale of an interest in the tenement, then, if the agreement so provides, either party to the agreement may lodge a caveat in accordance with this Part, together with a copy of the agreement and the caveat shall remain in force for such term as may be specified in the agreement, unless sooner withdrawn by consent of the parties to the agreement, or removed by order of the warden's court or some other court that is competent to adjudicate upon the rights protected by the caveat.

(4) A transfer or other instrument that would operate in derogation of rights protected by a caveat shall not be registered by a mining registrar, and its operation shall be suspended, while the caveat remains in force, unless the warden's court, or some other court that is competent to adjudicate upon the rights protected by the caveat, otherwise orders.

(5) Any person interested in the subject matter of a caveat may apply to the warden's court for an order under this section.

Amendment of s. 74—Penalty for illegal mining.

52. Section 74 of the principal Act is amended—

(*a*) by inserting after subsection (1) the following subsection:

(1a) A person who encourages or procures the commission of an offence under subsection (1) shall be guilty of an offence and liable to a penalty not exceeding two thousand dollars or imprisonment for two years.;

(*b*) by inserting in subsection (4) after the word "section" the passage "and a person against whom such an order has been made may, at any time after the expiration of one year from the date of service of the order upon him, apply to the Minister for its revocation";

(*c*) by inserting in subsection (5) after the passage "has been convicted" the passage "or has been found guilty by a court";

and

(*d*) by striking out the word "or" between paragraphs (*b*) and (*c*) of subsection (5) and by inserting after paragraph (*c*) of that subsection the following paragraphs:

(*d*) of an offence, committed on a precious stones field, against section 15 (1) (*a*), 18, 18a or 19 of the Police Offences Act, 1953-1981;

or

(*e*) of an offence against section 103 or 104 of the Criminal Law Consolidation Act, 1935-1980.

Amendment of s. 76—Returns.

53. Section 76 of the principal Act is amended—

(*a*) by striking out from paragraph (*a*) of subsection (4) the passage "precious stones prospecting permit" and substituting the passage "precious stones claim";

and

(*b*) by striking out the word "or" between paragraphs (*b*) and (*c*) of subsection (4) and by inserting after paragraph (*c*) of subsection (4) the following paragraphs:

(*d*) the holder of an access claim;

or

(*e*) the holder of a retention lease.

Amendment of s. 77—Records and samples.

54. Section 77 of the principal Act is amended by striking out from subsection (1) the word "holding" and substituting the word "holder".

Amendment of s. 79—Minister may grant exemption from certain obligations.

55. Section 79 of the principal Act is amended by striking out subsection (1) and substituting the following subsection:

(1) Where the Minister is satisfied that circumstances exist that justify him in so doing he may—

(*a*) exempt the holder of a lease or licence under this Act from the obligation to comply with a condition of the lease or licence;

and

(*b*) exempt the holder of a mining tenement from the obligation to comply with a provision of this Act.

Amendment of s. 80—Conditions under which land may be subject to more than one tenement.

56. Section 80 of the principal Act is amended—

(*a*) by striking out from subsection (1) the passage "subsection (2) of";

and

(*b*) by inserting after subsection (1) the following subsection:

(1a) Land may be simultaneously subject to an access claim and a mining tenement of some other kind but, in such a case, the rights conferred by the claim are, while the claim remains in force, exclusive of the rights conferred by the other mining tenement in respect of lands comprised in the claim.

Amendment of s. 86—Removal of machinery, etc.

57. Section 86 of the principal Act is amended—

(*a*) by striking out from subsection (1) the passage "forfeited, surrendered or abandoned" and substituting the passage "transferred, surrendered or forfeited";

and

(*b*) by striking out from subsection (1) the passage "forfeiture, surrender, abandonment" and substituting the passage "transfer, surrender, forfeiture".

Amendment of s. 88—Obstruction, etc., of officers exercising powers under this Act.

58. Section 88 of the principal Act is amended by striking out the passage "Any person" and substituting the passage "A person".

Amendment of s. 92—Regulations.

59. Section 92 of the principal Act is amended by striking out paragraphs (*h*) and (*j*).

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

****

No. 72 of 1981

An Act to amend the Pipelines Authority Act, 1967-1980.

[*Assented to* 5 *November* 1982]

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 "Pipelines Authority Act Amendment Act, 1981".

(2) The Pipelines Authority Act, 1967-1980, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Pipelines Authority Act, 1967-1981".

Amendment of s. 10—Powers and functions of the Authority.

2. Section 10 of the principal Act is amended by striking out from paragraph *(a)* of subsection (1) the passage "or cause to be constructed, reconstructed or installed" and substituting the passage ", cause to be constructed, reconstructed or installed, or facilitate the construction, reconstruction or installation of.".

Amendment of s. 12—Powers of acquisition.

3. Section 12 of the principal Act is amended by striking out subsection (1) and substituting the following subsections:

(1) The Authority may, with the approval of the Governor, acquire land, either by agreement or compulsorily—

(a) for the construction, operation, maintenance or repair of a pipeline and related petroleum storage facilities;

or

(b) for purposes incidental to those mentioned in paragraph *(a)*.

(1a) Land may be acquired by the Authority under subsection (1) irrespective of whether the Authority or some other person is to construct, operate, maintain or repair the pipeline or related petroleum storage facilities.

Amendment of s. 17—
Certain provisions relating to property.

4. Section 17 of the principal Act is amended by inserting after subsection (2) the following subsections:

(3) The Authority may, for the purpose of facilitating the construction, operation, maintenance or repair of a pipeline or related petroleum storage facilities by some other person—

(a) grant to that person licences over property of the Authority;

or

(b) authorize that person to use easements that exist in favour of the Authority.

(4) If the Authority authorizes the use of an easement under subsection (3) *(b)*, then the person to whom the authorization is given has (without derogation from the rights of the Authority) such of the rights of the proprietor of the easement as are set forth in the authorization.

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

****

No. 73 of 1981

An Act to amend the Public Parks Act, 1943-1975.

[*Assented to* 12 *November* 1981]

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 "Public Parks Act Amendment Act, 1981".

(2) The Public Parks Act, 1943-1975, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Public Parks Act, 1943-1981".

Repeal of s. 4 and substitution of new section.

2. Section 4 of the principal Act is repealed and the following section is substituted:

Acquisition of land for public parks and development of land so acquired.

4. The Minister may, on the recommendation of the advisory committee—

(*a*) acquire land, by agreement or compulsorily, for the purpose of providing public parks;

or

(*b*) advance moneys to a council, by way of grant or loan, for the purpose of enabling or assisting the council to acquire land for the purpose of providing a public park, or to develop or improve land acquired for that purpose.

Insertion of new section 7a.

3. The following section is inserted after section 7 of the principal Act:

Sale and disposal of parklands to which this Act applies.

7a. (1) Notwithstanding the provisions of any other Act, but subject to subsection (2), a council may sell or dispose of land—

(*a*) transferred or conveyed to the council under this Act;

or

(*b*) in respect of the acquisition, development or improvement of which an advance has been made by the Minister under this Act.

(2) Land shall not be sold or disposed of under this section except upon the authorization of the Governor.

(3) Where the Governor authorizes the sale or disposal of land under this section, the Minister shall, as soon as practicable after the date of the authorization, cause a report of the authorization describing the land to which it relates and the reasons for which it was given to be laid before both Houses of Parliament.

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

****

No. 74 of 1981

An Act for the appropriation of moneys from Consolidated Account for the financial year ending on the thirtieth day of June, 1982, and for other purposes.

[*Assented to* 12 *November* 1981]

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), 1981".

Commencement.

2. This Act shall be deemed to have come into operation on the first day of July, 1981.

Interpretation.

3. In this Act—

"the financial agreement" means the Financial Agreement between the Commonwealth and the States as set out in the schedule to the Agreement contained in the Appendix to the Amending Financial Agreement Act, 1944, as amended by the Agreement set out in the schedule to the Amending Financial Agreement Act, 1966, and as amended by the Agreement set out in the schedule to the Amending Financial Agreement Act, 1976.

Issue and application from Consolidated Account.

4. On or before the thirtieth day of June, 1982, there may be issued and applied out of Consolidated Account, such sum as will, together with all sums issued and applied pursuant to any other Acts authorizing the issue and application out of Consolidated Account of any moneys for the financial year ending on that day amount to a sum not exceeding the sum of one thousand five hundred and twenty-eight million, and sixty-three thousand dollars.

Power to borrow.

5. On or before the thirtieth day of June, 1982, the Treasurer may borrow, on behalf of the State and in accordance with the financial agreement, the sum of one hundred and thirteen million, five hundred and seventy-three thousand dollars and such other sums as may be approved by the Australian Loan Council.

Appropriation.

6. The sum of one thousand five hundred and twenty-eight million, and sixty-three thousand dollars referred to in section 4 is appropriated and may be applied during the year ending on the thirtieth day of June, 1982, for the purposes mentioned in the first schedule.

Additional appropriations for special purposes.

7. (1) If—

(*a*) during the financial year ending on the thirtieth day of June, 1982, any increases of salaries or wages become payable by the State to its employees or to the employees of any prescribed establishment 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*) those increases, together with increases in pay-roll tax arising from them, were not provided for in the amounts appropriated for that financial year,

the Governor may, by warrant under section 32a of the Public Finance Act, 1936-1981, appropriate out of Consolidated Account such amounts as are equal to those increases of salaries, wages and pay-roll tax and those appropriations shall be additional to the appropriations made by section 6.

(2) The Governor may, in the financial year ending on the thirtieth day of June, 1982, by warrant under section 32a of the Public Finance Act, 1936-1981, appropriate out of Consolidated Account money required for payment of electricity supplied to the Engineering and Water Supply Department for pumping water in addition to money appropriated for that purpose by this Act.

(3) Moneys appropriated under this section shall not be taken into account in determining the maximum amount that may be appropriated under section 32a of the Public Finance Act, 1936-1981.

(4) In this section—

"prescribed establishment" means any establishment in respect of which a grant towards its operation or maintenance has been included in the moneys appropriated by this Act.

Treasurer to pay the orders of Governor, and discharge by receipt of party.

8. The issue and payment by the Treasurer, of any sums of money for the purposes previously mentioned, not exceeding in the whole the amount previously specified, in such portions as the Governor directs by any orders in writing signed by him and countersigned by a Minister of the Crown, 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 make payments.

9. The Treasurer may—

(*a*) out of the moneys appropriated by this Act;

or

(*b*) out of any money which may be appropriated pursuant to section 7 (1),

make any payment notwithstanding that the payment is in respect of a period prior to the first day of July, 1981.

Authority to spend certain Commonwealth grants.

10. Notwithstanding section 35 of the Public Finance Act, 1936-1981, all money received by the State from the Commonweatlh by way of grants under any Act or Acts of the Commonwealth relating to roads or transport shall be paid to such special accounts in the books of the Treasurer as the Treasurer shall determine and the Treasurer shall issue and pay out of the money so credited such sums as are required for the purposes respectively specified in those Acts.

Expenditure from Hospitals Fund.

11. 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: But such expenditure shall not exceed in the aggregate—

(*a*) during the financial year ending on the thirtieth day of June, 1982, the sum of twenty-five million dollars;

(*b*) during the period between the thirtieth day of June, 1982, and the commencement of the Act for the appropriation of moneys from Consolidated Account for the financial year ending on the thirtieth day of June, 1983, the sum of ten million dollars.

Hospitals and public health.

12. All moneys received in relation to hospitals or public health that would, but for this section, be payable to the Consolidated Account, shall be paid to such special accounts in the books of the Treasurer as the Treasurer shall determine and are hereby appropriated for the purposes of hospitals and public health and the Treasurer shall issue and pay out of the moneys so appropriated such sums as are required for those purposes in addition to such other sums as may be appropriated for those purposes otherwise than by this subsection.

Payments to be in addition to other payments.

13. 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.

SCHEDULES

FIRST SCHEDULE

Amounts proposed to be expended from Consolidated Account during the financial year ending 30th June, 1982

Purposes of Appropriation	Estimated Payments	
	$	
Legislative Council	300 000	Estimates 1981-82.
House of Assembly	625 000	
Parliamentary Library	209 000	
Joint House Committee	286 000	
Electoral	385 000	
Parliamentary Standing Committee on Public Works	52 000	
Parliamentary Committee on Land Settlement	6 000	
Legislature, Miscellaneous	2 144 000	
State Governor's Establishment	290 000	
Premier and Cabinet	2 958 000	
Public Service Board	4 075 000	
Premier, Minister of State Development and Minister of Ethnic Affairs, Miscellaneous	1 469 000	
Treasury	5 235 000	
Treasurer, Miscellaneous	45 698 000	
Services and Supply	4 916 000	
Deputy Premier, Miscellaneous	644 000	
Mines and Energy	10 863 000	
Minister of Mines and Energy, Miscellaneous	661 000	
Attorney-General's	4 036 000	
Courts	11 329 000	
Attorney-General, Miscellaneous	1 252 000	
Corporate Affairs Commission	1 596 000	
Minister of Corporate Affairs, Miscellaneous	140 000	
Industrial Affairs and Employment	7 438 000	
Trade and Industry	1 594 000	
Minister of Industrial Affairs, Miscellaneous	10 180 000	
Public Buildings	52 940 000	
Minister of Public Works, Miscellaneous	50 000	
Education	411 450 000	
Further Education	54 108 000	
Minister of Education and Minister of Aboriginal Affairs, Miscellaneous	41 724 000	
Police	90 466 000	
Auditor-General's	1 969 000	
Correctional Services	15 798 000	
Chief Secretary, Miscellaneous	3 305 000	
Fisheries	2 383 000	
Minister of Fisheries, Miscellaneous	98 000	
Marine and Harbors	15 917 000	
Minister of Marine, Miscellaneous	760 000	
Local Government	7 166 000	
Minister of Local Government and Minister of Housing, Miscellaneous	6 695 000	

FIRST SCHEDULE—*continued*

Amounts proposed to be expended from Consolidated Account during the financial year ending 30th June, 1982

Purposes of Appropriation	Estimated Payments
	$
Arts	2 810 000
Minister of Arts, Miscellaneous	9 500 000
Agriculture	21 097 000
Minister of Agriculture and Minister of Forests, Miscellaneous	6 888 000
Environment and Planning	14 847 000
Minister of Environment and Planning, Miscellaneous	171 000
Transport	12 901 000
Highways	27 175 000
Minister of Transport and Minister of Recreation and Sport, Miscellaneous	58 386 000
Community Welfare	28 472 000
Minister of Community Welfare, Miscellaneous	17 864 000
Public and Consumer Affairs	8 030 000
Minister of Consumer Affairs, Miscellaneous	17 000
Minister of Health, Miscellaneous	200 986 000
Tourism	3 718 000
Minister of Tourism, Miscellaneous	240 000
Engineering and Water Supply	83 220 000
Minister of Water Resources and Minister of Irrigation, Miscellaneous	2 150 000
Lands	17 907 000
Minister of Lands and Minister of Repatriation, Miscellaneous	2 390 000
Works and Services (Payments of a Capital Nature) details of which are set out in the Second Schedule	186 084 000
Total	$1 528 063 000

SECOND SCHEDULE

Details of proposed Works and Services (Payments of a Capital Nature) during the financial year ending 30th June, 1982

Purpose	Estimated Payments	
	$	$
STATE BANK OF SOUTH AUSTRALIA		
Banking Functions:—		
Advances to State Bank	4 400 000	
Agency Functions:—		
Advances to Settlers	145 000	
Loans to Producers	2 650 000	
Loans for Fencing and Water Piping	5 000	
		7 200 000
TREASURY DEPARTMENT		
Advances for Housing	3 500 000	
Discounts and Expenses of Floating Public Loans	3 300 000	
		6 800 000
DEPARTMENT OF SERVICES AND SUPPLY		
Capital Purposes generally		1 140 000
DEPARTMENT OF MINES AND ENERGY		
Capital Purposes generally		1 435 000
PUBLIC BUILDINGS DEPARTMENT		
Primary and Secondary Schools	26 000 000	
Further Education Buildings	12 900 000	
Other Government Buildings	25 700 000	
		64 600 000
EDUCATION DEPARTMENT		
School Buses		1 400 000
DEPARTMENT OF FURTHER EDUCATION		
Capital Purposes Generally		500 000
SOUTH AUSTRALIAN TEACHER HOUSING AUTHORITY		
Advances for Capital Purposes		900 000
DEPARTMENT OF FISHERIES		
Capital Purposes generally		937 000
DEPARTMENT OF MARINE AND HARBORS		
Harbor Facilities and Services	10 700 000	
Small Craft Facilities	1 140 000	
		11 840 000
DEPARTMENT OF LOCAL GOVERNMENT		
Effluent Drainage	2 400 000	
Public Parks	330 000	
		2 730 000
DEPARTMENT OF AGRICULTURE		
Capital Purposes generally		507 000
WOODS AND FORESTS DEPARTMENT		
Advances for Capital Purposes		3 500 000
DEPARTMENT OF ENVIRONMENT AND PLANNING		
Conservation, Open Space and Recreation Purposes		5 800 000
NORTH HAVEN TRUST		
Advances for Capital Purposes		2 000 000
DEPARTMENT OF TRANSPORT		
Transport Research and Development	900 000	
Recreation and Sport Facilities, etc.	1 280 000	
		2 180 000
HIGHWAYS DEPARTMENT		
Stormwater Drainage		1 100 000
SOUTH AUSTRALIAN HEALTH COMMISSION		
Capital Purposes generally		12 700 000

SECOND SCHEDULE—*continued*

Details of proposed Works and Services (Payments of a Capital Nature) during the financial year ending 30th June, 1982

Purpose	Estimated Payments	
	$	$
ENGINEERING AND WATER SUPPLY DEPARTMENT		
Waterworks, Sewers and Irrigation	56 200 000	
River Murray Works	863 000	
		57 063 000
SOUTH-EASTERN DRAINAGE BOARD		
Advances for Capital Purposes		210 000
DEPARTMENT OF LANDS		
Capital Purposes generally		1 542 000
Total		$186 084 000

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

****

No. 75 of 1981

An Act to protect the community against the interruption or dislocation of essential services.

[*Assented to* 19 *November* 1981]

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 "Essential Services Act, 1981".

Interpretation.

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

"essential service" means a service (whether provided by a public or private undertaking) without which the safety, health or welfare of the community or a section of the community would be endangered or seriously prejudiced:

"owner" of property includes a person in lawful possession of the property:

"period of emergency" means a period declared by proclamation under this Act to be a period of emergency:

"proclaimed essential service" means an essential service declared by proclamation under this Act to be an essential service in respect of which a period of emergency applies:

"the provision" of an essential service includes the operation, or maintenance of an essential service; and "to provide" has a corresponding meaning:

"to sell" means—

(*a*) in relation to goods—to sell, or to offer or expose for sale;

and

(*b*) in relation to services—to contract to provide the services, or to offer to provide the services under contract; and "sale" has a corresponding meaning:

"service" includes the production, distribution and supply of goods.

Declaration of periods of emergency.

3. (1) Where, in the opinion of the Governor, circumstances have arisen, or are likely to arise, that have caused, or are likely to cause, interruption or dislocation of essential services in the State, he may, by proclamation—

(*a*) declare a period (commencing on the date of the proclamation, or some specified later date, and extending for not more than seven days) to be a period of emergency for the purposes of this Act;

and

(*b*) declare that specified essential services are the essential services in respect of which the period of emergency applies.

(2) The Governor may, by proclamation—

(*a*) extend a period of emergency for successive periods (each not to exceed seven days) but not so that the total period exceeds fourteen days;

(*b*) extend a period of emergency by such other period or periods as may be authorized by a resolution of both Houses of Parliament;

(*c*) vary a declaration under subsection (1) (*b*) by expanding or reducing the range of essential services to which the declaration applies;

or

(*d*) revoke a proclamation under this section.

(3) Where a period of emergency expires, no subsequent period shall be declared to be a period of emergency unless—

(*a*) that subsequent period commences fourteen days or more after the expiration of the former period of emergency;

or

(*b*) the declaration is authorized by a resolution of both Houses of Parliament.

Directions in relation to proclaimed essential services.

4. (1) If, during a period of emergency, it is, in the opinion of the Minister, in the public interest to do so, he may give directions in relation to the provision or use of proclaimed essential services.

(2) A direction under this section—

(*a*) may relate to proclaimed essential services generally, or to a particular proclaimed essential service;

(*b*) may be given to a specified person, or class of persons, or members of the public generally;

(*c*) may be expressed to be of general application or limited according to time, place or circumstances;

(*d*) may impose a restriction or prohibition (which may be absolute or conditional);

(*e*) may deal with matters incidental or ancillary to the provision or use of proclaimed essential services.

(3) No direction shall be given under this section unless it relates to the provision or use of proclaimed essential services.

(4) A direction under this section—

(*a*) shall be made in writing;

and

(*b*) shall be regarded as having been duly given to the person or persons to whom it is addressed if—

(i) a copy of the direction, or a document setting out the terms of the direction, is served personally or by post on the person or persons to whom it is addressed;

(ii) the terms of the direction are communicated to the person or persons to whom it is addressed by telegram or telex;

or

(iii) the terms of the direction are published in a manner determined by the Minister.

(5) Where a person to whom a direction is given under this section contravenes or fails to comply with the direction, he shall be guilty of an offence.

Penalty: Where the convicted person is a body corporate—ten thousand dollars; where the convicted person is a natural person—one thousand dollars.

(6) A direction under this section—

(*a*) shall not operate after the expiration of the period of emergency in relation to which it was made;

and

(*b*) may be revoked by the Minister at any time.

(7) Where—

(*a*) a direction is given under this section to a particular person, or class of persons;

and

(*b*) that person, or a person of that class, incurs expenses in complying with the direction,

he may recover the amount of those expenses from the Minister as a debt.

Minister may take over, etc., the provision of essential services.

5. (1) If, during a period of emergency, it is, in the opinion of the Minister, in the public interest to do so, he may—

(*a*) provide, or assist in the provision of, a proclaimed essential service;

or

(*b*) provide, or assist in the provision of, a service in substitution for a proclaimed essential service.

(2) For the purpose of providing, or assisting in the provision of, a service under subsection (1), the Minister may—

(*a*) employ at not less than award rates such persons as he thinks fit;

and

(*b*) enter into such contracts or arrangements as he thinks fit.

(3) The Minister may, with the consent of the Governor, apply moneys from the General Revenue for the purpose of satisfying liabilities incurred by him in the exercise of his powers under subsection (1) or (2), and this subsection is, without further appropriation, a sufficient authority for that purpose.

(4) The Minister may, by instrument in writing served upon the owner of property that is necessary to enable the Minister to exercise powers conferred by subsection (1), requisition that property.

(5) An instrument of requisition under subsection (4) shall be regarded as having been duly served on the owner of property to which it relates if—

(*a*) the instrument, or a copy of the instrument, is served personally or by post on the owner;

or

(*b*) the terms of the instrument are communicated to the owner by telegram or telex.

(6) Where a person to whom a requisition under subsection (4) is addressed refuses or fails to make available for use by the Minister any of his property to which the requisition relates, he shall be guilty of an offence.

Penalty: Where the convicted person is a body corporate—ten thousand dollars; where the convicted person is a natural person—one thousand dollars.

(7) Where property has been requisitioned by the Minister under this section, the Minister, or an agent of the Minister, may take the property, exercising any necessary force in order to do so, and may use the property in the exercise of powers conferred by subsection (1).

(8) At or before the end of a period of emergency, property requisitioned by the Minister shall be returned to the owner and the Minister shall be liable to compensate the owner—

(*a*) for damage to, or deterioration of, the property occurring while it was in the possession of the Minister;

and

(*b*) for loss suffered by the owner in consequence of deprivation of the use of his property.

Power to require information.

6. (1) The Minister may, by notice in writing, require any person who is, in his opinion, in a position to do so to furnish information specified in the notice, relating to the provision or use of an essential service.

(2) A notice under subsection (1) shall be regarded as having been duly given to the person to whom it is addressed if—

(*a*) the notice, or a copy of the notice, is served personally or by post on that person;

or

(*b*) the terms of the notice are communicated to that person by telegram or telex.

(3) Any information sought under subsection (1) must be relevant to the administration of this Act.

(4) A person required to furnish information under subsection (1) shall, within the time allowed in the notice, furnish the information sought in the notice to the best of his knowledge, information and belief.

Penalty: Where the convicted person is a body corporate—ten thousand dollars; where the convicted person is a natural person—one thousand dollars.

(5) A person is not obliged to furnish information under this section if that information would tend to incriminate him of an offence.

Profiteering.

7. (1) The Minister may, by notice published in the *Gazette*—

(*a*) fix maximum prices in relation to the sale of specified goods or services during a period of emergency;

or

(*b*) vary or revoke a notice under this section.

(2) A notice under this section—

(*a*) may fix differential maximum prices that vary according to factors specified in the notice;

(*b*) may apply to sale generally, or to specified classes of sale;

(*c*) may apply throughout the State, or in specified parts of the State.

(3) A person who, during a period of emergency, sells goods or services in relation to which a maximum price is in force under this section at a price in excess of that maximum shall be guilty of an offence and liable to a penalty not exceeding ten thousand dollars, or imprisonment for six months, or both.

Offence to intimidate, etc., person performing duties in essential service during period of emergency.

8. Any person who, during a period of emergency, by force or intimidation, interferes with or impedes the performance by any person of a duty related to the provision of a proclaimed essential service or the administration of this Act shall be guilty of an offence and liable to a penalty not exceeding five thousand dollars.

Exemptions.

9. (1) The Minister may, by instrument in writing, grant an exemption from the provisions, or any specified provisions of this Act, or from any specified direction given under this Act in respect of—

(*a*) any specified person or class of persons;

(*b*) any specified part or parts of the State;

(*c*) any specified class of actions.

(2) The Minister may, by instrument in writing, vary or revoke an exemption under subsection (1).

(3) An exemption under this section may be granted upon such conditions as the Minister thinks fit and specifies in the instrument of exemption.

(4) A person in whose favour an exemption under this section operates shall not contravene or fail to comply with a condition of the exemption.

Penalty: One thousand dollars.

(5) Notice of an exemption granted under this section, and of the variation or revocation of any such exemption, shall be published in the *Gazette*, or in a newspaper circulating generally throughout the State, as soon as reasonably practicable after it takes effect.

Delegation.

10. (1) The Minister may, by instrument in writing, delegate his powers, or any of his powers, under this Act to any other person or persons.

(2) No delegation shall be made under this section of the power to requisition property, or to fix maximum prices in relation to the sale of goods or services.

(3) A delegation under this section is revocable at will and does not derogate from the power of the Minister to act personally in any matter.

Evidentiary provisions.

11. In any proceedings for an offence against this Act, an allegation in the complaint—

(*a*) that a period referred to in the complaint is or was a period of emergency;

(*b*) that a service referred to in the complaint was, on a specified date, a proclaimed essential service;

(*c*) that a specified direction was given under this Act—

(i) at a specified time;

(ii) in a specified manner;

and

(iii) to a specified person, or persons of a specified class, or to members of the public generally;

(*d*) that a person named in the complaint was on a specified date entitled to exercise powers referred to in the complaint by virtue of a delegation under this Act,

shall be accepted as proved in the absence of proof to the contrary.

Proceedings for offences against this Act.

12. (1) Proceedings for an offence against this Act shall be disposed of summarily.

(2) Proceedings for an offence against this Act shall not be commenced without the authorization of the Attorney-General.

(3) An apparently genuine document purporting to be a certificate of the Attorney-General and to certify that he authorized the commencement of proceedings for an offence against this Act shall, in the absence of proof to the contrary, be accepted as proof of that authorization.

Regulations.

13. (1) The Governor may make such regulations as are necessary or expedient for the purposes of this Act.

(2) A regulation may provide for the imposition of a penalty not exceeding five hundred dollars for breach of, or non-compliance with, the regulation.

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

****

No. 76 of 1981

An Act relating to the protection of certain shipwrecks and relics of historic significance.

[*Assented to* 19 *November* 1981]

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 "Historic Shipwrecks Act, 1981".

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—

"the Commonwealth Act" means the *Historic Shipwrecks Act* 1976 of the Commonwealth:

"historic relic" means—

(*a*) an article to which a notice in force under section 5 (2) applies;

(*b*) an article to which a notice in force under section 6 (2) applies:

"historic shipwreck" means—

(*a*) the remains of a ship to which a notice in force under section 5 (1) applies;

or

(*b*) an article or articles to which a notice in force under section 6 (1) applies:

"inspector" means a person appointed as an inspector under section 21 or a member of the Police Force:

"protected zone" means an area in respect of which a notice is in force under section 7 (1) and includes the airspace above such an area and any waters, sea-bed and subsoil included in such an area by virtue of section 7 (2):

"Register" means the Register of Historic Shipwrecks kept under section 12:

"sea" includes any waters within the ebb and flow of the tide:

"ship" includes any vessel used in navigation by water:

"territorial waters of the State" means—

(*a*) waters within the limits of the State;

or

(*b*) waters adjacent to the State being waters to which the Commonwealth Act does not apply.

(2) A reference in this Act to the remains of a ship, or to an article or articles being situated in, or having been removed from, any waters includes a reference to the remains of a ship or to an article or articles—

(*a*) being situated in or forming part of, or having been removed from, as the case may be, the sea-bed, or the subsoil of the sea-bed, beneath those waters;

or

(*b*) being situated on or forming part of, or having been removed from, as the case may be, a reef in those waters.

(3) A thing shall not be taken not to be an article for the purposes of this Act by reason that it is attached to the remains of a ship, to a reef or, to the subsoil of, the sea-bed.

(4) A reference in this Act to an article associated with a ship shall be construed as a reference to an article that appears to have formed part of, to have been installed or carried on, or to have been constructed or used by a person associated with, a ship.

Act to bind Crown.

4. This Act binds the Crown.

PART II

PROTECTION OF HISTORIC SHIPWRECKS AND RELICS

Certain shipwrecks and relics may be declared to be historic.

5. (1) Where the Minister is of the opinion that the remains of a ship that are situated in territorial waters of the State are of historic significance, he may, by notice published in the *Gazette*, declare those remains to be a historic shipwreck.

(2) Where the Minister is of the opinion that a particular article that was, or particular articles that were, associated with a ship, or all articles that were associated with a particular ship, being an article that is, or articles that are, situated in territorial waters of the State, is or are of historic significance, he may, by notice published in the *Gazette*, declare the article or articles to be a historic relic or historic relics.

(3) The Minister may make a declaration under subsection (1) or (2) in relation to any part of the remains of a ship that has, or in relation to any article or articles that has or have, been removed from territorial waters of the State in like manner as he may make a declaration under that subsection in relation to the remains of a ship, or in relation to an article or articles, situated in those waters.

(4) Where—

(*a*) a declaration has been made under this section in relation to the remains of a ship or an article that were or was situated in any waters;

and

(*b*) after the making of the declaration any part of those remains or that article is removed from those waters,

the declaration continues to apply, subject to any amendment or revocation of the declaration, in relation to that part of those remains or in relation to that article notwithstanding its removal from those waters.

Provisional declaration that shipwrecks and relics are historic.

6. (1) Where it appears to the Minister that an article or articles appearing to be the remains of a ship that is or are situated in territorial waters of the State may be of historic significance, he may, by notice published in the *Gazette*, provisionally declare the article or articles to be a historic shipwreck.

(2) Where it appears to the Minister that a particular article that is, or particular articles that are, situated in territorial waters of the State—

(*a*) may have been associated with a ship;

and

(*b*) may be of historic significance,

he may, by notice published in the *Gazette*, provisionally declare the article or articles to be a historic relic or historic relics.

(3) The Minister may make a declaration under subsection (1) or (2) in relation to any article that has, or articles that have, been removed from territorial waters of the State in like manner as he may make a declaration under that subsection in relation to an article or articles situated in those waters.

(4) Where—

(*a*) a declaration has been made under this section in relation to an article that was situated in any waters;

and

(*b*) after the making of the declaration that article is removed from those waters,

the declaration continues to apply in relation to that article notwithstanding its removal from those waters.

(5) A notice under this section remains in force, unless sooner revoked, until the expiration of twelve months from the date of publication of the notice in the *Gazette*, but the revocation or expiration of a notice under this section does not prevent the publication in the *Gazette* of a further notice under this section in relation to an article or articles to which the revoked or expired notice applied.

Protected zones.

7. (1) The Minister may, by notice published in the *Gazette*, declare an area (not exceeding 100 hectares) consisting of sea or partly of sea and partly of land within which a historic shipwreck is, or a historic relic is or historic relics are, situated to be a protected zone.

(2) Where a notice declaring an area to be a protected zone is in force under subsection (1), the protected zone shall be taken to include the airspace above that area and, to the extent to which that area consists of the surface of any sea, to include the waters beneath that area, the sea-bed beneath those waters and the subsoil of that sea-bed.

(3) Where a notice under section 5 or 6 in relation to the remains of a ship or in relation to an article or articles is revoked or otherwise ceases to be in force, any notice under this section in relation to the remains or in relation to the article or articles ceases to be in force but this subsection does not prevent the publication in the *Gazette* of a further notice under this section in relation to the remains or in relation to the article or articles if a further notice is published in the *Gazette* under section 5 or 6 in relation to the remains or in relation to the article or articles.

Further publication of notices.

8. Where a notice under section 5, 6 or 7 is published in the *Gazette*, the Minister may cause a copy of the notice to be published in such newspapers, periodicals or other publications as he thinks appropriate.

Notice of location of historic shipwrecks and relics.

9. (1) Where—

(*a*) a person has possession, custody or control of an article;

and

(*b*) a notice applying in respect of the article is published in the *Gazette* under section 5 or 6,

the person shall, within thirty days after the date of publication of the notice in the *Gazette*, give the prescribed notice to the Minister in relation to the article.

Penalty: One thousand dollars.

(2) Where an article in respect of which a notice published in the *Gazette* under section 5 or 6 applies comes into the possession, custody or control of a person, the person shall, within thirty days after the day on which the article

comes into his possession, custody or control, give the prescribed notice to the Minister in relation to the article.

Penalty: One thousand dollars.

(3) It is a defence to a prosecution of a person for an offence against subsection (1) or (2) in relation to an article in respect of which a notice was published in the *Gazette* under section 5 or 6 if the person proves that he did not know, and had no reasonable grounds for believing, that the article was an article to which the notice related.

(4) For the purposes of this section, the prescribed notice in relation to an article means a notice in writing describing the article and stating where the article is situated.

Power of Minister to ascertain location of historic shipwrecks and relics.

10. (1) Where it appears to the Minister that—

(*a*) a person may have, or may have had, possession, custody or control of an article;

and

(*b*) the article is or may be, or is or may be a part of, a historic shipwreck or is or may be a historic relic,

the Minister may, by notice in writing to the person, require the person, within the time specified in the notice—

(*c*) to inform the Minister whether the person has, or has had, possession, custody or control of the article;

(*d*) if the person has ceased to have possession, custody or control of the article, to give the Minister particulars of the circumstances in which the person ceased to have possession, custody or control of the article;

and

(*e*) if the person has transferred possession, custody or control of the article to another person, to give the Minister the name and address of the person to whom possession, custody or control of the article was transferred.

(2) A person to whom a notice is given by the Minister under subsection (1) shall not—

(*a*) refuse or fail to comply with the notice to the extent that the person is capable of complying with it;

or

(*b*) in purported compliance with the notice, knowingly furnish information that is false or misleading.

Penalty: One thousand dollars.

(3) A person is not excused from furnishing information in pursuance of this section on the ground that the information may tend to incriminate the person but the information furnished is not admissible in evidence against the person except in proceedings for an offence against this section.

Power of Minister to give directions in relation to custody of historic shipwrecks and relics.

11. (1) Where a person has possession, custody or control of an article, being, or being a part of, a historic shipwreck or being a historic relic, the Minister may, for the purpose of—

(*a*) the preservation of the article;

or

(*b*) the exhibition of, or the provision of access to, the article,

by notice in writing, require the person to take such action in relation to the article as is specified in the notice.

(2) The action that a person may be required to take in relation to an article by a notice under subsection (1) includes but is not limited to—

(*a*) keeping the article in a particular manner or place;

(*b*) removing the article to a particular place within a particular time;

(*c*) doing a particular act in relation to the article within a particular time, being an act designed to assist in the preservation of the article;

and

(*d*) delivering the article into the custody of a particular person within a particular time.

(3) Where the Minister gives a notice to a person under subsection (1) requiring the person to take action in relation to an article other than action referred to in subsection (2) (*d*), he shall in the notice inform the person that the person may, in lieu of taking that action, deliver the article within a specified time into the custody of a person specified in the notice.

(4) A person to whom a notice is given by the Minister under subsection (1) shall comply with the notice.

Penalty: Two thousand dollars or imprisonment for two years, or both.

(5) A civil action does not lie against a person in respect of any action taken by him in pursuance of a notice given to him by the Minister under subsection (1).

(6) A person to whom a notice is given under subsection (1) may, within one month after the date of the notice, apply to a District Court for review of the notice.

(7) Upon a review under subsection (6), the District Court may vary or annul the notice.

(8) A person to whom a notice is given under subsection (1) may recover, as a debt due to him from the Crown, reasonable costs incurred by him in carrying out the requirements of the notice.

Register of Historic Shipwrecks.

12. (1) The Minister shall cause to be kept a register to be known as the Register of Historic Shipwrecks.

(2) The Minister shall cause to be entered in the Register particulars of notices in force under section 5, 6 or 7.

(3) A person may inspect the Register and, on payment of the prescribed fee, is entitled to be furnished with a copy of, or of any part of, the Register.

Prohibition of certain action in relation to historic shipwrecks and relics.

13. (1) Except in accordance with a permit, a person shall not—

(*a*) damage or destroy a historic shipwreck or a historic relic;

(*b*) interfere with a historic shipwreck or a historic relic;

(*c*) dispose of a historic shipwreck or a historic relic;

or

(*d*) remove a historic shipwreck or a historic relic from the territorial waters of the State.

(2) A reference in subsection (1) to the removal of a historic shipwreck or a historic relic from the territorial waters of the State includes a reference to the removal of a historic shipwreck or a historic relic from the sea-bed, or from the subsoil of the sea-bed, beneath those waters or from a reef in those waters.

(3) A person who contravenes this section is guilty of an offence and is punishable, on conviction, by a fine not exceeding five thousand dollars, or imprisonment for a period not exceeding five years or both.

(4) In this section, "historic shipwreck" includes a part of a historic shipwreck.

Regulations may prohibit certain activities in protected zone.

14. (1) The regulations may make provision—

(*a*) for and in relation to prohibiting or restricting—

(i) the bringing into a protected zone of equipment constructed or adapted for the purpose of diving, salvage or recovery operations, or of any explosives, instruments or tools the use of which would be likely to damage or interfere with a historic shipwreck or a historic relic situated within that protected zone;

(ii) the use within a protected zone of any such equipment, explosives, instruments or tools;

(iii) causing a ship carrying any such equipment, explosives, instruments or tools to enter, or remain within, a protected zone;

(iv) trawling, or diving or other underwater activity, within a protected zone;

or

(v) the mooring or use of ships within a protected zone;

and

(*b*) prescribing penalties, not exceeding a fine of one thousand dollars, or imprisonment for one year, or both, for any contravention of a provision of any regulations made for the purposes of paragraph (*a*).

(2) The provision that may be made by regulations made for the purposes of this section for or in relation to restricting the doing of an act includes a provision prohibiting the doing of that act except in accordance with a permit.

(3) Regulations made for the purposes of subsection (1) (*a*) may be of general application or may make different provision in relation to different protected zones.

(4) In this section, "ship" includes a hovercraft and any similar craft.

Permits for exploration or recovery of shipwrecks and relics.

15. (1) The Minister may, in his discretion, upon application by a person, grant a permit to that person authorizing that person and any other persons named or described in the permit to do an act or thing specified in the permit the doing of which would otherwise be prohibited by section 13 or by regulations made for the purposes of section 14.

(2) The Minister may, when granting a permit or at any time while a permit is in force, impose conditions in respect of the permit and may at any time revoke or vary any conditions so imposed.

(3) The conditions that may be imposed under subsection (2) in respect of a permit authorizing the doing of an act or thing include but are not limited to—

(*a*) a condition requiring the act or thing to be done in a specified manner;

(*b*) a condition requiring the act or thing to be done only in accordance with the directions of a person named or described in the permit as a person empowered to give such directions;

and

(*c*) a condition requiring any articles obtained by the doing of an act that is authorized by the permit to be done to be held in such custody or dealt with in such manner as is specified in the permit or as is specified in directions given by a person named or described in the permit as a person empowered to give such directions.

(4) A condition imposed in respect of a permit (other than a condition contained in a permit) or a revocation or variation of a condition so imposed takes effect when notice of the condition or of the revocation or variation is served on the person to whom the permit was granted.

(5) A person shall not contravene a condition imposed in respect of a permit that has been granted to him or is otherwise applicable to him.

Penalty: Two thousand dollars or imprisonment for two years, or both.

(6) The Minister may, at any time, by notice in writing to the person to whom a permit has been granted—

(*a*) revoke the permit;

(*b*) suspend the permit;

or

(*c*) cancel the suspension of the permit.

(7) A suspension of a permit may be of indefinite duration or for a specified period.

Defences.

16. It is a defence to a prosecution of a person for an offence against section 13, for an offence against a regulation made for the purposes of section 14, or for an offence against section 15 (5), if the act that constituted the offence was done for the purpose of—

(*a*) saving human life;

(*b*) securing the safety of a ship (including a hovercraft or any similar craft) where the ship was endangered by stress of weather or by navigational hazards;

or

(*c*) dealing with an emergency involving a serious threat to the environment,

or was done with any other reasonable excuse.

Discovery of shipwrecks and relics to be notified.

17. (1) A person who finds, in a fixed position in territorial waters of the State, the remains of a ship or of a part of a ship, or an article associated with a ship, shall, as soon as practicable, give to the Minister a notice setting out a description of the remains or of the article and a description of the place where the remains are, or the article is, situated, being a description of that place that is sufficient to enable the remains or article to be located.

Penalty: One thousand dollars.

(2) It is a defence to a prosecution of a person for an offence against subsection (1) if the person proves, or proves that he had reasonable grounds for believing, that a notice setting out a description of the place where the remains are or the article is situated, being a description that is sufficient to enable the remains or article to be located, was given to the Minister by another person before it was practicable for the firstmentioned person to give such a notice.

(3) A person shall not in a notice purporting to be given to the Minister under subsection (1) make a statement that to his knowledge is false or misleading in a material particular.

Penalty: One thousand dollars.

Rewards.

18. (1) The Minister may—

(*a*) pay a reward not exceeding the prescribed amount to the person who first notifies the Minister in accordance with section 17 of the location of any remains or article—

(i) a description of the location of which, being a description sufficient to enable the remains or article to be located, had not previously been published in Australia;

and

(ii) in respect of which a declaration has, since the notification was made, been made under section 5;

(*b*) offer and pay a reward not exceeding the prescribed amount to the person who first furnishes to the Minister a description of the location of a historic shipwreck, or of a historic relic or historic relics, specified in the offer, being a description sufficient to enable the historic shipwreck or historic relic or historic relics to be located;

and

(*c*) pay a reward not exceeding the prescribed amount to any person who furnishes information leading to the conviction of a person for an offence against this Act.

(2) Payments under subsection (1) shall be made out of moneys appropriated by the Parliament for the purpose.

PART III

MISCELLANEOUS

Arrangements for Commonwealth authorities to perform functions in relation to historic shipwrecks and relics.

19. The Governor may make arrangements with the Governor-General of the Commonwealth for the performance of functions by a competent authority of the Commonwealth in relation to the protection, recovery, preservation and exhibition of historic shipwrecks and historic relics.

Power of Minister to vest property in historic shipwrecks and relics in the Crown.

20. (1) Where the Minister is of the opinion that it is necessary to do so in order to protect the public interest, he may, by notice published in the *Gazette*, declare any historic shipwreck or historic relic to be vested in the Crown.

(2) Upon the publication of a notice under subsection (1), the ownership of the historic shipwreck or historic relic vests in the Crown free of any other interest.

(3) No notice may be published under subsection (1) in respect of a historic shipwreck or historic relic lawfully in the possession of a person at the commencement of this Act.

(4) A person who would, but for the publication of a notice under this section, have been entitled to a historic shipwreck or historic relic, or to any interest in a historic shipwreck or historic relic, may, within six months of the publication of the notice, claim compensation for his loss by action against the Crown in the Land and Valuation Court.

(5) Upon a claim under subsection (4), the Land and Valuation Court may award such compensation against the Crown as it considers just.

Appointment of inspectors.

21. (1) The Minister may, by writing signed by him, appoint a person to be an inspector for the purposes of this Act.

(2) The Minister shall cause to be issued to each inspector appointed under subsection (1) an identity card in accordance with the prescribed form containing a photograph of the inspector.

(3) A person who ceases to be an inspector appointed under subsection (1) shall forthwith return his identity card to the Minister.

Penalty: One hundred dollars.

Powers of inspectors.

22. (1) Where an inspector has reasonable grounds for believing that it is necessary to do so for the purpose of ascertaining whether an offence against this Act has been or is being committed or that by doing so evidence in relation to the commission of such an offence may be obtained, the inspector may, with or without persons and equipment to assist him—

(*a*) go on board a ship;

(*b*) require a person in charge of a ship to take steps to facilitate boarding;

(*c*) open, or require a person to open, any cargo holds, compartments or containers on any ship boarded in accordance with paragraph (*a*) and inspect the contents of any such cargo holds, compartments or containers;

(*d*) require any person found in or on any ship boarded in accordance with paragraph (*a*) to produce any permit in force under this Act that is in his possession;

and

(*e*) require a person to answer questions.

(2) Where an inspector has reason to believe that a person has failed to comply with a notice given to the person under section 11 (1), the inspector may make application to a Justice of the Peace for a warrant authorizing the inspector, with or without persons and equipment to assist him, for the purpose of ascertaining whether the person has failed to comply with the notice—

(*a*) to enter any specified land or premises;

and

(*b*) to search any land or premises so entered and to break open any cupboard, drawer, desk, box, package or other receptacle, whether a fixture or not, on the land or in the premises.

(3) If, on an application under subsection (2), the Justice of the Peace is satisfied by information on oath or affirmation that the issue of the warrant is reasonably required for the purposes of that subsection, the Justice of the Peace may grant a warrant accordingly.

(4) A warrant under subsection (3) shall specify a date after which the warrant ceases to have effect.

(5) A person shall not—

(*a*) without reasonable excuse, fail to comply with a requirement made of him by an inspector in the exercise of a power under this section;

or

(*b*) in answer to a question that he is required to answer under this section, make a statement that is false or misleading in a material particular.

Penalty: One thousand dollars.

(6) It is a reasonable excuse for a person to fail to answer a question that he is required to answer under this section that the answer to the question may tend to incriminate him.

(7) A person who—

(*a*) without reasonable excuse, hinders or obstructs an inspector in the exercise of a power under this section;

or

(*b*) assaults or threatens an inspector exercising a power under this section,

is guilty of an offence and is punishable, on conviction, by a fine not exceeding two thousand dollars, or imprisonment for a period not exceeding two years, or both.

(8) In this section, "ship" includes a hovercraft and any similar craft.

Arrest without warrant.

23. (1) An inspector may, without warrant, arrest a person if the inspector reasonably believes—

(*a*) that the person has committed an offence against section 13 or against regulations made for the purposes of section 14;

and

(*b*) that proceedings against the person by summons would not be effective.

(2) Where an inspector (other than a member of a police force who is in uniform) arrests a person under subsection (1), the inspector shall—

(*a*) in the case of an inspector who is a member of a police force—produce, for inspection by the person arrested, written evidence of the fact that the inspector is a member of a police force;

or

(*b*) in any other case—produce his identity card for inspection by the person arrested.

(3) Where a person is arrested under subsection (1), an inspector shall forthwith bring the person, or cause him to be brought, before a Justice of the Peace or other proper authority to be dealt with in accordance with law.

(4) Nothing in this section prevents the arrest of a person in accordance with any other law.

Seizure and forfeiture.

24. (1) An inspector may seize any ship, equipment or article that he reasonably believes to have been used or otherwise involved in the commission of an offence against this Act and may retain the ship, equipment or article until the expiration of a period of 60 days after the seizure or, if a prosecution for an offence against this Act in the commission of which the ship, equipment or article may have been used or otherwise involved is instituted within that period, until the prosecution is terminated.

(2) The Minister may authorize any ship, equipment or article seized under subsection (1) to be released to its owner, or to the person from whose possession it was seized, either unconditionally or on such conditions as the Minister thinks fit, including conditions as to the giving of security for payment of its value if it is forfeited.

(3) Where a court convicts a person of an offence against this Act, the court may order the forfeiture to the Crown of any ship, equipment or article used or otherwise involved in the commission of the offence.

(4) Any ship, equipment or article forfeited under this section may be sold or otherwise dealt with as the Minister thinks fit.

(5) A reference in this section to an article involved in the commission of an offence includes a reference to any historic shipwreck, or part of a historic shipwreck, or any historic relic, to which the offence relates.

(6) In this section, "ship" includes a hovercraft and any similar craft.

Prosecution of offences.

25. (1) Subject to subsection (2), proceedings for an offence against this Act shall be disposed of summarily.

(2) An offence against this Act that is punishable by imprisonment is a minor indictable offence and proceedings in respect of such an offence shall be disposed of accordingly.

Certificate by Minister to be evidence.

26. (1) In any proceedings for an offence against this Act, a certificate by the Minister stating that a place specified in the certificate is a place—

(*a*) in territorial waters of the State;

or

(*b*) in a specified protected zone,

is proof, in the absence of proof to the contrary, of the matters stated in the certificate.

(2) An apparently genuine document purporting to be a certificate of the Minister under this section shall, in the absence of proof that it is not such a certificate, be accepted as such in any proceedings for an offence against this Act.

Delegation.

27. (1) The Minister may, either generally or as otherwise provided by the instrument of delegation, by writing signed by him, delegate to a person any of his powers under this Act.

(2) A power so delegated, when exercised by the delegate, shall, for the purposes of this Act, be deemed to have been exercised by the Minister.

(3) A delegation under this section does not prevent the exercise of a power by the Minister.

Notices.

28. (1) Without prejudice to any other method of service permitted by law, a notice to a person by the Minister under this Act may be served on the person by being sent by post to the person at the address of the person last known by the Minister.

(2) A notice to the Minister under this Act may be given as prescribed.

(3) A notice by the Minister that has been published in the *Gazette* in pursuance of this Act may be amended or revoked by the Minister by a further notice published in the *Gazette*.

Regulations.

29. The Governor may make such regulations as are contemplated by this Act, or as are necessary or expedient for the purposes of this Act.

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

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No. 77 of 1981

An Act to provide for the acquisition of land necessary for the purposes of carrying out flood mitigation works and establishing a linear park along the River Torrens; and for other purposes.

[*Assented to* 19 *November* 1981]

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 "River Torrens (Linear Park) Act, 1981".

Interpretation.

2. In this Act—

"the Co-ordinated Development Scheme" means the scheme, described in the Report as the River Torrens Co-ordinated Development Scheme, for developing the River Torrens and its environs as a linear park:

"the land" means land shown on the plan as land to which the Co-ordinated Development Scheme extends but does not include land within the City of Adelaide:

"the plan" means the plan of the Co-ordinated Development Scheme contained in the Report:

"the Report" means the report entitled "River Torrens Study—A Co-ordinated Development Scheme" prepared for the River Torrens Committee, a copy of which has been deposited in the General Registry Office and is numbered No. 1685 of 1981:

"the River" means the River Torrens.

Acquisition of land.

3. (1) The Minister may acquire any parts of the land that are required for the purpose of carrying out flood mitigation works or establishing a linear park along the River.

(2) The Land Acquisition Act, 1969-1972, applies to, and in relation to, the acquisition of land under this section.

Expiry of Act.

4. This Act shall expire on the 31st day of December, 1986.

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

****

No. 78 of 1981

An Act to amend the State Transport Authority Act, 1974-1981; and to repeal the Bus and Tramways Act, 1935-1978, and the Railways Act, 1936-1979.

[*Assented to* 19 *November* 1981]

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 "State Transport Authority Act Amendment Act (No. 2), 1981".

(2) The State Transport Authority Act, 1974-1981, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "State Transport Authority Act, 1974-1981".

Commencement.

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

Repeal of the Bus and Tramways Act and the Railways Act.

3. The following Acts are repealed:

(*a*) the Bus and Tramways Act, 1935-1978;

and

(*b*) the Railways Act, 1936-1979.

Amendment of s. 3—Arrangement of Act.

4. Section 3 of the principal Act is amended—

(*a*) by striking out the items:

DIVISION II—POWERS AND FUNCTIONS OF THE AUTHORITY

DIVISION III—STAFF, ETC.

and substituting the items:

DIVISION II—DELEGATION

DIVISION III—FINANCIAL PROVISIONS

DIVISION IV—ANNUAL REPORT;

and

(*b*) by striking out the item:

PART III—MISCELLANEOUS

and substituting the items:

PART III—POWERS AND FUNCTIONS OF THE AUTHORITY

DIVISION I—GENERAL FUNCTIONS OF THE AUTHORITY

DIVISION II—ACQUISITION OF LAND

DIVISION III—POWER OF AUTHORITY TO CARRY OUT WORKS

DIVISION IV—PUBLIC TRANSPORT ROUTES, ETC.

DIVISION V—FACILITIES FOR REFRESHMENT AND RECREATION

PART IV—MISCELLANEOUS

Repeal of of s. 4 and substitution of new section.

5. Section 4 of the principal Act is repealed and the following section is substituted:

Interpretation.

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

"the Authority" means the State Transport Authority established under Part II:

"the Chairman" means the Chairman of the Authority:

"goods" includes animals:

"member" of the Authority includes the Chairman:

"public transport service" means a service consisting in the carriage of passengers or goods—

(*a*) by train, bus or tram;

(*b*) by means of any automated, or semi-automated, vehicular system;

or

(*c*) by any other means,

but does not include a service the predominant purpose of which is the carriage of goods:

"public transport system" means a system or undertaking for the provision of, or related to the provision of, public transport services:

"road maintenance authority" means an authority responsible for the care, control and management of a street or road.

Amendment of s. 5— Establishment, etc., of the Authority.

6. Section 5 of the principal Act is amended by inserting after subsection (3) the following subsection:

(4) The Authority shall be subject to the control and direction of the Minister.

Repeal of headings and ss. 12, 13, 14, 14a and 15 and substitution of new Divisions.

7. Sections 12, 13, 14, 14a and 15, and the headings immediately preceding sections 12 and 15 of the principal Act are repealed and the following Divisions are inserted after section 11 of the principal Act:

DIVISION II—DELEGATION

Delegation.

12. (1) The Authority may delegate to any member, officer or employee of the Authority any of its powers or functions under this Act or any other Act.

(2) Any such delegation shall be revocable at will and shall not derogate from the power of the Authority to act itself in any matter.

DIVISION III—FINANCIAL PROVISIONS

Grants to Authority.

13. The Treasurer may, out of moneys provided by Parliament, make grants to the Authority for the purpose of enabling or assisting it to carry out its functions under this Act.

Borrowings.

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

(2) A liability incurred with the consent of the Treasurer under subsection (1) is guaranteed by the Treasurer.

(3) A liability under a guarantee arising by virtue of subsection (2) shall be satisfied out of the General Revenue of the State which is, to the necessary extent, appropriated.

Accounts and audit.

15. (1) The Authority shall keep proper accounts, in a form determined by the Treasurer, of its financial affairs.

(2) The Auditor-General may at any time and shall at least once in each year, audit the accounts of the Authority.

DIVISION IV—ANNUAL REPORT

General report.

16. (1) The Authority shall, on or before the thirty-first day of October in each year, submit a report to the Minister on the work of the Authority and the administration of this Act during the period of twelve months that ended on the preceding thirtieth day of June.

(2) The report must include the audited accounts of the Authority for the relevant financial year.

(3) The Minister shall, as soon as practicable after his receipt of a report under this section, cause copies of the report to be laid before both Houses of Parliament.

Repeal of Part III and substitution of new Parts.

8. Part III of the principal Act is repealed and the following Parts are substituted:

PART III

POWERS AND FUNCTIONS OF THE AUTHORITY

DIVISION I—GENERAL FUNCTIONS OF THE AUTHORITY

General functions of the Authority.

17. (1) The functions of the Authority are as follows:

(*a*) to provide public transport services and to conduct operations for or related to the provision of public transport services;

(*b*) to establish, maintain, extend, alter or discontinue public transport systems;

and

(*c*) such other functions—

(i) as are incidental or ancillary to the foregoing;

or

(ii) as may be assigned to the Authority by the Minister.

(2) The services of the Authority may be provided either within or outside the State.

(3) For the purposes of carrying out its functions, the Authority may—

(*a*) appoint such agents and employees as the Authority thinks necessary or expedient;

(*b*) acquire, hold, deal with and dispose of real and personal property;

(*c*) enter into contracts or arrangements of any kind;

(*d*) exercise any other power that is reasonably necessary for or incidental to the performance of those functions.

(4) An employee of the Authority is not as such subject to the provisions of the Public Service Act, 1967-1981.

(5) A person who was, immediately before the commencement of the State Transport Authority Act Amendment Act (No. 2), 1981, employed by the Authority under the Bus and Tramways Act, 1935-1978, or the Railways Act, 1936-1979, shall, subject to this Act, continue as an employee of the Authority as if he had been employed under this section.

(6) Subsection (5) does not affect the conditions of service of any employee of the Authority, or the existing or accruing rights of any such employee in respect of his employment.

Division II—Acquisition of Land

Acquisition of land.

18. The Authority may, subject to and in accordance with the Land Acquisition Act, 1969-1972, acquire land that is required for the establishment, extension or alteration of a public transport system.

Division III—Power of Authority to Carry Out Works

Power to carry out works for establishment, etc., of public transport systems.

19. The Authority may carry out such works as are necessary for the establishment, maintenance, extension, alteration or discontinuance of a public transport system.

Works in relation to public streets and roads.

20. (1) In the exercise of its powers under this Division, the Authority may—

(*a*) carry out structural work;

and

(*b*) erect, construct or lay down structures,

over, under, along, across, or adjacent to a public street or road.

(2) The Authority shall make good any damage to a street or road arising from works carried out under this Division, and, subject to any agreement with the relevant road maintenance authority, is liable to maintain structures established by the Authority in relation to a street or road.

(3) Subject to subsection (4), the Authority shall, at least twenty-eight days before commencing works that involve disturbing the surface of a public street or road, or that otherwise relate to a public street or road, inform the relevant road maintenance authority of its intention to carry out the works.

(4) In case of emergency the Authority need only give such notice (if any) as is practicable in the circumstances.

Removal and disposal of structures and equipment in the event of discontinuance of transport system.

21. Where the Authority discontinues a public transport system, or part of a public transport system, the Authority may with the consent of the Minister—

(*a*) remove structures that are not required in view of the discontinuance;

and

(*b*) sell or dispose of any materials or equipment that has become surplus to the Authority's requirements in view of the discontinuance.

Division IV—Public Transport Routes, Etc.

Public transport routes.

22. (1) The Authority may determine—

(*a*) the routes along which public transport services are to be provided;

and

(*b*) the places at which stations, stops, or other points for embarkation or disembarkation of passengers or goods, are to be established.

(2) Where the Authority proposes to commence using a public street or road, on a regular basis, for the purposes of providing public transport services, the Authority shall, at least one month before it commences regular use of the street or road, give notice in writing of the proposal to the relevant road maintenance authority.

(3) Before making a determination under subsection (1) (*b*) in relation to a public street or road, the Authority shall consult with the relevant road maintenance authority and shall take into account the views of that road maintenance authority.

Division V—Facilities for Refreshment and Recreation

Facilities for refreshment and recreation.

23. (1) Where it is, in the opinion of the Authority, desirable that facilities or amenities for recreation or refreshment be available as a part of, or in connection with a public transport system, the Authority may itself provide such facilities or amenities, or may grant leases or licences over property of the Authority with a view to provision by the lessees or licensees of such facilities or amenities.

(2) The Authority may, subject to the regulations, sell or supply liquor at the railway refreshment rooms at the Adelaide Railway Station for consumption in those refreshment rooms—

(*a*) between the hours of 8 a.m. and 12 midnight on any day except Sunday and Good Friday;

and

(*b*) for consumption with or ancillary to a *bona fide* meal between 11.30 a.m. and 9 p.m. on a Sunday.

PART IV

MISCELLANEOUS

Hindering employees of the Authority

24. A person shall not hinder an employee of the Authority in the exercise of a duty assigned to him by the Authority.

Penalty: Five hundred dollars.

Damage or defacement of property of the Authority.

25. (1) A person shall not damage or deface property of the Authority.

Penalty: Five hundred dollars.

(2) Upon conviction of a person for an offence against this section, the court may order the convicted person to pay to the Authority such amount as the court thinks just to compensate it for loss arising from the commission of the offence.

Disorderly or offensive behaviour.

26. (1) A person shall not behave in a disorderly or offensive manner while in a vehicle operated by the Authority.

Penalty: Five hundred dollars.

(2) Where an employee of the Authority has reason to believe that a person has committed an offence against subsection (1) he may require that person to alight from the vehicle and, if he refuses or fails to do so, may exercise reasonable force to remove him from the vehicle.

(3) A person shall comply with a requirement under subsection (2).

Penalty: One thousand dollars.

Avoidance of fares and charges.

27. A person shall not—

(*a*) avoid or attempt to avoid payment of any fare or charge payable for a service provided by the Authority;

or

(*b*) exercise any artifice calculated to avoid payment of any fare or charge payable for a service provided by the Authority.

Penalty: Five hundred dollars.

Dangerous or offensive goods.

28. (1) A person shall not, without the permission of the Authority—

(*a*) carry a dangerous or offensive object or substance on a vehicle operated by the Authority;

or

(*b*) cause a dangerous or offensive object or substance to be carried on a vehicle operated by the Authority.

Penalty: Five hundred dollars.

(2) Where an employee of the Authority has reasonable cause to suspect that a parcel that is being, or is to be, transported by the Authority may contain a dangerous or offensive object or substance, he may—

(*a*) require the person in possession of the parcel to open the parcel for examination of its contents;

or

(*b*) open the parcel and examine its contents.

(3) A person to whom a requirement is addressed under subsection (2) shall comply with the requirement.

Penalty: Five hundred dollars.

Summary proceedings.

29. (1) Proceedings in respect of offences under this Act shall be disposed of summarily.

(2) Where it is alleged that a person has committed an offence against this Act, the Authority may give to that person, personally or by post, a notice to the effect that he may expiate the offence by payment to the Authority of an amount (being an amount fixed by regulation) within a time fixed in the notice and, if the offence is so expiated, no proceedings shall be commenced in a court in respect of the alleged offence.

Exemption of certain instruments from stamp duty.

30. An instrument under which the Authority acquires an estate or interest in real or personal property, or takes property on hire, is exempt from stamp duty.

Regulations.

31. (1) The Governor may make such regulations as are contemplated by this Act, or as are necessary or expedient for the purposes of this Act.

(2) Without limiting the generality of subsection (1), those regulations may—

(*a*) prescribe, and provide for payment of, fares or charges for services provided by the Authority;

(*b*) provide for concessional fares or charges, or exemption from fares or charges, in prescribed cases, or cases of a prescribed class;

(*c*) regulate the conduct of persons while in vehicles or upon property of the Authority;

(*d*) provide that provisions of the Licensing Act, 1967-1980 (including provisions as to penalty) shall apply *mutatis mutandis* and with prescribed modifications, to or in relation to the sale, supply or consumption of liquor at places at which the Authority sells or supplies liquor;

(*e*) regulate the duties and conduct of employees of the Authority;

(*f*) regulate, restrict or prohibit the admission of the public to vehicles or premises of the Authority;

(*g*) impose conditions relating to the carriage of passengers' luggage;

(*h*) provide for the disposal of unclaimed goods;

and

(*i*) prescribe penalties, not exceeding five hundred dollars, for breach of, or non-compliance with, any regulation.

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

****

No. 79 of 1981

An Act to amend the Industrial Safety, Health and Welfare Act, 1972-1978.

[*Assented to* 19 *November* 1981]

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 "Industrial Safety, Health and Welfare Act Amendment Act, 1981".

(2) The Industrial Safety, Health and Welfare Act, 1972-1978, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Industrial Safety, Health and Welfare Act, 1972-1981".

Amendment of s. 24—Registration of industrial premises.

2. Section 24 of the principal Act is amended—

(*a*) by striking out subsection (3) and substituting the following subsections:

(3) An application for registration or the renewal of registration of industrial premises shall be made in writing to the Permanent Head, contain the prescribed particulars and be accompanied by the prescribed fee.

(3a) The fee prescribed for registration or the renewal of registration under this section may vary according to the period for which the registration is granted or renewed and according to any other prescribed factors.;

and

(*b*) by striking out subsection (6) and substituting the following subsection:

(6) Subject to this Act, the registration of any industrial premises under this section shall expire upon the expiration of the period specified by the Permanent Head as the period for

which the registration is granted or renewed unless renewed or further renewed in accordance with this Act before the expiration of that period.

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

****

No. 80 of 1981

An Act to confer limited powers of local government on the Coober Pedy Progress and Miners' Association Incorporated; and for other purposes.

[*Assented to* 26 *November* 1981]

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 "Coober Pedy (Local Government Extension) Act, 1981".

Commencement.

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

Interpretation.

3. In this Act—

"allotment" of land means the whole of the land comprised in a certificate of title, or subject to a separate lease or licence from the Crown but does not include land subject to a mining lease or comprised in a registered precious stones claim:

"the area" means the area described in the schedule to the Constitution of the Association:

"the Association" means The Coober Pedy Progress and Miners' Association Incorporated:

"council" means a council constituted under the Local Government Act, 1934-1981:

"owner" of land means—

(a) the holder of an estate of fee simple in the land;

or

(*b*) a person who holds the land from the Crown under a lease or licence.

Powers of the Association.

4. (1) The Association may—

(*a*) build and maintain streets, roads and public places in the area, provide for the lighting of streets, roads and public places, and provide any other amenities in or related to streets, roads and public places;

(*b*) provide for the generation and transmission of electricity;

(*c*) provide for the reticulation and supply of non-potable water;

(*d*) provide and maintain halls, community centres, and recreation facilities in the area;

(*e*) provide for the collection and disposal of refuse and establish and maintain depots for the purpose;

(*f*) provide and maintain a cemetery in or adjacent to the area;

(*g*) provide and maintain an airfield in or adjacent to the area;

(*h*) provide and maintain public offices for the purposes of the Association;

(*i*) carry out any other functions within or outside the area determined upon by a general meeting of the Association and approved by the Minister;

and

(*j*) expend moneys for any of the purposes mentioned above, or otherwise in the administration of this Act.

(2) The Association may expend moneys in subscribing or contributing to—

(*a*) the provision and maintenance of ambulance services;

(*b*) the provision and maintenance of hospitals, and medical and dental services or facilities;

(*c*) the cost of providing and maintaining fire-fighting services under the Country Fires Act, 1976-1980;

(*d*) the cost of the acquisition and maintenance of mine rescue equipment and the cost of mine rescue operations;

(*e*) the establishment and maintenance of a library;

(*f*) any other purpose determined upon by a general meeting of the Association and approved by the Minister.

(3) Regulations may be made extending—

(*a*) the provisions of the Local Government Act, 1934-1981, so far as they are relevant to the powers and functions referred to in this section;

or

(*b*) the provisions of any other Acts or regulations,

so that they apply (subject to such modifications as may be prescribed) to and in relation to the Association and the area as if the Association was a council constituted in relation to the area.

(4) A regulation shall not be made for the purposes of subsection (3) unless the Minister has certified—

(*a*) that a notice setting out the substance and effect of the proposed regulation was published in a newspaper circulating throughout the area at least one month before the date on which the regulation is to be made;

and

(*b*) that the Minister has considered the objections (if any) made to him in relation to the proposed regulation.

(5) A regulation made for the purposes of subsection (3) shall come into force—

(*a*) on the day next following the day on which the time for disallowance of the regulation expires;

or

(*b*) on the day fixed in the regulation as the day on which it will come into force,

whichever is the later.

(6) Section 45b of the Local Government Act 1934-1981 applies to the Association as if it were a council and as if the members of the Committee of Management of the Association were members of that council.

Levy of charges on land in the area.

5. (1) The Association may, with the consent of the Minister, levy charges in respect of a financial year upon land within the area.

(2) No charges shall be levied under this section upon land of the Crown unalienated by lease or licence.

(3) Notice of a levy under this section shall be published in the *Gazette*.

(4) The basis upon which the charge to be levied on each allotment is to be calculated shall be set out in the notice published under subsection (3).

(5) The Association shall serve on the owner or occupier of each allotment subject to a charge under this section a notice setting out the amount of the charge payable in respect of the allotment.

(6) A notice under subsection (5) may be served—

(*a*) personally;

(*b*) by post;

or

(*c*) by affixing the notice in a prominent position on the land to which it relates.

(7) A charge under this section must be paid on or before the day falling two months after the date of the notice served under subsection (5).

(8) The provisions of the Local Government Act, 1934-1981, relating to—

(*a*) the recovery of rates;

(*b*) the rebate or deferment of rates;

(*c*) the imposition and remission of fines for non-payment of rates;

and

(*d*) the payment of rates by instalment,

shall apply, subject to such modifications as may be prescribed, in relation to charges payable under this section as if the Association were a council and the charges were rates payable under that Act.

Borrowings.

6. The Association may, with the consent of the Minister, borrow moneys for the purposes of this Act.

Moneys and assets of the Association.

7. (1) The Association shall keep separate accounts of all moneys raised by the Association by the levy of charges, or by borrowing, under this Act and of the expenditure of the moneys.

(2) An auditor approved by the Minister shall, at least once in each year, audit the accounts referred to in subsection (1).

(3) In the event of the dissolution of the Association or upon the expiry of this Act (whichever first occurs), the moneys referred to in subsection (1), and assets of the Association purchased with any such moneys, shall vest in the Minister and be held by him for the benefit of the community at Coober Pedy.

Constitution of Association, etc.

8. (1) As from the commencement of this Act, the constitution of the Association shall be as set forth in the schedule to this Act.

(2) The Association shall not be dissolved except upon the authority of a resolution of both Houses of Parliament.

Application of Outback Areas Community Development Trust Act to the area.

9. (1) Subject to subsection (2), the Outback Areas Community Development Trust Act, 1981, does not apply to the area.

(2) This section does not prevent the Outback Areas Community Development Trust from providing for the supply and distribution of electricity within the area before the thirtieth day of June, 1984.

Application of Part IXAA of Local Government Act.

10. Part IXAA of the Local Government Act, 1934-1981, applies to the Executive Officer of the Association as if the Association were a council and the Executive Officer were an officer of that council.

Regulations.

11. The Governor may make such regulations as are contemplated by this Act, or as are necessary or expedient for the purposes of this Act.

Expiry of this Act.

12. This Act shall expire on the 31st day of December, 1986.

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

K. D. SEAMAN, Governor

THE SCHEDULE

CONSTITUTION OF THE COOBER PEDY PROGRESS AND MINERS' ASSOCIATION INCORPORATED

1. Name

The name of the Association is the "Coober Pedy Progress and Miners' Association Incorporated" (hereinafter referred to as "the Association").

2. The Coober Pedy Area

In this Constitution the words "the Coober Pedy area" or "the area" mean "the area" as defined by the schedule to this Constitution.

3. Objects and Powers

The objects, purposes and powers of the Association are—

(*a*) To promote the welfare of the residents of the Coober Pedy area and to obtain improvements in the living conditions and community services in the area, and to promote and to provide such services.

(*b*) To establish and improve a community centre for the area.

(*c*) To promote recreation and amusements, to conduct dances and socials, to promote and encourage education and cultural pursuits, and to conduct a non-profit library in the area.

(*d*) To encourage and support medical and dental services, and first-aid assistance, to people either within or outside the area.

(*e*) To publish magazines, periodicals and reports.

(*f*) To receive gifts of real or personal property, and to raise money for any of the purposes of the Association.

(*g*) To affiliate with any body, whether incorporated or unincorporated, having the same or any one or more similar objects and to appoint representatives to any such body.

(*h*) To assist with, or concur in, the establishment of, any other association having one or more similar objects.

(*i*) To make donations to or grant financial assistance to any association, body corporate or organisation providing services or facilities within the area.

(*j*) To exercise the powers conferred upon it by either the Associations Incorporation Act, 1956 (as amended from time to time) or the Coober Pedy (Local Government Extension) Act, 1981, subject to and in accordance with the provisions of those Acts.

(*k*) To appoint and dismiss staff and do anything else that may be necessary or desirable to attain or assist in the attainment of all or any of the above objects.

4. Membership

(1) Any person who—

(*a*) is over the age of sixteen years and is a permanent resident of the area;

or

(*b*) owns or occupies any land or premises situated within the area,

is a member of the Association.

(2) For the purposes of this Constitution, a "permanent resident of the area" is any person who, during the twelve month period immediately prior to the entry of his name in the register of members, has either resided or carried on business in the area for a period of, or periods totalling, four months.

(3) The Executive Officer shall maintain a register of the members of the Association, in which shall be entered the full name, address and occupation of every person who is a member of the Association as defined by sub-paragraph (1) of this paragraph.

(4) Any person may request the Executive Officer to enter his name in the register of members, and the Executive Officer, if he is satisfied that the person is a member as defined by sub-paragraph (1) of this paragraph, enter his name in the register of members.

(5) If the Executive Officer refuses to enter the name of any person in the register of members, or removes the name of any person therefrom, that person may appeal to the Committee of Management, and if the Committee of Management is satisfied that the person is a member, the Executive Officer shall enter that person's name in the register of members.

(6) The Executive Officer may remove the name of any person from the register of members if he is satisfied that that person has ceased to be a member as defined by sub-paragraph (1) of this paragraph.

(7) The Executive Officer shall remove the name of any person from the register of members upon receipt, from that person, of a written request that his name be so removed.

5. Committee

(1) The control of the affairs of the Association shall be vested in a Committee of Management (hereinafter called "the Committee") consisting of a President, two Vice-Presidents and nine other members.

(2) The President of the Association shall be elected from the Committee by the Association in general meeting, and all other office bearers shall, subject to subclause (7), be elected by the Committee.

(3) All positions in the Committee of Management shall fall vacant immediately prior to the elections to be held in October, 1982, at which elections all such positions shall be open for nomination.

(4) All members of the Committee of Management shall be elected for a period of two years, provided however, that six of the members (who shall be determined by lot) shall retire immediately before the elections to be held in October, 1983.

(5) The Committee shall appoint and remunerate, at such rates as it thinks appropriate, an Executive Officer, who shall not be a member of the Committee.

(6) Casual vacancies on the Committee shall be filled by the Committee, and a person filling a casual vacancy shall hold office until the next Annual General Meeting.

(7) The Chairman of the Mining sub-committee shall, unless he is elected to the office of President, be a Vice-President of the Association.

6. Meetings of the Committee

(1) The Committee shall meet at such times as it thinks fit, but at least once each month.

(2) The quorum at meetings of the Committee shall be seven.

(3) The position of any member of the Committee who, without an excuse accepted by the Committee, fails to attend three consecutive meetings of the Committee shall become vacant.

(4) Committee meetings shall be presided over by the President or, in his absence, a Vice-President or, in the absence of the President and both Vice-Presidents, a chairman elected from the other members of the Committee.

(5) The Executive Officer shall:—

(*a*) keep a record of members present at Committee meetings,

(*b*) keep accurate minutes of all meetings of the Committee and general meetings of the Association,

(*c*) attend to all correspondence in accordance with the directions of the Committee,

(*d*) perform all duties relating to the financial affairs of the Association and shall be responsible, subject to any directions given by the Committee, for the payment of all accounts,

(*e*) keep true and accurate records of all moneys received and paid by the Association, and

(*f*) present to the Committee a statement of income and expenditure at the expiration of every second month.

(6) An annual report and financial statement shall be made to each Annual General Meeting by an auditor nominated by the Committee, and such auditor shall present the report and financial statements in conjunction with the Executive Officer.

7. Powers of the Committee

(1) The Committee, subject to any direction given by the Association at a general meeting shall have power generally to carry out and give effect to the objects of the Association and the provisions of this Constitution, and, without limiting the generality of the foregoing, the Committee may:—

(*a*) Determine and publish standing orders, not contrary to or inconsistent with this Constitution, of the Association,

(*b*) Establish sub-committees for such purposes as the Committee may determine,

(*c*) Control, supervise and manage any business or undertaking established by the Association,

(*d*) Collect, retain and disburse the funds of the Association, provided however that nothing in this Constitution shall empower the Committee to acquire or replace any capital asset valued at more than twenty thousand dollars ($20 000.00) or to dispose of any capital asset valued at more than five thousand dollars ($5 000.00) or to enter into any negotiations in respect of the acquisition, replacement or disposal of any land or buildings, without the prior approval of a majority of the members present and voting at either an Annual General Meeting or a general meeting of the Association.

(2) The Committee shall not raise any loan (other than by way of bank overdraft) unless the raising of the loan and the terms of interest and repayment have been approved by a majority of members voting at a general meeting.

8. Elections

(1) The elections to fill the positions of the Committee of Management falling vacant shall be held on the first Saturday in October in each year.

(2) The Committee shall, no later than the 30th day of June in any year, appoint a returning officer to conduct the elections to be held in the month of October next following.

(3) The returning officer shall be responsible for the conduct of the elections.

(4) The Committee may appoint the Executive Officer to be the returning officer.

(5) Any person whose name, thirty days prior to the conduct of the election, is on the register of members or is on the electoral roll for the area, may:—

(*a*) nominate any other member for election as a member of the Committee,

(*b*) be nominated for the position of Committee member,

and

(*c*) vote at the elections.

(6) Where the name of any person attending to vote does not appear on either the register of members or the electoral roll for the area, that person shall be given a vote if he makes before the returning officer, a written declaration that he is entitled to be on either the register of members or the electoral roll for the area, and, if he is satisfied that that person is so entitled, the returning officer shall, when counting the votes in the election, count the vote cast by that person.

(7) Nominations for candidates for the election shall be in writing, signed by the candidate for election, signed by at least two other people entitled to vote at the election, and shall close at 5.00 p.m. on the second to last Friday before the elections.

(8) The hours of voting on election day shall be from 8.00 o'clock in the forenoon until 6.00 o'clock in the afternoon.

(9) The returning officer shall:—

(*a*) maintain and keep open and accessible a polling booth during the hours of voting,

(*b*) issue, to each member or person whose name appears on the electoral roll attending to vote, a ballot paper in an appropriate form,

(*c*) collect and safely retain all votes cast in the election until the close of voting,

(*d*) at the conclusion of the voting count the votes and prepare a schedule containing the names of the persons elected,

and

(*e*) declare the poll after the close of voting, and declare that the persons so elected shall forthwith take office.

(10) Voting shall be by way of secret ballot and only the votes of those people personally attending the polling booth and casting their votes during the hours of voting shall be counted.

(11) When determining the poll, the returning officer shall adopt the system of counting known as the "first past the post" system.

(12) Each candidate to the election may, in writing, appoint one scrutineer, and when the votes cast at the poll are being counted, the returning officer shall admit, to the place at which the count is being undertaken, any scrutineer so appointed.

(13) The Executive Officer, at or prior to the opening of voting, shall (where he is not himself the returning officer) deliver the register of members and the electoral roll for the area to the returning officer, and the returning officer shall ensure that, during the hours of voting, the register of members and the electoral roll for the area are open and available for inspection in the polling booth.

(14) If, at the time of the close of nominations as specified in subclause (7) of this clause six persons have nominated for the position of a member of the Committee (or twelve have nominated for the elections to be held in October, 1982) the returning officer shall, without the conduct of a poll, declare those persons nominated to be elected as from the first Saturday in October.

(15) If, at the time of the close of nominations as specified in subclause (7) of this clause the number of people nominated for election is less than the number of positions to be filled, the returning officer shall, without the conduct of a poll, declare the persons nominated to be elected as from the first Saturday in October, and the positions remaining vacant may be filled at the next Annual General Meeting.

(16) The Committee of Management shall pay, to the returning officer, any charges or costs incurred by him in the conduct of the elections.

9. Meetings of the Association

(1) The Annual General Meeting of the Association shall be held within twelve days of the election and shall be conducted on such day and at such time and place as the Committee shall determine, and of which seven days public notice shall be given.

(2) The business of the Annual General Meeting shall include:—

(*a*) the annual reports of the Committee, Executive Officer and Auditor,

(*b*) the nomination of auditors,

(*c*) the election of President,

and

(*d*) the consideration of such other matters as may be duly brought before the meeting.

(3) General meetings (other than Annual General Meetings) of the Association shall be held at such times as the Committee may determine, or by a written request therefore signed by not less than fifty (50) members and handed or delivered to the Executive Officer.

(4) Notice of the time, place and date of a general meeting shall be published by the Executive Officer, in such manner as the Committee may from time to time determine, at least five clear days before the meeting.

(5) The President of the Association shall preside at every general meeting of the Association, provided however, that if neither the President nor any other member of the Committee is present at a general meeting, the convenor of the meeting may appoint a chairman and obtain, from the Executive Officer, the minutes books and other records of the Association.

(6) Fifty members of the Association shall form a quorum at a general meeting.

(7) General meetings of the Association shall be open to the public, provided however, that persons who are not members:—

(*a*) shall not, except with the consent of the President or person presiding, address the meeting,

and

(*b*) shall have no power to propose or second any motions, or to vote thereon.

(8) Every person whose name is on the register of members shall be entitled to vote at general meetings of the Association.

(9) All resolutions proposed at a general meeting shall be decided by show of hands, unless any five members there present and voting request that a resolution be decided by secret ballot.

(10) The President or Chairman presiding shall, if so requested by the majority of members present and voting at a meeting, conduct a recount of votes, which recount shall be made and completed at the same meeting as that upon which the original vote is taken.

(11) The Executive Officer shall record, in the minutes, all resolutions passed at a general meeting and shall keep a record of all voting and ballots.

(12) The President, or, in his absence, the chairman presiding at any general meeting, may, in the case of an inequality of votes, give a casting vote.

10. Standing Orders

(1) The Committee may formulate standing orders for the regulation of all meetings.

(2) In the absence of any standing order or in the case of a dispute concerning meeting procedure, the ruling of the President or Chairman presiding shall prevail.

11. Property of the Association

(1) The management of the property of the Association shall be vested in the Committee for the time being, and shall be used in the furtherance of the objects of the Association as specified in paragraph 3 of this Constitution.

(2) The Committee shall provide for the safe custody of the common seal and it shall not be used except pursuant to a resolution of the Association in a general meeting or a resolution of the Committee.

(3) The common seal shall not be affixed to any document except in the presence of two members of the Committee who shall each subscribe their names as witnesses to the affixing of the seal.

(4) The financial year of the Association shall end on the thirtieth day of June in each year, and the Executive Officer of the Association shall, as soon as is possible thereafter, present the Association's accounts to the auditors for audit.

(5) The auditors of the Association shall be chartered accountants who are not members of the Association.

(6) All moneys received by the Association shall be deposited in an account or accounts at a bank or banks determined by the Committee, and any cheque drawn upon such account or accounts shall be signed by any two of the following, namely, the President, a Vice-President, or the Executive Officer.

(7) The accounts and financial statements of the Association shall be kept in accordance and comply with the provisions of the Local Government Accounting Regulations, 1979, as amended from time to time.

(8) The Committee shall retain a qualified legal practitioner as an adviser to the Association.

12. Dissolution of the Association

(1) On application in writing made to the Committee by at least one-third of the members signifying their desire that the Association should be dissolved, a special meeting shall be called to consider the question.

(2) Notice of the meeting, setting out the reasons for which it is called, shall, at least one month preceding the date appointed for the meeting, be posted in a prominent position in the Association premises and given by circular to every member then residing in the area.

(3) The quorum required at a meeting convened to consider a notice of motion for the dissolution of the Association shall be not less than one-half of all members of the Association.

(4) No resolution for the dissolution of the Association shall be regarded as having been passed unless the resolution has been passed by a majority of not less than three-quarters of the members attending the meeting and entitled to vote.

(5) While the Coober Pedy (Local Government Extension) Act, 1981, remains in force no motion for dissolution of the Association shall be proposed at a meeting of the Association unless the dissolution is authorized by a resolution of both House of Parliament.

13. Public Officer

The Executive Officer of the Association shall be the public officer of the Association.

14. Alteration of the Constitution

A notice of motion proposing the alteration of the Constitution of the Association shall—

(*a*) be proposed by the giving of notice of motion to a general meeting,

(*b*) be accompanied by written reasons adequately explaining the reason for and purpose of the proposed amendment,

(*c*) not be dealt with until the next ensuing general meeting,

(*d*) be carried only if it receives the affirmative vote of a two-thirds majority of the members present at that meeting,

and

(*e*) be submitted to the Minister for consideration.

SCHEDULE

The area consists of that portion of the State, Out of Hundreds (Coober Pedy), bounded as follows:—

Commencing at the south-western corner of section 59, Out of Hundreds (Coober Pedy), adjacent to the Town of Coober Pedy; thence northerly along the western boundary of said section; north-westerly at a south-western angle of 166° 00′ through unnumbered Crown land for 5 298.5 metres; north-easterly at a south-eastern angle of 93° 21′ to the northern corner of section 780; south-easterly along a north-eastern boundary of said section for 437.4 metres; again south-easterly at a north-eastern angle of 168° 57′ through unnumbered Crown land, section 1273 and unnumbered Crown land for 7 571.2 metres; southerly at a south-western angle of 115° 17′ to its intersection with the production easterly of the southern boundary of section 1138; thence westerly along latter production and boundary, the southern boundary of section 60, a southern boundary of section 1275 and the southern boundary of section 59 aforesaid to the point of commencement and crossing all intervening roads.

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

****

No. 81 of 1981

An Act to amend the Prices Act, 1948-1980.

[*Assented to* 26 *November* 1981]

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 "Prices Act Amendment Act, 1981".

(2) The Prices Act, 1948-1980, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Prices Act, 1948-1981".

Amendment of s. 53—Cessation of operation of certain provisions.

2. Section 53 of the principal Act is amended by striking out the passage "thirty-first day of December, 1981" and substituting the passage "thirty-first day of December, 1984".

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

****

No. 82 of 1981

An Act to amend the Cremation Act, 1891-1964.

[*Assented to* 26 *November* 1981]

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 "Cremation Act Amendment Act, 1981".

(2) The Cremation Act, 1891-1964, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Cremation Act, 1891-1981".

Repeal of s. 11.

2. Section 11 of the principal Act is repealed.

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

****

No. 83 of 1981

An Act to amend the Fruit Fly Act, 1947-1978, and to repeal the Oriental Fruit Moth Act, 1962-1978, the Red Scale Control Act, 1962-1978, and the San Jose Scale Control Act, 1962-1978.

[*Assented to* 3 *December* 1981]

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 "Statute Revision (Fruit Pests) Act, 1981".

Commencement

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

Amendment of Fruit Fly Act.

3. (1) The Fruit Fly Act, 1947-1978, is amended—

(*a*) by striking out from section 2 the definition of "the Committee";

and

(*b*) by striking out sections 3, 5, 6, 7 and 8 and substituting the following section:

Compensation.

3. (1) The Minister may, out of moneys provided by Parliament for the purpose, pay compensation to any person who has suffered loss in consequence of measures taken in pursuance of statute to control or eradicate fruit fly.

(2) An application for compensation under this section—

(*a*) must be in writing;

(*b*) must be made in a manner and form determined by the Minister;

and

(*c*) must be supported by such evidence as the Minister may require.

(3) No action lies against the Minister to compel him to make a payment of compensation under this section.

(2) The Fruit Fly Act, 1947-1978, as amended by this section may be cited as the "Fruit Fly Act, 1947-1981".

Repeal of certain Acts.

4. (1) The following Acts are repealed:

(*a*) the Oriental Fruit Moth Control Act, 1962-1978;

(*b*) the Red Scale Control Act, 1962-1978;

and

(*c*) the San Jose Scale Control Act, 1962-1978.

(2) The assets and liabilities of any committee that was established under any of the Acts referred to in subsection (1) and was in existence immediately before the commencement of this Act shall vest in the Crown.

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

****

No. 84 of 1981

An Act to amend the Forestry Act, 1950-1974.

[*Assented to* 3 *December* 1981]

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 "Forestry Act Amendment Act, 1981".

(2) The Forestry Act, 1950-1974, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Forestry Act, 1950-1981".

Commencement.

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

(2) The Governor may, in a proclamation made for the purposes of subsection (1), suspend the operation of any specified provisions of this Act until a subsequent day fixed in the proclamation, or a day to be fixed by a subsequent proclamation.

Amendment of s. 2—Interpretation.

3. Section 2 of the principal Act is amended—

(*a*) by striking out the definition of "the Conservator";

(*b*) by striking out the definition of "forest reserve" and substituting the following definitions:

"the Director" means the person for the time being holding or acting in the office of the Director of the Woods and Forests Department:

"forest reserve" means land declared by proclamation under this Act to be a forest reserve:

"forest warden" means a person for the time being holding or acting in the office of forest warden under this Act:;

(*c*) by inserting after the definition of "the Minister" the following definition:

"native forest reserve" means a forest reserve, or part of a forest reserve, declared by proclamation under this Act to be a native forest reserve:;

and

(*d*) by inserting after its present contents as amended by this section (now to be designated as subsection (1)) the following subsection:

(2) A reference to the Conservator of Forests in any Act, regulation, rule, by-law, document or writing of any kind shall be read, where the context admits, as a reference to the Director.

Repeal of ss. 2a, 2b 2c and 3 and substitution of new section.

4. Sections 2a, 2b, 2c and 3 of the principal Act are repealed and the following section is substituted:

Forest reserves and native forest reserves.

3. (1) The Governor may, by proclamation—

(*a*) declare any Crown lands to be a forest reserve;

(*b*) for purposes relating to the conservation, development and management of land supporting native flora and fauna, declare a forest reserve, or part of a forest reserve, to be a native forest reserve;

or

(*c*) assign a name to a forest reserve, or native forest reserve.

(2) A proclamation declaring a forest reserve or part of a forest reserve to be a native forest reserve shall contain a statement of the purposes for which the native forest reserve is established.

(3) The Governor may, by subsequent proclamation, vary or revoke a proclamation under subsection (1).

(4) If, by virtue of a proclamation under this section—

(*a*) any land that constituted the whole or a part of a forest reserve would cease to be such a reserve or within such a reserve;

or

(*b*) any land that constituted the whole or a part of a native forest reserve would cease to be such a reserve or within such a reserve,

a copy of the proclamation and a statement of the reasons for the proclamation shall be laid before both Houses of Parliament.

(5) A proclamation to which subsection (4) applies shall not have effect—

(*a*) until fourteen sitting days of each House of Parliament have elapsed after a copy of the proclamation is laid before each House;

and

(*b*) if, within those fourteen sitting days a motion for disallowance of the proclamation is moved in either House of Parliament—unless and until that motion is defeated or withdrawn, or lapses.

(6) Land that ceases to be native forest reserve does not, by reason only of that fact, cease to be forest reserve, but if land ceases to be forest reserve it shall (if it was formerly native forest reserve) cease also to be native forest reserve.

(7) A proclamation in force under this Act immediately before the commencement of the Forestry Act Amendment Act, 1981, shall be deemed to be a proclamation under this section.

Amendment of s. 6— The Forestry Board.

5. Section 6 of the principal Act is amended by striking out from subsection (2) the word "Conservator" and substituting the word "Director".

Amendment of s. 7— Officers.

6. Section 7 of the principal Act is amended—

(*a*) by striking out from subsection (1) the passage "a Conservator of Forests and such other" and substituting the word "such";

(*b*) by striking out from subsection (2) the passage "Conservator and other";

(*c*) by striking out from subsection (3) the word "Conservator" and substituting the word "Director";

and

(*d*) by striking out from subsection (5) the word "Conservator" and substituting the word "Director".

Amendment of s. 8— Power of Minister to delegate.

7. Section 8 of the principal Act is amended—

(*a*) by striking out from subsection (1) the word "Conservator" and substituting the passage "Director or any other specified officer";

and

(*b*) by striking out from subsection (3) the word "Conservator", twice occurring, and substituting, in each case, the passage "Director or other officer".

Insertion of new ss. 8a to 8e.

8. The following sections are inserted after section 8 of the principal Act:

Appointment of forest wardens.

8a. (1) The Minister may, by instrument in writing, appoint any person to be a forest warden under this Act.

(2) A forest warden shall be appointed for such term as may be specified in the instrument of his appointment.

(3) The Minister may, in the instrument of appointment, authorize the forest warden to exercise his powers in respect of the whole, or any specified portion, of the State.

(4) Where the authority of a forest warden is limited by the instrument of his appointment to any specified portion of the State, the powers conferred on him under this Act shall be exercisable only within that portion of the State.

(5) Every member of the police force shall, while holding office as such, be a forest warden competent to exercise his powers as such in any part of the State.

Identity cards.

8b. (1) The Minister shall, subject to subsection (2), issue to every person appointed as a forest warden a card (referred to in this Act as an "identity card") stating the name of that person and the fact that he is a forest warden appointed pursuant to the provisions of this Act.

(2) The issue of an identity card is not required in the case of a forest warden who is a member of the police force.

Powers of forest warden.

8c. (1) Subject to this section, a forest warden may for the purpose of the administration and enforcement of this Act—

(*a*) require any person whom he finds committing, or whom he suspects on reasonable grounds of having committed, an offence against this Act, to state his full name and usual place of residence;

(*b*) require any person whom he finds committing, or whom he suspects on reasonable grounds of having committed, an offence against this Act on forest reserve to leave that forest reserve;

(*c*) enter and search any land, building, structure, vehicle, vessel or place in which he suspects on reasonable grounds that there is anything that is likely to afford evidence of an offence against this Act and, for the purpose of making any such entry and search in relation to a vehicle or vessel, require the person in charge to stop the vehicle or vessel;

or

(*d*) require any person whom he suspects on reasonable grounds of having done any act for which that person is required to hold a permit under this Act to produce his permit.

(2) A forest warden shall not exercise the powers conferred by subsection (1) (*c*) except upon the authority of a warrant issued by a justice unless he believes upon reasonable grounds that in the circumstances of the case urgent action is required.

(3) A person shall not fail to comply with a requirement made of him by a forest warden under this section.

Penalty: Two hundred dollars.

(4) A person shall not hinder a forest warden in the exercise of his powers or functions under this Act.

Penalty: Two hundred dollars.

(5) A person shall not use abusive, threatening or insulting language to a forest warden acting in the exercise of his powers or functions under this Act.

Penalty: One hundred dollars.

(6) A person shall not assault a forest warden acting in the exercise of his powers or functions under this Act.

Penalty: Five hundred dollars or imprisonment for three months.

(7) A forest warden may arrest without warrant any person—

(*a*) who fails to comply with a requirement lawfully made of that person by a forest warden under subsection (1) (*a*) or (1) (*b*);

or

(*b*) who hinders or assaults a forest warden in the exercise of his powers or functions under this Act.

(8) Upon arresting any person in pursuance of this section, a forest warden shall forthwith convey him, or cause him to be conveyed, to the nearest police station.

(9) A forest warden shall upon demand by any person in relation to whom he is exercising or proposing to exercise his powers under this Act produce his identity card or, where the forest warden is a member of the police force not in uniform, his certificate of authority, for inspection by that person.

(10) A forest warden may, where he believes upon reasonable grounds that in the circumstances of the case he needs the assistance of another person and that it is not practicable to obtain the assistance of another forest warden, request any other suitable person to assist him in the exercise of his powers under this Act.

(11) A person, while assisting a forest warden in response to a request for assistance by the forest warden, shall have, and may exercise, all such powers of a forest warden under this Act as are reasonably necessary for the purpose.

Seizure and forfeiture of things used in or furnishing evidence of offences.

8d. (1) A forest warden may seize anything that he suspects on reasonable grounds—

(*a*) has been used in the execution or furtherance, or intended execution or furtherance, of an offence against this Act;

or

(*b*) furnishes evidence of the commission of an offence against this Act.

(2) Where a living animal is seized under this section, it may be released from captivity.

(3) Where anything has been seized under this section and—

(*a*) proceedings are not instituted for an offence against this Act that is related to the thing seized within three months of its seizure;

or

(*b*) proceedings having been so instituted, the thing seized is not ordered to be forfeited to the Crown,

the person from whom it was seized shall be entitled to recover it, or, if it has been destroyed or damaged or has deteriorated, to recover from the Minister, by action in any court of competent jurisdiction, compensation for the loss thereby suffered.

(4) A court convicting any person of an offence against this Act may, if it thinks fit, in addition to imposing any penalty, order that anything seized under this section that related to the commission of the offence be forfeited to the Crown.

(5) Anything forfeited to the Crown shall be disposed of in such manner as the Minister may direct, and, if sold, the proceeds of the sale shall be paid into the General Revenue of the State.

False representation.

8e. A person shall not, by words or conduct, falsely represent that he is a forest warden.

Penalty: Five hundred dollars or imprisonment for three months.

Insertion of new s. 9a.

9. The following section is inserted after section 9 of the principal Act:

Management of native forest reserves.

9a. Notwithstanding any other provision of this Act, the Minister shall manage a native forest reserve having regard to the purposes for which it was established and shall endeavour to ensure that no operations are undertaken on the reserve that are inconsistent with those purposes.

Amendment of s. 11— Licences and other interests in forest reserves.

10. Section 11 of the principal Act is amended by striking out from subsection (1) the word "Conservator" and substituting the word "Director".

Amendment of s. 13— Milling and sale of timber.

11. Section 13 of the principal Act is amended by striking out the word "Conservator" and substituting the word "Director".

Insertion of new s. 16a.

12. The following section is inserted after section 16 of the principal Act:

Borrowing by Minister.

16a. (1) The Minister may, with the consent of the Treasurer, borrow money from any person for the purposes of this Act.

(2) Any liability incurred with the consent of the Treasurer under subsection (1) is by virtue of this subsection guaranteed by the Treasurer.

(3) Any liability incurred by the Treasurer under a guarantee arising by virtue of subsection (2) shall be satisfied out of the General Revenue of the State which is by virtue of this subsection, to the necessary extent, appropriated.

(4) Any sum paid by the Treasurer under subsection (3) shall, when moneys are properly available for the purpose, be repaid by the Minister to the Treasurer and, when so repaid, shall form part of the General Revenue of the State.

(5) Any moneys borrowed by the Minister under this section shall be applied for the purposes of this Act.

Amendment of s. 19— Technical advice and assistance.

13. Section 19 of the principal Act is amended by striking out the word "Conservator" and substituting the word "Director".

Insertion of new s. 19a.

14. The following section is inserted after section 19 of the principal Act:

Evidentiary.

19a. (1) In any proceedings for an offence against this Act, any permit under this Act and the conditions to which the permit is or was subject may be proved by production of a copy of the permit.

(2) In any proceedings for an offence against this Act, an apparently genuine document purporting to be a copy of a permit granted under this Act and to be signed by an officer authorized to grant such a permit shall be deemed to be a copy of such a permit in the absence of proof to the contrary.

(3) In any proceedings for an offence against this Act, where it is alleged—

(*a*) that a person was at the relevant time a forest warden;

or

(*b*) that the act or omission subject to the charge related to or took place on specified forest reserve land,

the matter alleged shall be deemed to be proved in the absence of proof to the contrary.

Amendment of s. 21—Regulations.

15. Section 21 of the principal Act is amended—

(*a*) by inserting after paragraph (*a*) the following paragraphs:

(*aa*) prohibiting or regulating access to, use of or conduct on forest reserve land;

(*ab*) providing for the grant by specified officers of permits to enter upon or use forest reserve land subject to conditions specified in the permits, for the variation of such conditions and for the revocation of such permits;

(*ac*) prescribing fees for permits which may vary according to specified factors;;

and

(*b*) by striking out from paragraph (*c*) the passage "one hundred dollars" and substituting the passage "two hundred dollars".

Repeal of s. 22.

16. Section 22 of the principal Act is repealed.

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

****

No. 85 of 1981

An Act to amend the Industrial Conciliation and Arbitration Act, 1972-1981.

[*Assented to* 3 *December* 1981]

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 "Industrial Conciliation and Arbitration Act Amendment Act (No. 2), 1981".

(2) The Industrial Conciliation and Arbitration Act, 1972-1981, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Industrial Conciliation and Arbitration Act, 1972-1981".

Commencement.

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

Amendment of s. 80—Sick leave.

3. Section 80 of the principal Act is amended—

(*a*) by striking out subsection (1) and substituting the following subsections:

(1) Where—

(*a*) a full-time employee is unable to attend or remain at his place of employment by reason of illness;

or

(*b*) a full-time employee is ill while on annual leave and the illness is such as would, if he were not on annual leave, have rendered him unable to attend at his place of employment for a period of not less than three consecutive days,

the employee shall, subject to compliance with the terms and conditions prescribed by the regulations, be granted paid sick leave by his employer not exceeding the sick leave credit of the employee.

(1a) Leave granted to an employee under subsection (1) (*b*) does not count as annual leave.;

and

(*b*) by inserting after subsection (5) the following subsection:

(5a) Paid sick leave granted either under this section, or under an award or industrial agreement, shall be debited against the sick leave credit of the employee to whom it is granted.

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

****

No. 86 of 1981

An Act to amend the Administration and Probate Act, 1919-1980.

[*Assented to* 10 *December* 1981]

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 "Administration and Probate Act Amendment Act, 1981".

(2) The Administration and Probate Act, 1919-1980, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Administration and Probate Act, 1919-1981".

Commencement.

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

Insertion of new s. 120a.

3. The following section is inserted after section 120 of the principal Act:

Interest upon pecuniary legacies.

120a. (1) Subject to any testamentary direction or provision to the contrary, where a will provides for the payment of a pecuniary legacy of a specified amount and the legacy is not paid in full on or before the relevant date, then, as from the relevant date and until the date of payment, interest accrues on the legacy, or so much of the legacy as remains unpaid, at the rate from time to time fixed by regulation for the purposes of this section.

(2) A right to interest under this section does not exist independently of a right to payment of the legacy itself, and where a legacy abates, the extent of the abatement shall be taken into account in calculating interest for the purposes of this section.

(3) This section applies to legacies whether they become or became payable before or after the commencement of the Administration and Probate Act Amendment Act, 1981, but it does not affect interest that may have accrued upon a legacy before the commencement of that amending Act.

(4) In this section—

"the relevant date" means—

(*a*) a date fixed by the will as the date on or before which the legacy is to be paid or, if no such date is fixed by the will, the date of the first anniversary of the testator's death;

or

(*b*) the date of commencement of the Administration and Probate Act Amendment Act, 1981,

whichever is the later.

Insertion of new s. 130.

4. The following section is inserted after section 129 of the principal Act:

Regulations.

130. The Governor may make such regulations as are contemplated by this Act, or as are necessary or expedient for the purposes of this Act.

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

****

No. 87 of 1981

An Act to amend the Racing Act, 1976-1980.

[*Assented to* 10 *December* 1981]

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 "Racing Act Amendment Act, 1981".

(2) The Racing Act, 1976-1980, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Racing Act, 1976-1981".

Commencement.

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

(2) The Governor may, in a proclamation made for the purposes of this Act, suspend the operation of any specified provisions of this Act until a subsequent day fixed in the proclamation, or a day to be fixed by subsequent proclamation.

Amendment of s. 3—Arrangement of Act.

3. Section 3 of the principal Act is amended by striking out the word "DOG" and substituting the word "GREYHOUND".

Amendment of s. 5—Interpretation.

4. Section 5 of the principal Act is amended—

(*a*) by striking out paragraph (*c*) of the definition of "controlling authority" and substituting the following paragraph:

(*c*) in relation to greyhound racing, means the Greyhound Racing Control Board:;

(*b*) by striking out the definitions of "dog race", "dog racing" and "the Dog Racing Control Board";

(*c*) by inserting after the definition of "double" the following definitions:

"greyhound race" or "greyhound racing" means a race or racing between greyhounds in competitive pursuit of a quarry or lure that is not a live animal:

"the Greyhound Racing Control Board" means the board established under Part II and continued in existence under the name the "Greyhound Racing Control Board":;

(*d*) by striking out from the definition of "race" and "racing" the word "dog", twice occurring, and substituting, in each case, the word "greyhound";

(*e*) by striking out from the definition of "race meeting" the word "dog" and substituting the word "greyhound";

(*f*) by striking out the definition of "registered dog racing club" and substituting the following definition:

"registered greyhound racing club" means a racing club that is established for the purpose of conducting greyhound race meetings and is registered by the Greyhound Racing Control Board:;

(*g*) by striking out from the definition of "registered racing club" the word "dog" and substituting the word "greyhound";

and

(*h*) by inserting after its present contents as amended by this section (now to be designated as subsection (1)) the following subsection:

(2) A reference to the Dog Racing Control Board made in any Act or instrument made under an Act or in any other instrument or document of any kind shall, unless the contrary intention appears, be construed as a reference to the Greyhound Racing Control Board.

Amendment of s. 10—Constitution of Board.

5. Section 10 of the principal Act is amended by striking out subsection (1) and substituting the following subsections:

(1) The Board shall consist of five members appointed by the Governor of whom—

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

(*b*) one shall be a person nominated by the Minister from a panel of three persons nominated by the Governing Body of the South Australian Breeders, Owners, Trainers and Reinsmens Association, Incorporated;

(*c*) one shall be a person nominated by the Minister from a panel of three persons nominated by the Committee of the South Australian Trotting Club Incorporated;

and

(*d*) one shall be a person nominated by the Minister from a panel of three persons nominated by resolution passed at a meeting constituted of one delegate from each of the registered trotting clubs other than the South Australian Trotting Club Incorporated by a majority of those delegates.

(1a) Notwithstanding the provisions of subsection (1), the Minister shall, before making a nomination under that subsection from a panel of nominees, consult with the body or persons that nominated that panel.

Amendment of s. 11— Terms and conditions of office.

6. Section 11 of the principal Act is amended by striking out from subsection (1) the word "four" and substituting the word "three".

Amendment of s. 13— Quorum, etc.

7. Section 13 of the principal Act is amended by striking out from subsection (1) the word "four" and substituting the word "three".

Amendment of s. 16— Functions and powers of the Board.

8. Section 16 of the principal Act is amended—

(*a*) by striking out from paragraph (*h*) of subsection (2) the word "dog" and substituting the word "greyhound";

and

(*b*) by striking out from paragraph (*h*) of subsection (2) the word "dogs" and substituting the word "greyhounds".

Substitution of heading to Division III of Part II.

9. The heading to Division III of Part II is repealed and the following heading is substituted:

DIVISION III—CONTROLLING AUTHORITY FOR GREYHOUND RACING

Amendment of s. 25— Interpretation.

10. Section 25 of the principal Act is amended by striking out the definition of "the Board" and substituting the following definition:

"the Board" means the board established under this Division and continued in existence under the name the "Greyhound Racing Control Board":.

Amendment of s. 26— Establishment of Board.

11. Section 26 of the principal Act is amended by striking out subsection (1) and substituting the following subsection:

(1) The board established under this Division shall continue in existence under the name the "Greyhound Racing Control Board".

Amendment of s. 27— Constitution of Board.

12. Section 27 of the principal Act is amended by striking out subsection (1) and substituting the following subsections:

(1) The Board shall consist of five members appointed by the Governor of whom—

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

(*b*) one shall be a person nominated by the Minister from a panel of three persons nominated by the Adelaide Greyhound Racing Club;

(*c*) one shall be a person nominated by the Minister from a panel of three persons nominated by resolution passed at a meeting constituted of one delegate from each of the registered greyhound racing clubs other than the Adelaide Greyhound Racing Club by a majority of those delegates;

and

(*d*) one shall be a person nominated by the Minister from a panel of three persons nominated by the Greyhound Owners, Trainers and Breeders' Association of South Australia, Incorporated.

(1a) Notwithstanding the provisions of subsection (1), the Minister shall, before making a nomination under that subsection from a panel of nominees, consult with the body or persons that nominated that panel.

Amendment of s. 28—Term and conditions of office.

13. Section 28 of the principal Act is amended by striking out from subsection (1) the word "four" and substituting the word "three".

Amendment of s. 33—Functions and powers of the Board.

14. Section 33 of the principal Act is amended—

(*a*) by striking out the word "dog", wherever it occurs, and substituting, in each case, the word "greyhound";

and

(*b*) by striking out from subsection (2) the word "dogs" and substituting the word "greyhounds".

Amendment of s. 39—Prohibition of certain race meetings.

15. Section 39 of the principal Act is amended by striking out from subsection (1) the word "dog", twice occurring, and substituting, in each case, the word "greyhound".

Amendment of s. 41—Rules of the Board.

16. Section 41 of the principal Act is amended by striking out the word "dog", wherever it occurs, and substituting, in each case, the word "greyhound".

Amendment of s. 44—Constitution of Board.

17. Section 44 of the principal Act is amended by striking out from paragraph (*d*) the word "dog" and substituting the word "greyhound".

Amendment of s. 45—Terms and conditions of office.

18. Section 45 of the principal Act is amended by striking out from subsection (1) the word "four" and substituting the word "three".

Amendment of s. 56—Application of funds of the Board.

19. Section 56 of the principal Act is amended by striking out subsection (5) and substituting the following subsection:

(5) In this section—

"quarter" means the period elapsing between a quarterly accounting day and the next quarterly accounting day:

"quarterly accounting day" means the last day of the four-weekly accounting period of the Board last expiring in the month of March, June, September or December, in any year.

Amendment of s. 62—Acceptance of, and payment on, off-course totalizator bets.

20. Section 62 of the principal Act is amended by striking out subsection (2) and substituting the following subsection:

(2) Except as otherwise directed by the Minister, the Board shall pay the dividend on every off-course totalizator bet as soon as practicable after the completion of the race on which the bet was made.

Amendment of s. 63—Conduct of on-course totalizator betting by horse racing clubs.

21. Section 63 of the principal Act is amended by striking out subsection (3).

Amendment of s. 64—Conduct of on-course totalizator betting by trotting clubs.

22. Section 64 of the principal Act is amended by striking out subsection (3).

Amendment of s. 65—Conduct of on-course totalizator betting by greyhound racing clubs.

23. Section 65 of the principal Act is amended—

(*a*) by striking out from subsections (1) and (2) the word "dog", wherever it occurs, and substituting, in each case, the word "greyhound";

and

(*b*) by striking out subsection (3).

Amendment of s. 125—Interpretation.

24. Section 125 of the principal Act is amended by striking out from the definition of "Fund" the passage 'dog racing, means the "Dog' and substituting the passage 'greyhound racing, means the "Greyhound'.

Amendment of s. 127—Constitution of Board.

25. Section 127 of the principal Act is amended by striking out from paragraph (*d*) of subsection (1) the word "dog" and substituting the word "greyhound".

Amendment of s. 128—Terms and conditions of office.

26. Section 128 of the principal Act is amended by inserting in subsection (1) after the passage "term of office" the passage ", not exceeding three years,".

Amendment of s. 133—Establishment of separate funds for forms of racing.

27. Section 133 of the principal Act is amended by striking out subsection (1) and substituting the following subsection:

(1) The funds for each form of racing kept at the Treasury pursuant to this section as in force before the commencement of the Racing Act Amendment Act, 1981, shall continue to be kept at the Treasury—

(*a*) in the case of the fund for horse racing, under the name the "Horse Racing Grounds Development Fund";

(*b*) in the case of the fund for trotting, under the name the "Trotting Grounds Development Fund";

(*c*) in the case of the other fund, as the fund for greyhound racing under the name the "Greyhound Racing Grounds Development Fund".

Amendment of s. 135—Functions and powers of the Board.

28. Section 135 of the principal Act is amended—

(*a*) by striking out subsection (1) and substituting the following subsections:

(1) The function of the Board is to provide financial assistance—

(*a*) for the development of public facilities in the grounds of racecourses used or proposed to be used for horse racing, trotting or greyhound racing;

or

(*b*) for the development of any other facilities that the Board is satisfied benefit or would benefit horse racing, trotting or greyhound racing.

(1a) The Board shall not provide financial assistance referred to in subsection (1) (*b*) except with the approval of the Minister.;

and

(*b*) by striking out from subsection (2) the passage "registered racing club", wherever it occurs, and substituting, in each case, the passage "person or body".

29. The following section is inserted after section 146 of the principal Act: Insertion of new s. 146a.

146a. (1) No member of a Board shall, without the consent of the Minister, be or become the secretary or an employee of any club or association established in the State for any purpose related to racing. Special conditions of appointment to Boards.

(2) Every member of a Board shall, except where the Board is required to give effect to directions of the Minister, make each decision required to be made in the performance or discharge of his functions, powers or duties as a member of the Board according to his own opinion or belief and not according to the directions of any person or body.

(3) Where a member of a Board contravenes subsection (1) or (2) he shall be deemed to be in breach of a condition of his appointment as a member and may be removed from office in accordance with the provisions of this Act.

(4) In this section "Board" means—

(*a*) the Trotting Control Board;

(*b*) the Greyhound Racing Control Board;

(*c*) the Totalizator Agency Board;

(*d*) the Betting Control Board;

or

(*e*) the Racecourses Development Board.

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

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No. 88 of 1981

An Act to amend the Savings Bank of South Australia Act, 1929-1978.

[*Assented to* 10 *December* 1981]

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 "Savings Bank of South Australia Act Amendment Act, 1981".

(2) The Savings Bank of South Australia Act, 1929-1978, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Savings Bank of South Australia Act, 1929-1981".

Commencement.

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

Amendment of s. 2—Arrangement of Act.

3. Section 2 of the principal Act is amended—

(*a*) by striking out the item:

PART VIII—Deposits

and substituting the item:

PART VIII—General Business of the Bank.;

and

(*b*) by striking out the item:

PART IX—Balance-sheets, Etc.

and substituting the item:

PART IX—Accounts and Audit.

4. Section 5 of the principal Act is repealed and the following section is substituted: Repeal of s. 5 and substitution of new section.

Interpretation.

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

"accounts" means, according to context—

(*a*) depositors' accounts;

or

(*b*) statements of income and expenditure and balance sheets, including notes (other than reports of the Trustees or the auditors of the Bank) attached to, or intended to be read with, any such accounts:

"accounting records" means all financial records necessary for the preparation of proper accounts and includes working papers and other documents necessary to explain the methods and calculations by which accounts are made up:

"the Bank" means The Savings Bank of South Australia:

"depositor" means a person who has money invested, or on deposit, with the Bank and includes a person who has securities or other objects of value in the safe custody of the Bank:

"efficiency" in relation to the appointment or proposed appointment of a person to an office in the Bank means qualifications and aptitude to carry out the duties of that office (together with good and diligent conduct) and includes, if the Trustees have determined that the holder of the relevant office should be competent to carry out the duties of some higher office, qualifications and aptitude to carry out the duties of that higher office:

"financial year" means a period of twelve months ending on the thirtieth day of June:

"general manager" means the general manager of the Bank, or a person acting in the office of general manager of the Bank:

"officer" means any officer or employee of the Bank:

"prescribed" means prescribed by the Trustees by minute, order or rule:

"securities" includes bonds and debentures:

"the Trustees" means the members of the Board of Trustees:

"the Union" means the Australian Bank Employees' Union S.A. & N.T. Division.

5. Section 15 of the principal Act is repealed and the following section is substituted: Repeal of s. 15 and substitution of new section.

Chairman and Deputy Chairman, etc.

15. (1) One of the Trustees shall be appointed by the Governor to be Chairman of the Trustees, and another shall be appointed by the Governor to be Deputy Chairman of the Trustees.

(2) A person appointed as Chairman or Deputy Chairman of the Trustees shall hold office as such during the term of his office as a Trustee.

(3) The Chairman shall preside at all meetings of the Trustees at which he is present, and, in the absence of the Chairman from a meeting of the Trustees, the Deputy Chairman shall preside, and, in the absence of both Chairman and Deputy Chairman from a meeting of the Trustees, one of the Trustees chosen by those present at the meeting shall preside.

(4) A Trustee shall be entitled to one vote on any matter arising for decision at a meeting of Trustees at which he is present and, in the event of an equality of votes, the person presiding at the meeting shall be entitled to a second, or casting, vote.

Amendment of s. 19—Officers.

6. Section 19 of the principal Act is amended—

(*a*) by striking out from paragraphs (*a*) and (*b*) of subsection (1) the passage ", clerks and servants" wherever it occurs;

and

(*b*) by striking out from paragraph (*c*) of subsection (1) the passage ", clerk or servant,".

Amendment of s. 19a—Classification of officers.

7. Section 19a of the principal Act is amended—

(*a*) by striking out from subsection (1) the passage ", other than any prescribed office,";

(*b*) by striking out subsection (2);

(*c*) by striking out from paragraph (*a*) and paragraph (*c*) of subsection (4) the passage "the Association" wherever it occurs and substituting, in each case, the passage "the Union";

(*d*) by striking out from paragraph (*b*) of subsection (5) the passage "the Association" and substituting the passage "the Union";

(*e*) by striking out from subsection (6) the passage "The Trustees" and substituting the passage "Subject to subsection (7), the Trustees";

and

(*f*) by inserting after subsection (6) the following subsection:

(7) Where an office is prescribed by the Trustees as an office to which this subsection applies—

(*a*) no classification committee established under subsection (3) has power to make a recommendation in relation to the office;

and

(*b*) subsection (6) does not apply in relation to the office.

Amendment of s. 20—Officers on fixed establishment.

8. Section 20 of the principal Act is amended—

(*a*) by striking out from subsections (1) and (2) the passage ", clerk or servant" wherever it occurs;

(*b*) by inserting in paragraph (*a*) of subsection (2) after the passage "the age of sixty years," the passage "or having completed forty years' service with the Bank,";

(*c*) by striking out from subsections (3), (4), (5), (6), (7), and (8) the passage ", clerk or servant" wherever it occurs;

(*d*) by striking out from subsection (8) the passage "clerk, servant,";

and

(*e*) by striking out subsection (10) and substituting the following subsection:

(10) No payment shall be made under this section to or in respect of an officer appointed after the first day of July, 1959.

Amendment of s. 20a—Superannuation.

9. Section 20a of the principal Act is amended—

(*a*) by striking out from subsection (1) the passage ", clerks and servants";

and

(*b*) by striking out subsections (2) and (3).

Amendment of s. 20b—Medical and hospital benefit scheme.

10. Section 20b of the principal Act is amended by striking out the passage ", clerks, and servants" wherever it occurs.

Amendment of s. 21—Leave of absence for recreation or on account of sickness.

11. Section 21 of the principal Act is amended by striking out the passage ", clerk, or servant,".

Amendment of s. 22—Long service leave of absence.

12. Section 22 of the principal Act is amended—

(*a*) by striking out from subsections (1) and (2) the passage ", clerk, or servant," wherever it occurs;

and

(*b*) by striking out subsection (3) and substituting the following subsection:

(3) Where an officer on the fixed establishment retires or resigns, or dies while in the service of the Bank, without having received the whole of the leave that might have been granted to him under this section, the Trustees may in their discretion—

(*a*) in the case of retirement or resignation—pay to the former officer;

or

(*b*) in the case of death of the officer—pay to the personal representative of the deceased, or to his dependants, or any one or more of them, in such proportions as the Trustees think fit,

such sum as the Trustees think fit in lieu of that leave.

Amendment of s. 23—Assignment by officer of entitlements under this Act.

13. Section 23 of the principal Act is amended by striking out the passage "clerk, or servant" wherever it occurs.

Repeal of s. 24.

14. Section 24 of the principal Act is repealed.

Amendment of s. 26—Authority to pay salaries and charges.

15. Section 26 of the principal Act is amended by striking out the passage ", clerk, and servant".

Repeal of s. 26a and substitution of new section.

16. Section 26a of the principal Act is repealed and the following section is substituted:

Public Service Act not to apply to Trustees and officers of the Bank.

26a. A person is not, by virtue of being a Trustee or officer of the Bank, subject to the Public Service Act, 1967-1981.

Amendment of s. 26b—Vacancy in prescribed office.

17. Section 26b of the principal Act is amended by striking out the passage "with the approval of the Governor" and substituting the passage ", subject to this Act,".

Amendment of s. 26e—When no appeal made within time fixed.

18. Section 26e of the principal Act is amended by striking out the passage ", subject to the approval of the Governor," and substituting the passage ", subject to this Act,".

Amendment of s. 26g—Appointments Appeal Committee.

19. Section 26g of the principal Act is amended—

(*a*) by striking out from paragraphs (*a*) and (*c*) of subsection (1) the passage "the Association" wherever it occurs and substituting, in each case, the passage "the Union";

and

(*b*) by striking out from subsection (2) the passage "the Association" and substituting the passage "the Union".

Amendment of s. 26h—Proceedings before the Committee.

20. Section 26h of the principal Act is amended by striking out from subsection (2) the passage "the Association" and substituting the passage "the Union".

Amendment of s. 26i—Determination of appeal.

21. Section 26i of the principal Act is amended by striking out from subsection (2) the passage ", subject to the approval of the Governor," and substituting the passage "subject to this Act,".

Amendment of s. 26q—Penalties.

22. Section 26q of the principal Act is amended by striking out the passage "subject to section 26s of this Act, where" and substituting the word "Where".

Amendment of s. 26s—Appeal Tribunal.

23. Section 26s of the principal Act is amended by striking out from paragraph (*c*) the passage "the Association" and substituting the passage "the Union".

Amendment of s. 27—General and other rules.

24. Section 27 of the principal Act is amended by striking out the passage "officers, clerks or servants" and substituting the passage "or officers".

Repeal of ss. 31 and 31a and substitution of new section.

25. Sections 31 and 31a of the principal Act are repealed and the following section is substituted:

Power to lend funds of the Bank.

31. (1) Subject to this section, the Trustees may lend funds of the Bank upon such security (if any) as they consider necessary or desirable.

(2) At least one-half of the total amount that is on loan at any one time must consist of moneys that have been lent for the purpose of the acquisition, construction, renovation or improvement of residential premises in South Australia.

(3) The Trustees shall not lend funds of the Bank under this section if—

(*a*) in the case of an unsecured loan—the amount of the loan exceeds the prescribed maximum;

or

(*b*) in the case of a secured loan—the amount of the loan exceeds the value of the security by an amount in excess of the prescribed maximum.

(4) For the purposes of subsection (3), the prescribed maximum is five thousand dollars or such other sum as may be prescribed by the Trustees with the consent of the Treasurer.

Amendment of s. 32—Securities in which funds of the Bank may be invested.

26. Section 32 of the principal Act is amended—

(*a*) by striking out the passage "invest and lend the funds of the Bank in or upon" and substituting the passage "invest funds of the Bank in";

and

(*b*) by inserting after paragraph (*i*) the following paragraph:

(*j*) if the Treasurer concurs—shares, debentures or other securities of a body corporate undertaking functions incidental or related to banking.

Amendment of s. 35—Power to establish branches.

27. Section 35 of the principal Act is amended by striking out the passage ", clerks and servants".

Amendment of s. 36—Power to assign duties and make orders.

28. Section 36 of the principal Act is amended by striking out the passage ", clerks and servants" wherever it occurs.

Repeal of heading and substitution of new heading.

29. The heading immediately preceding section 42 is repealed and the following heading is substituted:

PART VIII

GENERAL BUSINESS OF THE BANK

Amendment of s. 42—Business of the Bank.

30. Section 42 of the principal Act is amended—

(*a*) by inserting after paragraph (*a*) of subsection (2) the following paragraph:

(*ab*) to sell or issue securities in respect of deposits made with the Bank of such a nature, and upon such terms and conditions, as the Trustees may determine;;

and

(*b*) by inserting after paragraph (*b*) of subsection (2) the following paragraph:

(*ba*) to accept, endorse, buy, sell and discount bills of exchange or promissory notes;.

Amendment of s. 46—Limitation on powers of the Bank.

31. Section 46 of the principal Act is amended by striking out from paragraph (*aa*) of subsection (1) the passage "section 31a" and substituting the passage "section 31".

Repeal of s. 47 and substitution of new section.

32. Section 47 of the principal Act is repealed and the following section is substituted:

Deposit of moneys in an account.

47. (1) Subject to this Act, no sum of less than ten cents shall be deposited on any one occasion in an account.

(2) There shall be no limit on the amount that may be deposited in an account.

(3) On receipt by the Bank of money for deposit in an account, an acknowledgement of the deposit shall be made in a form determined by the Trustees.

Repeal of s. 48 and substitution of new section.

33. Section 48 of the principal Act is repealed and the following section is substituted:

Rules of the Bank to be available for inspection, etc.

48. (1) A copy of the rules of the Bank shall be available for inspection in each office of the Bank.

(2) A copy of the rules of the Bank shall be furnished to a depositor upon request.

Repeal of s. 51 and substitution of new section.

34. Section 51 of the principal Act is repealed and the following section is substituted:

Repayment, etc., of deposits.

51. Subject to this Act, the Trustees may determine the manner in which, and the conditions on which, moneys deposited with the Bank are to be repaid or may be withdrawn.

Repeal of s. 59 and substitution of new section.

35. Section 59 of the principal Act is repealed and the following section is substituted:

Powers of Trustees in relation to moneys and securities of deceased depositors.

59. (1) Where a depositor dies and the amount standing to his credit in an account or accounts at the Bank does not exceed the prescribed maximum, the Trustees may at their discretion, and without production of probate of the will, or letters of administration of the estate, of the deceased apply the moneys standing to the credit of the account or accounts in one or both of the following ways:

(*a*) in payment of the funeral expenses and just debts of the deceased;

(*b*) in payment to any person or persons who are, in the opinion of the Trustees, entitled to those moneys.

(2) Where—

(*a*) the Bank holds securities on behalf of a depositor for safe custody;

(*b*) the total value of the securities does not exceed the prescribed maximum;

and

(*c*) the depositor dies,

the Trustees may, at their discretion, and without production of probate of the will, or letters of administration of the estate, of the deceased deliver the securities to any person or persons who are, in the opinion of the Trustees, entitled to those securities.

(3) No action lies against the Trustees in respect of any act, or failure to act, under this section, but if moneys are paid or securities delivered to a person who is not entitled to them, an action shall lie against that person for their recovery.

Amendment of s. 60—Unused accounts.

36. Section 60 of the principal Act is amended by striking out the passage "and the passbook for which has not been presented to the Bank during that period".

Amendment of heading.

37. The heading immediately preceding section 61 of the principal Act is repealed and the following heading is substituted:

PART IX

ACCOUNTS AND AUDIT

Repeal of ss. 61 and 62 and substitution of new sections.

38. Sections 61 and 62 of the principal Act are repealed and the following sections are substituted:

Accounts and accounting records.

61. (1) The Trustees shall cause accounting records to be kept in such a manner as to—

(*a*) record correctly and explain the transactions and financial position of the Bank;

(*b*) enable true and fair accounts of the Bank to be prepared from time to time;

and

(*c*) enable the accounts of the Bank to be conveniently and properly audited.

(2) Within three months after the end of a financial year, the Trustees shall cause the following accounts to be prepared:

(*a*) an account giving a true and fair view of the income and expenditure of the Bank for the financial year, and of any surplus or deficit relating to the financial year;

and

(*b*) a balance sheet giving a true and fair view of the state of affairs of the Bank as at the end of the financial year.

(3) The Trustees shall, as soon as practicable after the accounts prepared under subsection (2) have been audited—

(*a*) forward a copy of the accounts to the Governor;

and

(*b*) cause a copy of the accounts to be published in the *Gazette*.

(4) Copies of the accounts shall be laid before each House of Parliament.

Audit.

62. (1) Within the first three months of each financial year the Trustees shall appoint two or more suitable persons as auditors of the Bank for that financial year.

(2) An appointment shall not be made under subsection (1) except with the concurrence of the Governor.

(3) It shall be the duty of the auditors to report on the Bank's accounting records and on the accounts to be laid before Parliament in respect of the financial year for which they are appointed as auditors of the Bank.

(4) The auditors shall, in a report under this section, state—

(*a*) whether the accounts are in their opinion properly drawn up in accordance with this Act and so as to give a true and fair view of the matters to which they relate;

and

(*b*) whether the accounting records of the Bank have been, in their opinion, properly kept in accordance with the provisions of this Act.

(5) In the course of formulating their report, the auditors shall form an opinion as to—

(*a*) whether there is any defect or irregularity in the accounts or any omission to deal adequately with a matter without regard to which a true and fair view of the matters to which the accounts relate would not be obtained;

(*b*) whether returns received from branch offices of the Bank are adequate;

(*c*) whether they have obtained all the information and explanations that they required,

and any deficiency, failure or shortcoming in respect of any of the above matters shall be mentioned in the report.

(5) The Auditors of the Bank have a right of access at all reasonable times to the accounting and other records of the Bank and are entitled to require from any officer of the Bank such information and explanations as they think necessary for the purposes of the audit.

(6) An auditor of the Bank incurs no liability in defamation for any statement made by him in the course of his duties as auditor.

Audit by Auditor-General.

62a. (1) Notwithstanding any other provision of this Act, the Auditor-General shall, if the Governor so directs, audit the accounts of the Bank.

(2) For the purpose of an audit under subsection (1), the Auditor-General shall have in relation to the accounts, accounting records and officers of the Bank the same powers as are vested in him by the Audit Act, 1921-1981, in relation to public accounts and accounting officers.

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

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No. 89 of 1981

An Act to ratify and approve the Stony Point (Liquids Project) Indenture; to amend the Cooper Basin (Ratification) Act, 1975; and for other purposes.

[*Assented to* 17 *December* 1981]

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 "Stony Point (Liquids Project) Ratification Act, 1981".

Interpretation.

2. (1) In this Act—

"the Indenture" means the Stony Point (Liquids Project) Indenture, the terms of which are set out in the first schedule to this Act, and includes the Indenture as amended or replaced from time to time:

"instrumentality of the Crown" includes, without limiting the generality of the expression, the Electricity Trust of South Australia and the Pipelines Authority of South Australia:

"the pipeline licence" means the pipeline licence, the terms of which are set out partially in the second schedule to this Act and partially in Part XII of the Indenture and includes that licence as amended or replaced from time to time:

"the relevant instruments" means the Indenture, the pipeline licence and the right-of-way agreement:

"the right-of-way agreement" means the agreement referred to in the Indenture as the PASA and Producers (Right of Way) Agreement and includes that agreement as amended or replaced from time to time.

(2) Where an expression used in this Act is defined in the Indenture, that expression has, unless the contrary intention appears, the same meaning as in the Indenture.

Ratification of the Indenture.

3. (1) The Indenture and the right-of-way agreement are ratified and approved.

(2) The pipeline licence is ratified, validated and approved as from the date on which it was granted.

(3) The Indenture binds the Crown.

(4) The Government of the State, the Ministers and other instrumentalities of the Crown are authorized, empowered and required to do all things necessary or expedient to carry out and give effect to the relevant instruments.

Amendment of Cooper Basin Indenture, etc.

4. (1) The indenture set out in the schedule to the Cooper Basin (Ratification) Act, 1975, is amended as contemplated by Part XXX of the Indenture and the amendments are, by force of this Act, ratified.

(2) Section 18 of the Cooper Basin (Ratification) Act, 1975, is amended by striking out the passage "payable in respect of the Unitized Substances" and substituting the passage "to which clause 12 of the Indenture applies".

(3) The Cooper Basin (Ratification) Act, 1975, as amended by this Act, may be cited as the "Cooper Basin (Ratification) Act, 1975-1981".

Modification of State law in order to give effect to the Indenture, etc.

5. (1) The law of the State is so far modified as is necessary to give full effect to the relevant instruments and the provisions of any law of the State shall accordingly be construed subject to the modifications that take effect under this subsection.

(2) Without limiting the generality of subsection (1)—

(*a*) the Coast Protection Act, 1972-1978, shall be construed subject to clause 18 of the Indenture and to the extent of any inconsistency between the provisions of that Act and of the Indenture, the provisions of the Indenture shall prevail;

(*b*) the Planning and Development Act, 1966-1981, shall be construed subject to the provisions of the relevant instruments relating to the development, division, zoning and use of land and, to the extent of any inconsistency between the provisions of that Act and of the relevant instruments, the provisions of the latter shall prevail;

(*c*) the provisions of the laws of the State under which any royalty, rate, tax or impost may be levied or imposed (whether by a party to the Indenture or not) shall be construed subject to clause 29 of the Indenture and to the extent of any inconsistency between the provisions of those laws and of the Indenture, the provisions of the Indenture shall prevail;

(*d*) the provisions of the Crown Lands Act, 1929-1980, and the Real Property Act, 1886-1980, shall be construed subject to the provisions of the Indenture and the right-of-way agreement relating to the granting or resumption of estates or interests in land and to the extent of any inconsistency between the provisions of either of those Acts and of the Indenture or the right-of-way agreement, the latter provisions shall prevail;

(*e*) the provisions of the Petroleum Act, 1940-1981, shall be construed subject to the provisions of Part XII of the Indenture and to the extent of any inconsistency between the provisions of that Act and of the Indenture, the provisions of the Indenture shall prevail;

(*f*) the provisions of the Petroleum Act, 1940-1981, shall be so construed as to confer authority on the Minister to grant the pipeline licence subject to the conditions of the licence as appearing in the second schedule to this Act and in Part XII of the Indenture;

(*g*) the Harbors Act, 1936-1981, shall be construed subject to Part XV of the Indenture and to the extent of any inconsistency between the provisions of that Act and of the Indenture, the provisions of the Indenture shall prevail;

(*h*) the Stamp Duties Act, 1923-1981, shall be construed subject to Part XVI of the Indenture and to the extent of any inconsistency between the provisions of that Act and of the Indenture, the provisions of the Indenture shall prevail;

(*i*) the Arbitration Act, 1891-1974, shall be construed subject to Part XXII of the Indenture and to the extent of any inconsistency between the provisions of that Act and of the Indenture, the provisions of the Indenture shall prevail;

(*j*) the Water Resources Act, 1976-1981, shall be construed subject to Part X of the Indenture and to the extent of any inconsistency between the provisions of that Act and of the Indenture, the provisions of the Indenture shall prevail;

(*k*) section 34 (1) (*a*) of the Boilers and Pressure Vessels Act, 1968-1978, shall not apply in relation to activities of the Producers contemplated by the Indenture or the pipeline licence;

(*l*) the authorizations and approvals contemplated by Part XXIV of the Indenture are hereby granted;

(*m*) no power of compulsory acquisition of land shall be exercised contrary to the provisions of the Indenture;

(*n*) it shall not be competent for the Pipelines Authority of South Australia to alienate an interest in land contrary to the provisions of clause 56 of the Indenture;

(*o*) no object is to be regarded as a fixture to land contrary to the provisions of the Indenture or the right-of-way agreement.

(3) Neither the Government of the State, nor any Minister or instrumentality of the Crown, nor any local governing body shall act or omit to act so as to hinder, delay or derogate from the exercise by the Producers of their rights under any of the relevant instruments.

Regulations.

6. (1) The Governor may, with the agreement of the parties to the Indenture, make such regulations as are necessary or expedient for the purposes of giving effect to the Indenture.

(2) Regulations under subsection (1) may operate to modify any pre-existing law of the State.

Application of this Act to land subject to the Real Property Act.

7. This Act applies, notwithstanding the provisions of the Real Property Act, 1886-1980, to land subject to the provisions of that Act.

Consultative Group to report annually.

8. (1) The Stony Point Environmental Consultative Group established pursuant to clause 81 of the Indenture shall, not later than a date stipulated by the Minister of Environment and Planning, in each year present to that Minister a report on the work of the Consultative Group during the previous financial year.

(2) The Minister of Environment and Planning shall, as soon as practicable after his receipt of a report presented to him under subsection (1), cause a copy of the report to be laid before each House of Parliament.

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

K. D. SEAMAN, Governor

THE FIRST SCHEDULE

THIS INDENTURE made the 26th day of November 1981 BETWEEN: THE STATE OF SOUTH AUSTRALIA (hereinafter referred to as "the State") of the First Part and SANTOS LIMITED a Company incorporated under the laws of the State of South Australia and having its registered office at 183 Melbourne Street, North Adelaide in that State (hereinafter referred to as "Santos" which expression when hereinafter used shall include its successors and permitted assigns wherever the context shall so require or admit) of the Second Part DELHI PETROLEUM PTY. LIMITED a Company incorporated under the laws of the State of South Australia and having its registered office at 33 King William Street, Adelaide in that State (hereinafter referred to as "DPPL" which expression when hereinafter used shall include its successors and permitted assigns wherever the context shall so require or admit) of the Third Part SOUTH AUSTRALIAN OIL & GAS CORPORATION PTY. LTD. a Company incorporated under the laws of the State of South Australia and having its registered office at 226 Melbourne Street, North Adelaide in that State (hereinafter referred to as "SAOG" which expression when hereinafter used shall include its successors and permitted assigns wherever the context shall so require or admit) of the Fourth Part BASIN OIL NO LIABILITY a Company incorporated under the laws of the State of New South Wales and having its registered office at C/- Priestly and Morris, 37 Pitt Street, Sydney in that State (hereinafter referred to as "Basin" which expression when hereinafter used shall include its successors and permitted assigns wherever the context shall so require or admit) of the Fifth Part BRIDGE OIL LIMITED a Company incorporated under the laws of the State of New South Wales and having its registered office at 60 Margaret Street, Sydney in that State (hereinafter referred to as "Bridge" which expression when hereinafter used shall include its successors and permitted assigns wherever the context shall so require or admit) of the Sixth Part BRIDGE OIL DEVELOPMENTS PTY. LIMITED a Company incorporated under the laws of the State of New South Wales and having its registered office at 60 Margaret Street, Sydney in that State (hereinafter referred to as "BOD" which expression when hereinafter used shall include its successors and permitted assigns wherever the context shall so require or admit) of the Seventh Part TOTAL EXPLORATION AUSTRALIA PTY. LIMITED a Company incorporated under the laws of the State of New South Wales and having its registered office at 168 Walker Street, North Sydney in that State (hereinafter referred to as "TEA" which expression when hereinafter used shall include its successors and permitted assigns wherever the context shall so require or admit) of the Eighth Part REEF OIL NO LIABILITY a Company incorporated under the laws of the State of New South Wales and having its registered office at C/- Priestly and Morris, 37 Pitt Street, Sydney in that State (hereinafter referred to as "Reef" which expression when hereinafter used shall include its successors and permitted assigns wherever the context shall so require or admit) of the Ninth Part VAMGAS LIMITED a Company incorporated under the laws of the State of New South Wales and having its registered office at Suite 801, London Assurance House, 20 Bridge Street, Sydney in that State (hereinafter referred to as "Vamgas" which expression when hereinafter used shall include its successors and permitted assigns wherever the context shall so require or admit) of the Tenth Part ALLIANCE PETROLEUM AUSTRALIA NO LIABILITY a Company incorporated under the laws of the State of Victoria and having its registered office at 30 Collins Street, Melbourne, in that State (hereinafter referred to as "Alliance" which expression when hereinafter used shall include its successors and permitted assigns

wherever the context shall so require or admit) of the Eleventh Part CRUSADER RESOURCES N.L. a Company incorporated under the laws of the State of Victoria and having its registered office at 44 Market Street, Melbourne in that State (hereinafter referred to as "Crusader" which expression when hereinafter used shall include its successors and permitted assigns wherever the context shall so require or admit) of the Twelfth Part and THE MINISTER OF MINES AND ENERGY being the corporation sole referred to in section 11 of the Mining Act, 1971-1981 of the State of South Australia (hereinafter referred to as the "Minister") of the Thirteenth Part WHEREAS:

PART I
PURPOSE OF AGREEMENT

A. The parties of the Second to the Twelfth Part of this Indenture both inclusive, that is to say Santos, DPPL, SAOG, Basin, Bridge, BOD, TEA, Reef, Vamgas, Alliance and Crusader (and when hereinafter used the expression "the Producers" shall mean the parties of the Second to the Twelfth Part of this Indenture both inclusive or such of them as shall be parties to this Indenture from time to time and in addition shall include the successors and permitted assigns of each of the parties of the Second to the Twelfth Part of this Indenture both inclusive, wherever the context shall so require or admit), have access to reserves of petroleum (hereinafter defined) in the State (hereinafter defined) and elsewhere and from the production thereof propose to extract and treat, by means of various processes involving the use of certain plant and equipment, Product (hereinafter defined);

B. The Producers have by an instrument of even date with this Indenture been granted Pipeline Licence No. 2 (hereinafter defined) enabling them to construct, install and operate a pipeline (hereinafter defined) subject to certain Conditions contained in Pipeline Licence No. 2;

C. The said pipeline is required by the Producers to be constructed, installed and operated for the conveyance of Product from the vicinity of Moomba in the State to the vicinity of Stony Point in the State;

D. It is a Condition of Pipeline Licence No. 2 that the pipeline shall be constructed and installed within the boundaries of certain lands, the right, title and interest in which have been or will be acquired by PASA (hereinafter defined);

E. It is a further Condition of Pipeline Licence No. 2 that before causing construction and installation of the pipeline to commence the parties therein described as Licensees, being the same parties as those described in this Indenture as the Producers, shall have identified to them by PASA the position where the pipeline shall be installed so as not to cause damage to or interference with the operation of the existing natural gas pipeline owned by PASA; and further that the Licensees shall comply with any relevant direction or instruction given by PASA in this regard and further that the pipeline route, as nearly as possible, shall be parallel to the existing natural gas pipeline owned by PASA, from Moomba to a point in the near vicinity of Compressor Station No. 4 on the said natural gas pipeline, thence south-westerly and southerly, to a delivery point at a fractionation and storage facility to be constructed in the vicinity of Stony Point; but that without limiting the generality of the foregoing the pipeline shall unless otherwise approved in writing by PASA be installed in such a position as not to be closer at any point than twenty metres to the western boundary of any land in relation to which PASA shall have a right, title or interest for any purpose in connection with the existing natural gas pipeline owned by PASA. An approximate indication only of the pipeline route is shown on the plan annexed hereto as Schedule 1;

F. Subject as hereinbefore provided the parties to this Indenture intend that PASA will grant to the Producers in relation to a certain part of the pipeline land (hereinafter defined) the rights and interests hereinafter described for the purpose of enabling the Producers to conduct activities contemplated under this Indenture;

G. The parties to this Indenture further propose that certain other grants be made to the Producers in order to facilitate the extraction and treatment of Product by the Producers;

H. The Producers propose to make substantial capital expenditures to construct and install fractionation plant and Marine Facilities (hereinafter defined) and to construct and install certain other plant and equipment associated therewith in the vicinity of Stony Point;

I. PASA and the Producers have prepared separately Environmental Impact Statements in relation to the proposed use of certain lands within the State for purposes related to this Indenture.

Both such Environmental Impact Statements have been approved by all necessary Commonwealth (hereinafter defined) and State Government authorities and departments;

J. The parties hereto now desire to enter into this Indenture in order to define their respective rights, duties and obligations with regard to the abovementioned matters;

K. The State being of the opinion that the project contemplated by this Indenture will maximise the development of an important resource, generate short and long term economic and other benefits to the State generally and particularly the Northern and Central areas of the State and encourage exploration for petroleum;

L. The State being desirous that encouragement and support be given to enable the establishment of a petrochemical complex and the provision of greater security of petroluem supply in the State (with a view to reducing the risk of disruption of petroleum supply to the South Australian Community and industry) utilising petroleum produced from the Cooper Basin areas as a feedstock;

and

M. The parties hereto further desire to amend The Schedule to the Cooper Basin (Ratification) Act 1975 (hereinafter referred to as the "Cooper Basin Indenture") as provided for in Part XXX and Schedule 5 of this Indenture in order to attain the objects of this Indenture;

NOW THIS INDENTURE WITNESSETH and it is hereby convenanted and agreed by and between the parties hereto as follows:—

PART II
PRELIMINARY

1. This Indenture as the same may be varied or replaced from time to time shall be known as "The Stony Point (Liquids Project) Indenture", and is referred to herein as "this Indenture".

2. In this Indenture and in the Schedules hereto except where terms and expressions are expressly defined hereunder the Acts Interpretation Act, 1915-1975 of the State shall apply to the construction and interpretation of this Indenture as if this Indenture were an Act and in this Indenture unless in the context by express words or necessary implication a contrary intention appears:

(1) "the Commencement Date" means the date upon which the Stony Point (Liquids Project) Ratification Bill, 1981 (hereinafter defined) comes into operation as an Act (and when hereinafter appearing the expression "the Ratifying Act" means the Stony Point (Liquids Project) Ratification Bill, 1981 when it comes into operation as an Act);

(2) "Commonwealth" means Commonwealth of Australia;

(3) "condensate" means a mixture of hydrocarbons existing in natural underground gas reservoirs that is recoverable and which is in a liquid state at standard temperature and pressure after passing through surface separation facilities and which is produced from a gas well but does not include hydrocarbons in the liquid state derived from gas associated with crude oil production;

(4) "the Contiguous Land" shall have the same meaning as that ascribed to that expression in clause 10 of this Indenture;

(5) "crude oil" means a mixture of hydrocarbons existing in natural underground oil reservoirs which remains in a liquid state at standard temperature and pressure after recovery and which is produced from an oil well and includes hydrocarbons in the liquid state derived from gas associated with crude oil production;

(6) "the currency of this Indenture" means the period during which this Indenture remains in full force and effect in accordance with clause 94 of this Indenture;

(7) "day", "month" and "year" means calendar day, calendar month and calendar year respectively;

(8) "ethane" means a saturated hydrocarbon substance with molecules containing two atoms of carbon occurring naturally but may include a mixture of ethane with impurities where ethane is predominant in the mixture;

(9) "ETSA" means The Electricity Trust of South Australia, a body corporate pursuant to the provisions of the Electricity Trust of South Australia Act, 1946-1980 and any successor which assumes the same, or substantially the same, functions as are performed by ETSA at the date hereof;

(10) "the Jetty" means the jetty which shall commence at a point on the Services Corridor (hereinafter defined) proceeding in approximately a southerly direction into the waters of Spencer Gulf at Stony Point for a distance of approximately two thousand four hundred metres;

(11) "liquefied petroleum gas" means a mixture of hydrocarbons with molecules containing predominantly three or four atoms of carbon occurring naturally;

(12) "Marine Facilities" means all submarine loading lines and pipelines, harbour and port facilities, the Jetty, landing-place and shipping berths and all related and ancillary facilities more particularly referred to in Part XV of this Indenture;

(13) "the Minister of Marine" means the Minister of the Crown to whom for the time being is committed the administration of Part III of the Harbors Act, 1936-1981;

(14) "natural gas" or "gas" means and includes any naturally occurring hydrocarbons in a gaseous state and any naturally occurring mixture of one or more hydrocarbons in a gaseous state and one or more of the trace gases hydrogen sulphide, nitrogen and helium and carbon dioxide and in addition means and includes the residue gas resulting from the treating or processing of natural gas;

(15) "PASA" means Pipelines Authority of South Australia, a body corporate pursuant to the provisions of the Pipelines Authority Act, 1967-1981 and any successor which assumes the same, or substantially the same, functions as are performed by PASA at the date hereof;

(16) "the PASA and Producers (Right of Way) Agreement" means the agreement of even date with this Indenture made between PASA and the Producers relating (amongst other things) to the subject matter of recitals E and F of this Indenture as the same may be varied or replaced from time to time;

(17) "person" in addition to a natural person includes a body corporate and any agency, authority or instrumentality of the Crown;

(18) "petroleum" means any naturally occurring hydrocarbon or mixture of hydrocarbons in gaseous, liquid or solid state (unless otherwise stated) whether occurring with or in combination with other substances or not but does not include coal or oil shale or any substance derived from coal or oil shale by subjecting it to an industrial process;

(19) "pipeline" means the pipeline which is the subject of Pipeline Licence No. 2;

(20) "the pipeline land" means the land more particularly described in the PASA and Producers (Right of Way) Agreement and for the purpose of identification only delineated by the line marked "Liquids Pipeline" on the plan annexed hereto as Schedule 1;

(21) "Pipeline Licence No. 2" means the pipeline licence of even date with this Indenture granted by the Minister in favour of the Producers pursuant to the provisions of Part IIB of the Petroleum Act, 1940-1981 of the State, as the same may be varied or replaced from time to time, in the form now produced to and signed in the margin thereof by the signatories to this Indenture for the purposes of identification;

(22) "Product" means crude oil, condensate, ethane and liquefied petroleum gas or any one or more thereof;

(23) "the Proposed Development Site" means the lands delineated and designated as such on the plan annexed hereto as Schedule 2 and identified in writing by the words "Proposed Development Site" thereon but does not include the Marine Facilities or the Contiguous Land;

(24) "the Road Reserve" means the road reserve referred to more particularly in Part XI hereof;

(25) "the Services Corridor" means lands more particularly referred to in Part VIII of this Indenture;

(26) "the State" means the State of South Australia;

and

(27) "The Stony Point (Liquids Project) Ratification Bill, 1981" or the "Bill" means the Bill for an Act intituled "the Stony Point (Liquids Project) Ratification Bill, 1981", being a Bill for an Act having those purposes and effects more particularly described in clause 4 of this Indenture a true copy of which is produced to the signatories to this Indenture and signed in the margin thereof by the signatories hereto for the purposes of identification.

3. In this Indenture and in the Schedules hereto where the case so admits or requires:

(1) Capital letters when used shall be deemed to include the lower case and vice versa;

(2) Headings (save and except for Part and clause and sub-clause numbers) shall form no part of nor shall they be used in an interpretation of this Indenture;

(3) Reference to any Act, regulation or by-law shall be deemed to include all amendments thereto and to all statutory or other provisions from time to time substituted therefor and reference to any particular section of any Act or paragraph of any regulation or by-law shall be deemed to include all amendments thereto and all statutory or other provisions from time to time substituted therefor;

(4) Reference to any Minister of the Crown includes the person for the time being holding the office or performing the duties of such Minister;

(5) The clauses of this Indenture shall have effect in addition to and not in substitution for or in derogation of any rights conferred upon the Producers or any of them in any licence issued pursuant to the provisions of the Petroleum Act, 1940-1981 of the State, or of any other agreement referred to in this Indenture;

(6) Sums of money are expressed in Australian currency;

and

(7) Where reference is made to the Consumer Price Index or C.P.I. such reference shall be to the Weighted Average Six States Capital Cities Consumer Price Index (All Groups) as published by the Australian Bureau of Statistics (Base : 1966/67 = 100).

If the said Bureau ceases at any time to publish the said Consumer Price Index, the State and the Producers shall confer and agree upon the adoption of another suitable index or standard.

PART III

RATIFICATION

4. As soon as practicable after the due execution of this Indenture the Government of the State will sponsor and introduce into the Parliament of the State a Bill for an Act to be intituled "the Stony Point (Liquids Project) Ratification Bill, 1981," and endeavour to secure its passage and have it come into operation as an Act prior to 31st December, 1981 for the purposes (amongst other things) of:

(1) Approving and ratifying this Indenture and to provide for the carrying of this Indenture into effect;

(2) Authorising, empowering and requiring the State, the Minister, the Minister of Marine and PASA to do all things necessary or expedient for the carrying out and giving of full effect to this Indenture, Pipeline Licence No. 2 and the PASA and Producers (Right of Way) Agreement;

and

(3) Amending certain Acts of Parliament of the State. The Bill shall be in the form now produced to and signed in the margin thereof by the signatories to this Indenture for the purposes of identification.

5. Clauses 1, 2, 3, 4, 5, 6, 7, 8 and 21, of this Indenture shall come into operation and take effect upon the due execution of this Indenture by the parties hereto.

6. The remainder of the clauses of this Indenture shall operate and take effect upon the Stony Point (Liquids Project) Ratification Bill, 1981, commencing to operate as an Act.

7. If the Stony Point (Liquids Project) Ratification Bill, 1981, does not come into operation as an Act on or before the 31st day of December 1981, or such later date as the parties to this Indenture may agree in writing, in the same terms as those now contained in the Stony Point (Liquids Project) Ratification Bill, 1981, or in such other terms as the parties hereto otherwise may agree in writing, this Indenture shall lapse on and with effect from that date and further the PASA and Producers (Right of Way) Agreement and Pipeline Licence No. 2 shall lapse on and with effect from that date and in that event none of the parties hereto shall have any claim at law or in equity against any other of them with respect to any act, matter or thing arising out of, done, performed or omitted to be done or performed under this indenture, the PASA and Producers (Right of Way) Agreement or Pipeline Licence No. 2.

8. At any time before the 31st day of December, 1981, at the request and with the concurrence of all the Producers, the State shall agree to the withdrawal of a Producer from its rights and obligations under this Indenture in circumstances where the Producers inform the Minister that they are not satisfied that satisfactory arrangements have been made for the financing of the obligations of the relevant Producer in connection with the activities contemplated by this Indenture and further providing that the other Producers have agreed with the State to assume all of the obligations under this Indenture of the Producer the subject of such request and in that event the rights and obligations of that Producer under this Indenture and Pipeline Licence No. 2 and the PASA and Producers (Right of Way) Agreement shall thereupon cease and shall *ipso facto* be assumed by and become the

rights and obligations of the other Producers but in all other respects the rights and obligations of the other Producers under this Indenture and Pipeline Licence No. 2 and the PASA and Producers (Right of Way) Agreement shall be unaffected by such a withdrawal of a producer.

PART IV

THE LAND

9. The State shall grant or procure the grant to the Producers or such person as the Producers otherwise may nominate in writing to the State at the cost provided in clause 16 of this Indenture an estate in fee simple in the Proposed Development Site, as soon as practicable after the Producers shall request the State to do so.

10. On or before the 31st day of March 1983, the State shall reserve an area of land not less than forty hectares in area, contiguous with the Proposed Development Site, suitable for purposes related to the use of Product (hereinafter referred to as the Contiguous Land). In the event that the Producers can demonstrate to the reasonable satisfaction of the State that the Contiguous Land (or part thereof) is required for purposes related to the use of Product, including but not limited to the operation of any plant or equipment for the further processing of Product by or for the benefit of the Producers, the State shall grant an estate in fee simple in the Contiguous Land or part thereof (to the extent demonstrated by the Producers in accordance with this clause) to the Producers or such person as the Producers may nominate to the State in writing.

Notwithstanding the foregoing in the event that a person not a party to this Indenture demonstrates to the satisfaction of the Minister that he can use the whole or a part of the Contiguous Land for purposes related to the use or processing of Product the State may, with the concurrence of the Producers (which concurrence shall not unreasonably be withheld), grant such land as an estate in fee simple to such person.

11. For the purposes of clause 10 of this Indenture the locating of the Services Corridor, road or an environmentally sensitive area (being any area of land in the vicinity of Stony Point in relation to the use of which restrictions have been imposed as a consequence of the approval by an authority or department of the Government of either the Commonwealth or the State of an Environmental Impact Statement prepared on behalf of PASA or the Producers in relation to the subject matter of this Indenture) between the Proposed Development Site and an area proposed to be reserved as the Contiguous Land shall not prevent such proposed area being reserved as the Contiguous Land.

12. After a period of ten years has elapsed from the date of this Indenture the State may sell or otherwise dispose of any interest in any part of the Contiguous Land not granted under clause 10 hereof without the consent of the Producers.

13. Any estate in fee simple granted by or at the direction of the State pursuant to clause 9 of this Indenture or any estate in the Contiguous Land granted by or at the direction of the State shall be freed and discharged of all interests, trusts, dedications, reservations (save and except reservations of both minerals and petroleum) mortgages, charges and encumbrances of any kind whatsoever unless the person to whom any such grant shall be made by or at the direction of the State otherwise shall agree in writing.

14. Any and all buildings, structures, improvements and plant, equipment or other property of whatsoever nature or kind now or hereafter situate upon or under or forming part of or attached to or annexed to any land comprising the Proposed Development Site or the land the subject of a grant of an estate in fee simple to the Producers or any of them pursuant to clause 10 of this Indenture shall, unless otherwise requested by the Producers, notwithstanding any provision of any Act or regulation or of any rule of law or equity to the contrary effect, be and shall be deemed conclusively to be chattels and shall be owned by and may be transferred, mortgaged, charged or assigned by, or held on trust for, the Producers or such of them as are entitled thereto.

15. Except with the agreement of the Producers for the more effective working of the site, the State will not compulsorily acquire nor resume possession of any land or right, title or interest therein granted to the Producers or any of them or such person as the Producers may nominate to the State in writing pursuant to this Indenture for so long as such land is being used for or in connection with processing of petroleum.

16. The sale price of the Proposed Development Site to the Producers shall be an amount of money equivalent to the reasonable costs incurred by the State in the vicinity of Stony Point in making the Proposed Development Site available and suitable for purposes contemplated by this Indenture which amount shall not exceed $480 000 and shall be paid by the Producers to the State at a time to be agreed between the State and the Producers.

17. The Contiguous Land or part thereof granted to the Producers or any of them or a person nominated in writing to the State by the Producers shall be granted free of charge to the Producers providing that the Producers bear the cost of surveying, fencing and other costs associated with the transfer of the Contiguous Land and the cost of removal of unexploded military ordnance from the Contiguous Land.

18. To the extent that the provisions of the Coast Protection Act, 1972-1978 shall apply to the Proposed Development Site or to the Contiguous Land any consent or approval required to be given pursuant thereto shall be deemed properly and sufficiently to have been given if given by the Minister, in writing.

PART V

SHACKS

19. The State agrees that as soon as practicable after the Commencement Date it will cause all necessary action to be taken after consultation with the Producers to gain or resume possession of the Proposed Development Site. Without limiting the generality of the foregoing the State will resume possession of land within the boundaries of the Proposed Development Site which at the Commencement Date shall be the subject of any Crown Lease for Holiday Accommodation Purposes, granted pursuant to the Crown Lands Act, 1929-1978.

20. The Producers agree that as soon as practicable after transfer of title to the Producers or their nominee of the Proposed Development Site they will cause to be removed at their cost any improvements (including any debris remaining after the partial removal of improvements) remaining on the Proposed Development Site.

21. Providing that the State has gained or resumed possession of the Proposed Development Site the State shall at the request of the Producers give possession of the Proposed Development Site or to such part thereof in respect of which it has gained or resumed possession prior to the Commencement Date to the Producers or their nominee for any purpose related to this Indenture but not including the removal of any improvements erected on the Proposed Development Site. In that event the granting of possession shall be on such terms and conditions as may be imposed by the State.

22. The Producers agree that they will repay to the State such reasonable sums of money which the State from time to time shall pay after consultation with the producers to any former lessee of the Crown as a consequence of the gaining or resumption of possession of any land within the boundaries of the Proposed Development Site the subject of a Crown Lease for Holiday Accommodation Purposes and will pay to the State such reasonable sums of money which the State shall have paid to any such former lessee by way of compensation in respect of the premature termination of any such Crown Lease for Holiday Accommodation Purposes.

The sums of money in this clause shall include but not be limited to legal costs and expenses incurred by the State in connection with legal proceedings arising out of the gaining or resumption of possession of any such land.

23. During the currency of this Indenture the parties to this Indenture shall comply with any decision of the Commonwealth or State Governments arising out of assessment of the Environmental Impact Statements referred to in recital I hereof so far as a requirement shall be expressed therein to remove any improvements constructed on any land whether or not herein referred to.

24. Without limiting the generality of the foregoing, during the currency of this Indenture, if circumstances change to affect the safe operation of any plant or equipment located on the Proposed Development Site or the Marine Facilities or any other land granted to the Producers or any of them being used or to be used for activities contemplated pursuant to the provisions of this Indenture and the removal of any shacks constructed in the vicinity

of the Proposed Development Site becomes necessary, the State, by notice in writing served on the Producers and after consultation with the Producers, may require them to remove or pay the reasonable costs of removal of all or any improvements in the vicinity of the Proposed Development Site within a reasonable period of time to be stated in the said notice and in that event the Producers shall remove or pay the costs of removal of all improvements to which reference shall be made in the said notice and, in addition, the Producers will pay to the State such reasonable sums of money which the State shall have paid to any former lessee by way of compensation in respect of the premature termination of any Crown Lease for Holiday Accommodation Purposes relating to the subject matter of this clause.

25. In the event that during a period of fifteen years from the date of this Indenture the State grants an interest in land at Stony Point in the vicinity of the Proposed Development Site to a person other than the producers the State shall pay to the Producers such amount as is agreed between the Minister and the Producers, or in default of agreement as determined by arbitration in accordance with Part XXII of this Indenture, which shall be an apportionment of the costs incurred pursuant to clauses 23, 24 and 34.

26. The parties hereto agree that they will take all steps reasonably necessary promptly and effectually to implement the provisions of Part V of this Indenture.

PART VI

USE OF LAND

27. The provisions of Parts IV, V and VI of the Planning and Development Act, 1966-1981, shall not apply to the Proposed Development Site, the Contiguous Land and the Services Corridor.

28. Any land to be used for the purposes of this Indenture at Stony Point may be used for the purpose of the construction and operation of any or all of the fractionation plant, refinery, storage facilities, Marine Facilities and such other facilities as may be used for activities contemplated pursuant to the provisions of this Indenture and so as to permit the construction and operation of any plant or equipment for the further processing of Product whether or not by the Producers or any of them, notwithstanding the provisions of the Planning and Development Act, 1966-1981 or any other Act.

PART VII

RATES, TAXES, IMPOSTS AND OTHER CHARGES

29. (1) The State shall ensure that notwithstanding the provisions of any legislation or regulation to the contrary effect or anything done or purported to be done under any such legislation or regulation the Producers or any of them or their nominee under this Indenture shall not be subject to any rate, tax or impost which discriminates adversely between the Producers and other industrial or commercial enterprises in the State. A tax whether of general application or limited application shall be deemed to discriminate adversely against the Producers if it impinges unfairly on the Producers.

(2) Without limiting the generality of sub-clause (1) of this clause until the 31st day of December, 1992, a royalty, tax or impost which in law or in fact only applies to the Producers shall be deemed to discriminate adversely against the Producers provided that a royalty or pipeline licence fee referred to in this Indenture shall not be deemed to discriminate adversely merely because the Producers are the only persons in the State paying such a royalty or pipeline licence fee.

30. Nothing in this Indenture contained shall relieve the Producers from liability to pay to the State or any instrumentality of the Crown by measure for the volumes of water or electric power supplied to the Producers, at the appropriate tariff charge as published from time to time by the Engineering and Water Supply Department of the State and ETSA, together with an additional charge based upon the reasonable costs incurred by the State or instrumentality of the Crown after consultation with the Producers whether for capital or recurrent operating costs or otherwise incurred in relation to the delivery to the Producers of water or electric power in accordance with the succeeding clauses of this Indenture.

PART VIII

THE SERVICES CORRIDOR

31. As soon as practicable after the date of this Indenture the Minister, by notice in writing to the Producers and after consultation with the Producers, will identify precisely a part of the lands in the vicinity of Stony Point, not being the Proposed Development Site, as the Services Corridor.

The approximate position and boundaries of the Services Corridor shall be as delineated and designated on the plan annexed hereto as Schedule 3 and indicated by the words "Services Corridor" thereon. The land so identified by the Minister is referred to herein as the "Services Corridor" and shall be owned by the State.

32. The State after due consultation between the Minister or his nominee and the Producers shall grant free of charge to the Producers, their servants, agents, employees and contractors full right, liberty and authority:—

(1) To install, repair, examine and remove loading, transfer and return pipelines (and such other structures as the Minister may approve) on over or under any part of the Services Corridor adjacent to the Proposed Development Site and foreshore and for this purpose to enter upon, break the surface of and restore the surface of the Services Corridor or foreshore; and

(2) To have access to and over the Services Corridor and foreshore in order to conduct activities contemplated under this Indenture and to authorise other persons to have access to the foreshore for purposes related to those activities.

33. As soon as practicable and in any event not later than ninety days after the date of this Indenture the Producers shall use their best endeavours to engage a contractor on their behalf for the purpose of removing unexploded military ordnance from the Services Corridor. The contractor so engaged shall possess sufficient knowledge, experience, skill, plant and equipment to remove unexploded military ordnance from the Services Corridor in a proper and workmanlike manner and shall be approved by the Minister.

34. The cost of removal of unexploded military ordnance from the Services Corridor shall be borne by the Producers.

The Producers shall comply at their cost with the requirements of the Department of Environment and Planning of the State in relation to rehabilitation of the Services Corridor after removal of unexploded military ordnance.

35. The Producers indemnify and save harmless from all loss, actions, claims, suits, demands, compensation or the like which the State or the Minister or any of its or their servants, agents, instrumentalities or employees may incur during the currency of this Indenture as a result of loss of, injury or damage to any person or any property owned by any person arising out of or incidental to the detonation, ignition or explosion of any gas or other substance emanating from any such unexploded military ordnance in or on the Services Corridor providing that any such person suffering loss of, or injury or damage either to that person or his property shall, at the time the loss, injury or damage was sustained was engaged on business or activity or a course of conduct related to the operations of the Producers pursuant to this Indenture.

The State will consult with the Producers before acknowledging liability in respect of any claim for compensation or the like made against the State in this regard.

PART IX

ELECTRIC POWER

36. The State will procure ETSA to supply electric power to the producers or their nominee during the currency of this Indenture in accordance with their requirements under ETSA's Conditions of Supply. ETSA will not be required to supply electric power in excess of 80 kilowatts before the first day of January 1983 or to supply electric power between the first day of January 1983 and the thirty first day of December 1983 in excess of 3 megawatts or on and after the first day of January 1984 in excess of 10 megawatts.

PART X

WATER

37. The State shall supply water to the proposed Development Site from the Morgan to Whyalla Pipeline at an approximate rate of flow of 13 litres per second under conditions to be agreed between the Producers and the Engineering and Water Supply Department of the State.

38. Notwithstanding anything in this Indenture appearing, the State shall use its best endeavours to ensure that the supply of water to the Proposed Development Site shall commence within 4 months of notification in writing to the State by the Producers of completion of the work of the contractor pursuant to clause 33 of this Indenture.

39. For the purpose of the supply of mains water the State will cause a water pipeline to be laid as soon as practicable from the existing Morgan to Whyalla water pipeline to a point on the Proposed Development Site to be fixed between the State and the Producers. The costs of and incidental to laying the water pipeline shall be subject to the provisions of Schedule 4 to this Indenture.

40. The Producers agree that they will accept all volumes of mains water supplied pursuant to this Indenture in the physical, chemical and biological condition in which they arrive at the Proposed Development Site.

41. The Producers may at their expense but without payment of any rental, royalty or other charge draw water from the sea and use such water for fire fighting and such other activities contemplated pursuant to the provisions of this Indenture which other activities shall be subject to the approval of the Minister.

42. The Producers after consultation and agreement with the State (which agreement shall not unreasonably be withheld) at their expense may draw water from underground aquifers in the vicinity of Stony Point for use for activities contemplated pursuant to the provisions of this Indenture and the State shall grant and continue in force without payment of any discriminatory rental, royalty or other charge such licenses as may be necessary to ensure the continued rights of the Producers or their nominee to draw water from the underground aquifers.

43. The Producers shall pay water rates as provided for by agreement between the Producers and the State. In setting such rates, account will be taken of normal water rates charged to users in the State and of the additional costs incurred by the State in supplying water to the Producers.

44. Should a party or parties (including the State or any instrumentality of the Crown) other than the Producers draw substantial amounts of mains water from or through the water pipeline or water works referred to in clause 39 of this Indenture that other party or those other parties shall pay additional water rates which take account of the additional costs incurred by the State and referred to in Clause 43, having regard to the proportions in which the water supplies are used by the Producers and that other party or those other parties.

PART XI

THE ROAD

45. As soon as practicable after the date of this Indenture the Minister by notice in writing to the Producers shall indicate the land within the Services Corridor between the Lincoln Highway end thereof and the landward end of the proposed Jetty at the other end with an additional part thereof of the road extending to and meeting the existing Lowly Point Road which shall be the Road Reserve for the purposes of this Indenture.

46. As soon as practicable the State will cause such action as may be necessary to be taken to have the Road Reserve dedicated as a public road.

The State shall cause construction of roads within the Road Reserve to commence and be completed as soon as practicable under conditions to be agreed between the Producers and the State.

47. The roads within the Road Reserve shall be heavy-duty bituminous sealed roads.

48. All road works shall be carried out in such manner and at such times as to minimise restrictions on vehicular or personnel access to the Proposed Development Site as far as reasonably practicable.

49. During the currency of this Indenture the State will cause the roads within the Road Reserve to be kept and maintained in a fit and proper state of repair. The Producers shall pay a tariff as provided for by agreement between the Producers and the State.

50. Should a party or parties (including the State or any instrumentality of the Crown) other than the Producers or a party engaged on the business of the Producers become a substantial user of the roads within the Road Reserve that other party or those other parties shall contribute to the State a portion of the aforesaid tariff on a basis to be agreed between the Producers and the State, having regard to the proportions in which the aforesaid roads are used by the Producers and that other party or those other parties.

51. The cost of constructing the roads within the Road Reserve shall be subject to the provisions of Schedule 4 of this Indenture.

If, in carrying out activities under this Indenture, the Producers make excavations within the Road Reserve, they shall comply with conditions imposed by the Highways Department and shall restore the Road Reserve at their cost.

PART XII

PIPELINE

52. The Producers have been granted Pipeline Licence No. 2, to construct, install, own and operate a pipeline for the conveyance of Product from Moomba to Stony Point for an initial term of twenty-one years, which licence shall be renewed for further periods of twenty-one years at the request of the Producers or for such lesser periods as they may nominate.

The said licence may be terminated or cancelled only in the circumstances and in the manner specified in Pipeline Licence No. 2 (including, but not limited to the manner referred to in Condition 22 of that licence) or in such other circumstances as may be agreed between the Producers and the Minister. The Conditions of the licence may be varied only with the consent of the Producers. Ownership of the pipeline shall remain with the Producers subject to the Conditions of Pipeline Licence No. 2. Subject to compliance with the terms of this Indenture and compliance with the Conditions of Pipeline Licence No. 2 the rights conferred upon the Producers by this clause shall continue during the currency of this Indenture.

53. To the extent that it is necessary to do so the State and the Minister concur in the execution by PASA and in the contents thereof of the PASA and Producers (Right of Way) Agreement.

54. The Producers shall enter into an agreement relating to the maintenance of the pipeline by PASA on terms to be agreed between the Producers and PASA.

55. (1) A communications system shall be constructed which shall provide for telemetry of such status information and pressure, flow and other operating data as the Minister shall require, and remote control of valves for routine and emergency operation, and voice communication to locations along and in the near vicinity of the pipeline and mobile vehicles employed for purposes relating to the operation or maintenance of the pipeline.

(2) The Producers shall enter into an agreement with PASA on terms to be mutually agreed between the Producers and PASA as to the ownership and use of the aforesaid communications system.

(3) It is agreed that the owner of the aforesaid communications system shall be the person who shall cause the communications system to be constructed and who shall bear the cost thereof.

56. The State agrees that it will take such action as may be necessary in order to ensure that during the currency of Pipeline Licence No. 2. the right, title and interest in the pipeline land to be acquired by PASA for the purposes of the PASA and Producers (Right of Way) Agreement will be maintained, preserved and protected against any adverse interest or claim and whether or not by the Crown in right of the State and the State undertakes that the pipeline land will be available during the currency of Pipeline Licence No. 2. for utilization by the Producers for the purposes of the pipeline on terms similar to those set forth in the PASA and Producers (Right of Way) Agreement.

57. The Producers will not do or perform, nor omit to be done or performed, nor will they knowingly cause or suffer to be done, performed or omitted to be done any act, matter or thing which shall result in a material breach of a Condition of Pipeline Licence No. 2.

58. In the event that during the currency of this Indenture the Minister exercises the powers conferred on him by Section 80 I of the Petroleum Act, 1940-1981, the Minister agrees that in determining the terms between a licensee who holds a petroleum production licence under that Act and the Producers relating to the conveying of petroleum the said terms shall, if the Producers so request, provide:

(1) That the Producers and each of them shall have priority of use of the pipeline;

(2) That the use of the pipeline by any such licensee will be compatible with the use of the pipeline by the Producers;

(3) That the use of the pipeline by any such licensee will not result in any deleterious effect to the Producers' petroleum or to the pipeline; and

(4) That use of the pipeline by any such licensee shall only be permitted after satisfactory arrangements have been made in relation to measurement and so as to ensure satisfactory identification of ownership of petroleum.

Any fee to be charged by the Producers to the holder of the petroleum production licence for conveying the petroleum if included in terms determined by the Minister shall for each period not be lower than:

(i) a sum of money equivalent to the actual cost incurred by the Producers in operating the pipeline for that period including without limitation the pipeline licence fee referred to in the next succeeding clause; together with

(ii) a sum of money called the capital cost component. Such capital cost component for that period shall be equal to the equal periodic payment calculated on a credit foncier basis by reference to the replacement value of the pipeline at the time of the Minister's determination, a 15 year amortization period and an interest rate of 18 per centum per annum;

apportioned in the manner following:

The proportion of the foregoing amounts to be borne by the licensee who holds a petroleum production licence shall be calculated on the proportion which the volume of petroleum owned by that party which is conveyed in the pipeline during a period of time bears to the total volume of petroleum conveyed in the pipeline during the same period of time.

The basis of calculations necessary for the foregoing shall be agreed between the Minister and the Producers or, failing agreement, shall be determined by arbitration in accordance with Part XXII of this Indenture.

59. (1) Notwithstanding the provisions of any Act or regulation or rule of law or equity to the contrary effect and subject to this clause the Producers, beginning with the first year in which liquid petroleum conveyed through the pipeline is sold by the Producers and ending with the year 1992, shall pay to the State on the 15th day of March in each year an annual licence fee for utilization of the pipeline (hereinafter referred to as "the pipeline licence fee") in respect of each year of Five hundred thousand dollars ($500 000) indexed as provided in sub-clause (2) of this clause.

(2) The pipeline licence fee for each year shall be indexed by relation to and shall vary only in accordance with movements in the Consumer Price Index between the December quarter 1981 and the December quarter immediately preceding the year in which the licence fee is to apply and shall not be subject to any other variations during the aforesaid period.

(3) Notwithstanding the Petroleum Act, 1940-1981 no pipeline licence fee shall be payable prior to the first year in which liquid petroleum is sold by the Producers from Stony Point.

(4) At the end of the first year in which liquid petroleum is sold by the Producers from Stony Point the Producers shall receive a rebate from the State of that proportion of the pipeline licence fee which one million four hundred thousand tonnes less the number of tonnes of Product conveyed through the pipeline in that year bears to one million four hundred thousand tonnes.

(5) During the Period referred to in sub-clause (1) the pipeline licence fee shall be in substitution for any other fee, levy or impost that would otherwise be payable by the Producers for use of the pipeline pursuant to the provisions of the Petroleum Act, 1940-1981 or otherwise.

(6) If the pipeline licence fee is not paid by the due date as aforesaid an amount of ten per centum thereof shall be added thereto which shall be recoverable by the State as part of the pipeline licence fee.

60. Subject always to Condition 23 Pipeline Licence No. 2 the pipeline and all plant, equipment and other property affixed thereto or used in connection therewith or in relation to the operation thereof owned by the Producers or any of them shall notwithstanding any provision of any Act or regulation or of any rule of law or equity to the contrary effect be and shall be deemed conclusively to be chattels and shall be owned by and may be transferred, mortgaged, charged or assigned by, or held on trust for, the Producers or such of them as are entitled thereto.

PART XIII

FURTHER PROCESSING

61. Having regard to the State's desire for further processing of Product in the State, the Producers will investigate the storage and related processing of ethane for use as petrochemical feedstock in the State and the practicability of the construction and operation of a refinery in the region of Stony Point. The Producers in consultation with the State will provide to the State on or before 31st day of March 1983 information relating to the scope of their investigations and further on or before 31st day of March 1984 a detailed report in writing relating to the result of their investigations in this regard. The Producers from time to time will enter into discussions with the Minister concerning the utilisation of Product for those purposes.

In the event that the investigations do not lead to the projects contemplated by this clause the report will be reviewed every three years in the light of the then current circumstances. Without limiting the generality of the foregoing, the Producers will, if further treating of Product in the State is technically and economically feasible, encourage and expedite such treatment and development. The Producers will give preference to treatment and development within the State if such is technically and economically feasible, providing that nothing in this clause will oblige the Producers to sell Product on other than commercial terms.

PART XIV

PROTECTION OF GAS SUPPLY

62. In carrying out the activities contemplated under this Indenture the Producers shall have regard to their obligations under existing and future sales agreements with PASA.

PART XV

THE MARINE FACILITIES

63. Ownership, title and risk of and to the following facilities, which shall be constructed by the Producers in accordance with approvals granted by the Minister of Marine under the Harbors Act, 1936-1981, shall be transferred to the State at the date of practical completion thereof (the date of such transfer being in this Part XV referred to as "the transfer date") free of all mortgages, liens, charges, encumbrances or the like.

Forthwith upon transfer the State shall pay the Producers a sum equal to the cost incurred by the Producers in the design and construction of the aforesaid facilities together with consultancy fees.

The facilities to be so transferred (hereinafter referred to as the "transferred facilities") shall be the Jetty trestle, platforms, mooring and breasting dolphins, all necessary service facilities and other facilities for the berthing of vessels at Stony Point, as detailed in the Producers' plans and specifications for the Marine Facilities accepted and approved by the Minister of Marine, but shall not include any temporary loading facilities or any pumps, pipes, loading arms and other loading facilities which shall be the subject of a separate licence agreement between the Producers and the Minister of Marine.

64. The Marine Facilities other than those transferred to the State pursuant to clause 63 of this Indenture, and the transferred facilities prior to transfer of ownership thereof to the State, shall be owned by the Producers or such of them as have an ownership interest therein from time to time.

65. The State shall ensure that the Producers have granted to them on reasonable terms and conditions and that there are continued in force during the currency of this Indenture free of charge to the Producers, all such rights and licences as may be required to enable the Producers or any of them to construct and install, operate and have the use and enjoyment of the Marine Facilities (including any temporary loading facilities required by the Producers) for the purposes contemplated by this Indenture, provided however that except as expressly provided in this Indenture, this Indenture shall not be deemed to confer any exemption from wharfage dues.

66. The Producers shall deposit with the State at a time and in a manner to be agreed a sum equal to the amount paid by the State to the Producers pursuant to clause 63 of this Indenture to secure the due observance by the Producers of the terms of this Part XV of this Indenture on their part to be observed and also to secure payment of the amounts due to be paid to the State by the Producers under this Part. To the extent of any shortfall in payment of amounts owing to the State pursuant to this Part in any year the Producers shall to that extent forfeit the moneys which would otherwise have been payable to the Producers pursuant to clause 67 of this Indenture.

67. The security deposit referred to in clause 66 of this Indenture together with interest thereon at the rate of 20 per centum per annum shall, subject to clause 66 be repaid by the State to the Producers annually calculated on a credit foncier system by twenty equal instalments in the manner to be provided for by agreement between the Producers and the State.

68. The Producers shall have priority of use of the transferred facilities. The manner in which the priority shall be effected shall be the subject of agreement with the State.

69. Without prejudice to the provisions of clause 68 of this Indenture, the Minister may in his discretion permit the use of the transferred facilities by third parties (being persons other than the Producers or any of them) subject to such use being compatible with the Producers' operations. In exercising his discretion the Minister shall have regard to:

(1) the full extent of the impact of the operations of the third parties including the potential for industrial disputes, shipping programmes, the number of workers and operations of any factories or fabrication works upon the Producers' operations, and

(2) the safety of and potential for damage to the Producers' operations from the third parties' products and operations.

70. The Producers shall during the first twenty years from and including the transfer date be responsible for the stevedoring and loading of vessels associated with the Marine Facilities referred to in clause 63 of this Indenture. Unless and to the extent otherwise agreed, mooring and unmooring of vessels shall be undertaken by the Producers' employees, agents or contractors, subject to industrial arrangements suitable to the State and the Producers being made and subject to the reasonable supervision and directions

of the Harbor Master of the port at Stony Point having regard to normal port practice. The cost of such mooring and unmooring of vessels shall be paid by the State to the Producers at rates not to exceed those payable by the State to members of mooring gangs under appropriate industrial awards.

71. During 1982 the Producers shall in consultation with the State prepare terminal rules in respect of their onshore facilities at Stony Point and the State in addition to the Regulations under the laws of the State shall in consultation with the Producers prepare port rules.

72. (1) In respect of each of the first twenty years from and including the year in which the transfer date occurs there shall be paid by the Producers to the State, wharfage dues (to the exclusion of all other wharfage dues that would otherwise be payable by the Producers for the port at Stony Point) being an amount per tonne of Product shipped determined by the following formula:—

$$\frac{(a - b) + (c \times d) + (e \times f)}{g}$$

Where

a = the annual amount required to amortise in 20 annual payments under a credit foncier system the sum specified in the second paragraph of clause 63 of this Indenture at an interest rate of 20 per centum per annum.

b = the amount determined for any third party user of the transferred facilities under sub-clause 72 (2) or 72 (3) of this clause for that year.

c and

e = amounts of $1.50 and 70 cents respectively as adjusted each year by the percentage change in the Consumer Price Index between the December quarter 1981 and the December quarter in the year preceding the year in which the amounts are to apply.

d = the amount of throughput in tonnes across or through the transferred facilities by the Producers up to and including the first one million tonnes for each year.

f = the amount of throughput in tonnes, if any, across or through the transferred facilities by the Producers after and in excess of the first one million tonnes for each year.

g = the total amount of throughput in tonnes across or through the transferred facilities by the Producers during each year.

Provided always that:

(i) in respect of commodities passing across or through the transferred facilities that are shipped to another port in the State, the amounts c and e will be halved.

(ii) Subject to sub-clause 72 (1) *(c)* below, the sum $(c \times d) + (e \times f)$ in the above formula shall not be less than the amount determined by adjusting $1 500 000 by the indexation formula provided in the definitions of "c" and "e" in this sub-clause 72(1).

(iii) In the calendar year of transfer of the facilities the amount of $1 500 000 (as indexed) referred to in sub-clause 72(1)*(b)* above will be adjusted *pro rata* to reflect the number of calendar months (or part thereof) remaining after the transfer date in that year.

(iv) In the event that total throughput by the Producers for any year is zero, payment will be calculated as if throughput was one tonne.

(v) Should (a — b) in the wharfage calculation formula be a negative amount, zero is to be substituted.

(2) In the event of use of the said transferred facilities by third parties during the first twenty years from and including the transfer date the State and Producers will confer as to the appropriate contribution payable as a portion of wharfage dues to be paid by such third parties during the said period that shall be properly regarded as attributable to the provision of the transferred facilities pursuant to this Indenture. In determining such portion of the wharfage dues regard shall be had to the value and profitability of the commodity to be shipped by such third party over the transferred facilities, current interest rates and the value of the transferred facilities and the objectives reflected in clause 61 of this Indenture.

(3) In the event that the Producers and the State cannot reach an agreement under clause 72 (2), the amount b in clause 72 (1) of this Indenture shall be calculated as follows: a sum determined under a credit foncier system based on the capital cost of that part of the transferred facilities used by third parties (being the original capital cost of the transferred facilities together with interest incurred prior to the transfer date) escalated annually by half the bond rate (as hereinafter defined) from and including the transfer date amortized over a period of twenty years with a rate of interest of 20 per centum per annum apportioned by reference to the total units of throughput of the Producers and any third party. That part of the transferred facilities used by the third party means that portion of the total cost of the transferred facilities that is actually used by the third party. The calculation referred to herein shall, in the case of a third party which has a demonstrable continuity of use, be made only on the basis of escalation annually by half the bond rate up to the time of commencement of use.

(4) After the first twenty years from and including the transfer date the Producers shall pay the normal wharfage dues on commodities similar to those shipped by the Producers applicable in the State for use of the transferred facilities.

(5) The "bond rate" referred to in this clause 72 means the yield on long term Australian Government bonds in effect from time to time.

73. The wharfage dues the subject of clause 72 of this Indenture for the first twenty year period therein referred to shall be paid to the State by the Producers in the manner provided for by agreement between the Producers and the State.

74. From and including the transfer date the State shall promptly carry out and effect repair, maintenance and insurance of the transferred facilities and shall be responsible for the provision of a Harbor Master for the port at Stony Point so as to enable the Producers at all times to have use and enjoyment of the Marine Facilities for the purposes contemplated by this Indenture.

75. Prior to the transfer date:

(1) The Producers shall be responsible under the supervision and direction of the Harbor Master for operating temporary loading facilities, if any. which may have been constructed;

(2) The Producers shall pay for the maintenance and insurance of the said temporary loading facility;

(3) The Producers shall be responsible for the stevedoring and loading of vessels associated with the temporary loading facilities. Unless and to the extent otherwise agreed, mooring and unmooring of vessels shall be undertaken by the Producers' employees, agents or contractors, subject to industrial arrangements suitable to the State and the Producers being made and subject to the reasonable supervision and directions of the Harbor Master of the port at Stony Point having regard to normal port practice; and

(4) There shall be paid by the Producers to the State wharfage dues at the rate of 50 cents for each tonne of Product shipped.

PART XVI

STAMP DUTY

76. The State agrees that:

(1) This Indenture and any transfer of the Marine Facilities and pipeline to the State;

(2) Any document granting title to or an interest in any lands pursuant to this Indenture;

(3) Each document establishing or recording the interests of the Producers *inter se* in any one or more of the pipeline and all facilities downstream from and including the point where the pipeline commences as provided in Pipeline Licence No. 2;

(4) Pipeline Licence No. 2;

(5) The PASA and Producers (Right of Way) Agreement;

(6) The proportion of the consideration or the principal sum expressed in each mortgage, charge, encumbrance or other security, covenant or agreement executed by the Producers or any of them to the extent of and attributable to the financing of the Producers' (or any of their) participation in the activities contemplated pursuant to the provisions of Parts IX, X, XI, XII and XV of this Indenture, or under the PASA and Producers (Right of Way) Agreement or Pipeline Licence No. 2;

(7) Each cross charge created in connection with any document referred to in sub-clause (3) of this clause contemporaneously with the execution thereof;

(8) Each transfer, assignment or other disposition, made within one year of the date of the ratification of the Bill, by the Producers or any of them *inter se* or to a related corporation (as defined in Section 6 (5) of the Companies Act, 1962-1980) of the transferor, assignor or disponor of their or its right, title and interest or any part thereof in any or all of the documents referred to in subclauses (1) to (7) (both inclusive) of this clause;

(9) Each amount or proportion of an amount which would otherwise be included in a statement lodged pursuant to section 31f of the Stamp Duties Act 1923-1981, as it relates to loans to the Producers or any of them, and as certified by the Producers to the Commissioner of Stamps, to the extent of and attributable to the financing of the Producers' (or any of their) participation in the activities contemplated pursuant to the provisions of Parts IX, X, XI, XII and XV of this Indenture, or under the PASA and Producers (Right of Way) Agreement or Pipeline Licence No. 2; and

(10) Any other document or instrument which the State agrees;

shall be exempt from any duty under the Stamp Duties Act, 1923-1981.

77. If prior to the Commencement Date stamp duty has been assessed and paid on any instrument or other document referred to in clause 76 of this Indenture, the State shall on or after the Commencement Date on demand of the Producers or any of them refund stamp duty paid on any such instrument or other document to the person who paid the same.

PART XVII

ENVIRONMENTAL PROTECTION

78. In performing any act, matter or thing, pursuant to this Indenture, Pipeline Licence No. 2, the PASA and Producers (Right of Way) Agreement or any other agreement pursuant hereto or thereto the Producers will comply with the laws of the Commonwealth and State in force in the State from time to time relating to the protection of the environment and all standards from time to time set thereunder.

79. (1) Without limiting the generality of anything hereinbefore appearing the Producers will observe the environmental standards contained in the Environmental Impact Statement referred to in recital (I) hereof and such other standards relating to worker exposure and safety standards, air emission standards, marine spillage, water discharge and noise as may be determined during the development of detailed engineering of the proposed Stony Point facilities and agreed in consultation with the Producers.

(2) For the purpose of the Noise Control Act, 1976-1977, the Stony Point area shall be described as predominantly industrial.

80. Notwithstanding the provisions of clauses 78 and 79 of this Indenture, the State acknowledges that the Producers in assessing the economic feasibility of the activities contemplated by this Indenture have had regard to the laws, regulations and standards relative to the environment existing at the date of this Indenture. Should there occur during the currency of this Indenture any changes to any such laws, regulations or standards of or applied by the State the result of which is to impose substantial additional costs upon the Producers the State shall upon request of the Producers give sympathetic consideration to ameliorating the adverse effects of such additional costs by effecting a reduction in charges and levies payable by the Producers to the State pursuant to this Indenture or in such other manner as may be agreed between the State and the Producers.

81. The Producers and the State shall as soon as practicable after the date of this Indenture establish a group to be known as the "Stony Point Environmental Consultative Group" consisting of representatives of the State, representatives of the producers representatives of other major industries as may be established from time to time in the Stony Point region and specialists in environmental matters for the purpose of consulting on matters relating to the protection of the environment in the Stony Point region.

PART XVIII

STATE PREFERENCE

82. As far as reasonably and commercially practicable the Producers during the currency of this Indenture and for activities contemplated by this Indenture shall:

(1) Use the services of engineers, surveyors, architects and other professional consultants resident and available within the State;

(2) Use labour available within the State;

(3) When calling for tenders and letting contracts for works, materials, plant, equipment and supplies ensure that South Australian suppliers, manufacturers and contractors are given reasonable opportunity to tender or quote; and

(4) Give proper consideration and where possible preference to South Australian suppliers, manufacturers and contractors when letting contracts or placing orders for works, materials, plant, equipment and supplies where price, quality, delivery, service and other commercial considerations are equal to or better than those obtainable elsewhere.

83. From time to time during the currency of this Indenture when requested by the Minister the Producers shall submit a report in writing concerning their implementation of the provisions of clause 82 of this Indenture.

PART XIX

VARIATIONS

84. Any of the provisions of this Indenture may from time to time be cancelled, added to, varied or replaced by agreement between the parties.

The Minister shall cause any such agreement to be laid on the Table of each House of Parliament within the twelve sitting days next following its execution. Either House may, within twelve sittings days of that House after the agreement has been laid before it, pass a resolution disallowing the agreement but if after the last day on which the agreement might have been disallowed neither House has passed such a resolution the agreement shall have effect on and from the next day after that day.

PART XX

ASSIGNMENT

85. The interest of any individual Producer pursuant to this Indenture shall not be assigned, transferred, sublet, or made the subject of any trust or other dealing, whether directly or indirectly, other than to another Producer or to a related corporation of that individual Producer, without the consent in writing of the Minister; and any such transaction entered into without such consent shall be void; providing that any such interest of any individual Producer may be mortgaged, charged or otherwise encumbered or made the subject of a security interest without the consent of the Minister or alternatively with the consent of the Minister and then subject only to such conditions (if any) as the Minister may reasonably impose after having due regard to the needs of the Producers or any of them to raise finance for the activities contemplated by this Indenture on the most favourable terms available.

A mortgagee, chargee or encumbrancee under a mortgage, charge, encumbrance or other security interest which has been consented to by the Minister as aforesaid in enforcing its security, or any receiver or receiver and manager of a Producer thereunder or any transferree or assignee thereof shall in the exercise of its rights be subject only to such reasonable conditions (if any) as the Minister shall have imposed at the time of his approval to the creation of the mortgage, charge, encumbrance or other security interest.

A mortgagee, chargee or encumbrancee under a mortgage, charge, encumbrance or other security interest which has not been consented to by the Minister as aforesaid in enforcing its security, or any receiver or receiver and manager of a Producer thereunder or any transferee or assignee thereof shall not assign, transfer, sublet or make the subject of any trust or other dealing without the consent in writing of the Minister.

The Minister may, before consenting to any such transaction, require such information as he thinks fit with respect thereto, and shall have a discretion to grant or refuse such consent but shall not capriciously or unreasonably refuse it and shall not grant any such consent on unreasonable conditions.

Where a transaction has received the consent of the Minister under this clause 85 subject to conditions, and any of those conditions is subsequently satisfied, the Producers or any of them shall, within twenty-eight days, serve personally or by post upon the Minister, notice in writing of that fact.

For the purposes of this clause "related corporation" shall have the meaning ascribed to that term in section 6 (5) of the Companies Act 1962-1980.

86. (1) If any individual Producer purports, without the consent in writing of the Minister, to assign, transfer or sublet any interest under this Indenture or to make such interest the subject of any trust or other dealing which requires the consent of the Minister as aforesaid the Producer shall be in default under this indenture.

(2) Any purported assignment or transfer of the interest or part thereof of any individual Producer pursuant to this Indenture shall be subject to the assignee or transferee executing in favour of the State and the Minister and the other Producers a deed of covenant in a form to be agreed between the Minister and the Producers to comply with, observe and perform the provisions of this Indenture in regard to the interest so assigned.

PART XXI

RELATIONSHIP OF THE PARTIES

87. Nothing in this Indenture contained shall be construed as constituting a joint venture or partnership between the State or the Minister of the one part and the Producers of the other part nor shall anything herein contained impose on the State or the Minister or the Minister of Marine or the Director or PASA or the Producers or any of them an obligation to expend monies or to procure any act, matter or thing nor to omit to do or procure any act, matter or thing save and except such as are provided by express words in this Indenture.

88. The liability of each Producer under this Indenture shall be several and not joint nor joint and several and the liability of each Producer shall be determined in accordance with the extent of its ownership of any interest from time to time in any asset or activity contemplated under this Indenture.

In the event that the State or PASA shall have a claim against a Producer or Producers the Producers will inform the State as soon as practicable of the extent of ownership of the Producer or Producers in any asset or activity contemplated under this Indenture relating to the subject matter of the claim.

PART XXII

ARBITRATION

89. The provisions of section 24a of the Arbitration Act, 1891-1974 shall not apply to this Indenture or in respect of any difference or dispute arising out of this Indenture and any such difference or dispute referred by the parties to this Indenture or any of them shall be and be deemed to be a submission to arbitration within the meaning of the Arbitration Act, 1891-1974 providing that only differences or disputes expressed in this Indenture as requiring to be referred to arbitration shall be referred to arbitration.

90. In the event that any difference or dispute is referred to arbitration by the parties to this Indenture or any of them it shall be referred to the arbitration of three arbitrators.

91. The appointment of the arbitrators shall be made as follows:

(1) Within thirty days after the reference by the parties to this Indenture or any of them of a difference or dispute to arbitration the State and the Minister collectively acting shall appoint one arbitrator and the Producers involved in the arbitration collectively acting (if more than one Producer shall be so involved) also shall appoint one arbitrator and the third arbitrator shall be appointed by the two arbitrators so appointed;

and

(2) In the event that either the State and the Minister on the one hand or the Producers involved in the arbitration on the other hand shall fail so to appoint an arbitrator within thirty days after the reference by the parties to this Indenture or any of them of a difference or dispute to arbitration or if the two arbitrators appointed by the State and the Minister on the one hand and the Producers involved in the arbitration on the other hand shall fail to appoint a third arbitrator within thirty days after their appointment then the Senior Puisne Judge for the time being of the Supreme Court of South Australia may appoint the first, second or third arbitrator to constitute or complete the Board of arbitrators as the circumstances may require.

92. The arbitration award shall be final and binding upon the parties to such arbitration and the decision of any two of the arbitrators shall be binding.

93. No party to this Indenture shall take any difference or dispute referred to arbitration to any Court until after an arbitration award shall have been made but this clause 93 shall not operate except as provided in clause 89 so as to compel any party to this Indenture to refer any difference or dispute to arbitration in any case.

PART XXIII

CURRENCY OF INDENTURE

94. This Indenture shall continue in full force and effect unless cancelled in accordance with clauses 84 or 99 of this Indenture or until it lapses in accordance with clause 7 of this indenture.

PART XXIV

TRADE PRACTICES

95. For the purposes of the Trade Practices Act, 1974 of the Commonwealth, as amended from time to time, or any similar legislation of the Commonwealth passed in substitution therefor:

(1) The State hereby authorises and approves of the clauses of this Indenture, the PASA and Producers (Right of Way) Agreement and Pipeline Licence No. 2. (including the Conditions thereof), contracts between the Producers or any of them as sellers for the sale and purchase of Product and all contracts, arrangements, understandings, practices, acts or things made, given effect to, carried on or done thereunder or in relation thereto, including but not limited to any agreement between the Producers in relation to the ownership and operation of all facilities downstream from and including the point where the pipeline commences as provided in Pipeline Licence No. 2, which would, but for this Indenture, be a contravention of the Trade Practices Act, 1974 as amended from time to time or any similar legislation as aforesaid;

(2) The Ratifying Act shall specifically authorise or approve as the case requires the provisions of this Indenture, the PASA and Producers (Right of Way) Agreement, Pipeline Licence No. 2, the aforesaid contracts for the sale of Product and all such contracts, arrangements, understandings, practices, acts or things aforesaid;

and

(3) The State will, if so requested by the Producers or any of them, from time to time, give consideration to making such regulations under the Ratifying Act as may be necessary specifically to authorise or approve as the case requires such other contracts, arrangements, understandings, practices, acts or things made, given effect to, carried on or done under or in relation to this Indenture, the PASA and Producers (Right of Way) Agreement and Pipeline Licence No. 2 and the aforesaid contracts for the sale of Product as may be the subject of any such request.

PART XXV

REPRESENTATIONS AND ACKNOWLEDGEMENTS

96. The Producers acknowledge (as is testified by their execution hereof) that in entering into this Indenture and the PASA and Producers (Right of Way) Agreement they have not relied on any representation, warranty, guarantee or stipulation made by or on behalf of the State, the Minister or PASA and, without limiting the generality of the foregoing, they have made their own enquiries and satisfied themselves in all respects as to the fitness of plant, equipment and facilities to be used in connection with the subject matter of this Indenture and the suitability of Stony Point as a port for use in connection with the subject matter of this Indenture.

97. The State and the Minister acknowledge (as is testified by their execution hereof) that in entering into this Indenture they have not relied on any representation, warranty, guarantee or stipulation made by or on behalf of the Producers save for those referred to in this Indenture or otherwise as expressly agreed between the parties by express words or necessary implication.

98. Neither the State nor the Minister shall take any action against the Producers or any of them in relation to any work properly accepted by the Producers in good faith, including without limitation design work conducted by PASA in consultation with Bechtel-Kinhill, performed by PASA in relation to the pipeline and related facilities on or before the date of this Indenture.

PART XXVI

DEFAULT UNDER THIS INDENTURE

99. Notwithstanding anything hereinbefore contained, if any one or more of the following events occurs, namely:

(1) If any of the Producers makes default in the due payment of any monies payable under this Indenture to the State or to anyone on its behalf or to any agency or instrumentality of the Crown and any such default remains unremedied for a period exceeding thirty days after notice specifying the default is given to the Producers and to all lenders of money to the Producers or any of them who have been notified by the Producers or any of them to the State in writing (such lenders, whether one or more, being hereinafter in this clause referred to as "the lenders") by the State (or if the alleged default is contested by any of the Producers and promptly submitted to arbitration or to the Court, then within thirty days after the arbitration award or final Court order (taking account of any appeals) is made where the question is decided against any of the Producers); or

(2) If any of the Producers makes default in the due performance of any of its material covenants or obligations under this Indenture (not being a covenant or obligation of the kind referred to in sub-clause (1) of this clause) and if the relevant Producer fails to remedy or to commence and continue in good faith to remedy that default within a reasonable time after notice specifying the default is given to the Producers and to the lenders by the State (or if the alleged default is contested by any of the Producers and promptly submitted to arbitration or to the Court, then within the time given by the arbitration award or final Court order (taking account of appeals) where the question is decided against any of the Producers);

then and in any such events the Minister, after consultation with the Producers (and provided the Producers not in default have agreed with the State to assume all of the obligations, including without limitation, obligations due and unsatisfied in respect of any antecedent breach of the Producer or Producers in default), may determine this Indenture in respect only of the Producer or Producers in default.

The rights and obligations of that defaulting Producer or of those defaulting Producers under this Indenture *vis a vis* the State and the Minister shall thereupon cease and shall *ipso facto* be assumed by and become the rights and obligations of the Producers not in default but in all other respects the rights and obligations of the Producers not in default under this Indenture shall be unaffected by such determination.

If the Producers not in default do not agree with the State to assume the obligations of the Producer or Producers in default as aforesaid, or if all of the Producers are in default under this Indenture then the State may cancel this Indenture.

Any determination or cancellation of this Indenture shall be by written notice to the Producers and to the lenders.

100. Upon the cancellation of this Indenture under clause 99 hereof:

(1) The rights and obligations of the Producers to, in or under this Indenture shall thereupon cease and determine but without prejudice to the liability of a Producer in respect of any antecedent breach or default by it under this Indenture; and

(2) Each Producer shall forthwith pay to the State all monies which then shall have become payable or accrued due by it

and the rights of the Minister shall, subject to sub-clauses (1) and (2) of this clause, constitute the exclusive remedy of the State and the Minister and of any instrumentality of the State and of any other Minister against the Producers not in default and each of them in respect of the said cancellation.

PART XXVII

SUPPORT AND SPONSORSHIP OF THE STATE

101. The State will give full support and sponsorship and assistance to all acts, matters or things contemplated by or the subject of this Indenture and will not do or omit to do or cause or permit anything to be done or omitted to be done which would or might tend to be inconsistent with the objects, intent and purpose of this Indenture nor prohibit without just cause nor unreasonably interfere with the due and proper performance of obligations or the exercise of rights by the Producers under or in relation to activities contemplated by this Indenture or the PASA and Producers (Right of Way) Agreement or Pipeline Licence No. 2 or any other agreement contemplated herein or therein or established thereby.

102. In the event that the State or the Minister makes default in the due performance or observance of any of the covenants or obligations to the Producers under this Indenture and if the State fails to remedy that default within thirty days after notice specifying the default is given to it by the Producers (or if the alleged default is contested by the State or the Minister and promptly submitted to arbitration, then within thirty days after the arbitration award where the question is decided against the State or the Minister the arbitrator finding that there was a bona fide dispute and that the State or the Minister had not been dilatory in pursuing the arbitration) then the security deposits referred to in Schedule 4 and Part XV hereof shall be refunded forthwith to the Producers and the additional rates referred to in clause 43 of this Indenture and the tariff referred to in clause 49 of this Indenture shall cease forthwith, but without prejudice to all other rights and remedies which the Producers or any of them may have against the State.

PART XXVIII

FORCE MAJEURE

103. Subject as hereinafter provided, the time for the performance of any obligation under or arising out of this Indenture except an obligation to pay money, which performance is delayed by circumstances beyond the reasonable control of the party to this Indenture responsible for the performance of such obligation, shall be extended by the period of the delay, but no longer than the continuance thereof, and no party to this Indenture shall be liable in damages or otherwise to any other party to this Indenture nor shall any action, claim or demand be taken or made against that party to this Indenture by reason solely of such delay in the performance of such obligation in circumstances beyond the reasonable control of that party.

104. The party to this Indenture responsible for the performance of any such obligation shall use all reasonable diligence to remove the circumstances beyond the reasonable control of that party to this Indenture as quickly as possible after notice of the same shall have come to its or his attention save and except that the settlement of any strike, lockout and other industrial dispute shall be entirely within the discretion of any party directly concerned and nothing herein shall require the settlement thereof by acceding to the demands of the opposing party or parties where such course is inadvisable in the discretion of the party concerned.

105. Each party to this Indenture shall keep the others of them promptly informed of any delay in the performance of any obligation on its part under or arising out of this Indenture where such delay is caused by circumstances beyond the reasonable control of such party, of the likely duration of such delay as a consequence thereof and of the cessation of such circumstances.

106. In the clauses numbered 103, 104 and 105 of this Indenture the expression "circumstances beyond the reasonable control" shall include, without limitation, act of God, act of war whether declared or undeclared, earthquake, explosion, act of public enemy, flood, washaway, strike, blockade, lockout, stoppage, ban, restraint of labour whether partial or entire or other industrial disturbance, interruption of supply, unavailability or delay of any transport, machinery, equipment, fuel or water, failure of petroleum reserves, breakdown, fire, riot, civil commotion or insurrection, sabotage, landslide, cyclone, power shortage, epidemic, quarantine, expropriation, restraint, prohibition, intervention, requisition, requirement, direction or embargo by legislation, regulation, decree or other legally enforcible order of any Government or Governmental or other competent authority (including any Court of competent jurisdiction or other similar circumstances) or inability or delay in obtaining Governmental approval, permit, licence or allocation or any other cause whether of a kind specifically enumerated above or otherwise which is not reasonably within the control or the party to this Indenture carrying out or obligated to carry out any obligation under this Indenture, providing that neither the State nor the Minister shall be at liberty to rely upon any action of the Government of the State or of the Minister or any other Minister of the Crown in right of the State or any local government or other instrumentality of the Crown in right of the State or other competent authority of the State under its control as constituting "circumstances beyond the reasonable control".

PART XXIX

SCHEDULES

107. Each of the Schedules 1, 2, 3, 4 and 5 to this Indenture shall be and be deemed to form part of this Indenture as if contained herein and shall have and take effect according to the terms thereof.

PART XXX

AMENDMENTS TO THE COOPER BASIN INDENTURE

108. The parties to this Indenture being also the parties to (or the successors to or assignees of those parties) an Indenture dated the 16th day of October, 1975, being the Schedule to the Cooper Basin (Ratification) Act, 1975 (hereinafter referred to as the "Cooper Basin Indenture") hereby agree to the amendments to the Cooper Basin Indenture set out in Schedule 5 to this Indenture.

PART XXXI

LAW APPLICABLE

109. This Indenture shall be governed by and construed in accordance with the law for the time being of the State and the parties to this Indenture consent and submit to the jurisdiction of the Courts of the State and to all Courts having jurisdiction and being competent to hear appeals therefrom.

PART XXXII

NOTICES

110. Any notice, demand, consent or other communication requiring to be given, delivered or made under or pursuant to this Indenture shall be deemed to have been duly given, delivered or made when delivered in writing or sent by post or telex to the party to whom such notice or demand or consent or other communication is required or permitted to be given, delivered or made under this Indenture at the following addresses:

The Premier, State Administration Centre, Victoria Square, ADELAIDE. S.A. 5000	Telex: AA82827 Answerback: PREMIER
The Minister of Mines and Energy, State Administration Centre, Victoria Square, ADELAIDE. S.A. 5000	Telex: AA82827 Answerback: PREMIER
Managing Director, Santos Limited, 183 Melbourne Street, NORTH ADELAIDE. S.A. 5006	Telex: AA82716 Answerback: SANTOS Cable: SANTOS

Managing Director, Delhi Petroleum Pty. Ltd., 33 King William Street, ADELAIDE. S.A. 5000	Telex: AA82215 Answerback: DELHI Cable: DELINOIL
General Manager, South Australian Oil & Gas Corporation Pty. Ltd., 226 Melbourne Street, NORTH ADELAIDE. S.A. 5006	Telex: AA88900 Answerback: SAOGC
General Manager, Bridge Oil Limited, Level 33, CBA Centre, 60 Margaret Street, SYDNEY. N.S.W. 2000	Telex: AA26518 Answerback: BRIOIL Cable: BRIDGEOIL
Executive Director, Reef Oil N.L., 16th Floor, International House, 26 St. Georges Terrace, PERTH. W.A. 6000	Telex: AA92901 Answerback: BONDCOR Cable: REEFOIL
Executive Director, Basin Oil N.L., 8 Victoria Avenue, PERTH. W.A. 6000	Telex: AA92901 Answerback: BONDCOR Cable: BASINOIL
Managing Director, Alliance Petroleum Australia N.L., 10th Floor, 30 Collins Street, MELBOURNE. Vic. 3000	Telex: AA31955 Answerback: OILDEV Cable: OILDEV
General Manager, Vamgas Ltd., 25th Floor, 459 Collins Street, MELBOURNE. Vic. 3000	Telex: AA31595 Answerback: WOOPFT Cable: OILCO
Managing Director, Total Exploration Australia Pty. Ltd., 168 Walker Street, NORTH SYDNEY. N.S.W. 2060	Telex: AA21760 Answerback: TOPOIL
General Manager, Crusader Resources N.L., Suite 4, 8th Floor, T. & G. Building, Cnr. Queen & Albert Streets, BRISBANE. Qld. 4000	Telex: AA40985 Answerback: CRUOIL
General Manager, Bridge Oil Developments Pty. Limited, Level 33, CBA Centre, 60 Margaret Street, SYDNEY. N.S.W. 2000	Telex: AA26518 Answerback: BRIOIL Cable: BRIDGEOIL

or at such other addresses as may from time to time be notified by any party to the others for the purpose of this clause 110.

111. A notice given by telex shall be deemed to be a notice in writing for the purpose of this Indenture and shall be deemed to be received upon receipt by the sender of the answer-back code of the recipient at the conclusion of the telex provided transmission is completed during normal business hours on a business day in the place of the addressee and if it is not so completed then upon the commencement of normal business hours on the next business day in the place of the addressee after transmission is completed.

Any notice, demand, consent or other communication if sent by post shall be sent by registered or certified mail and shall not be duly given until actually received at the place of the addressee.

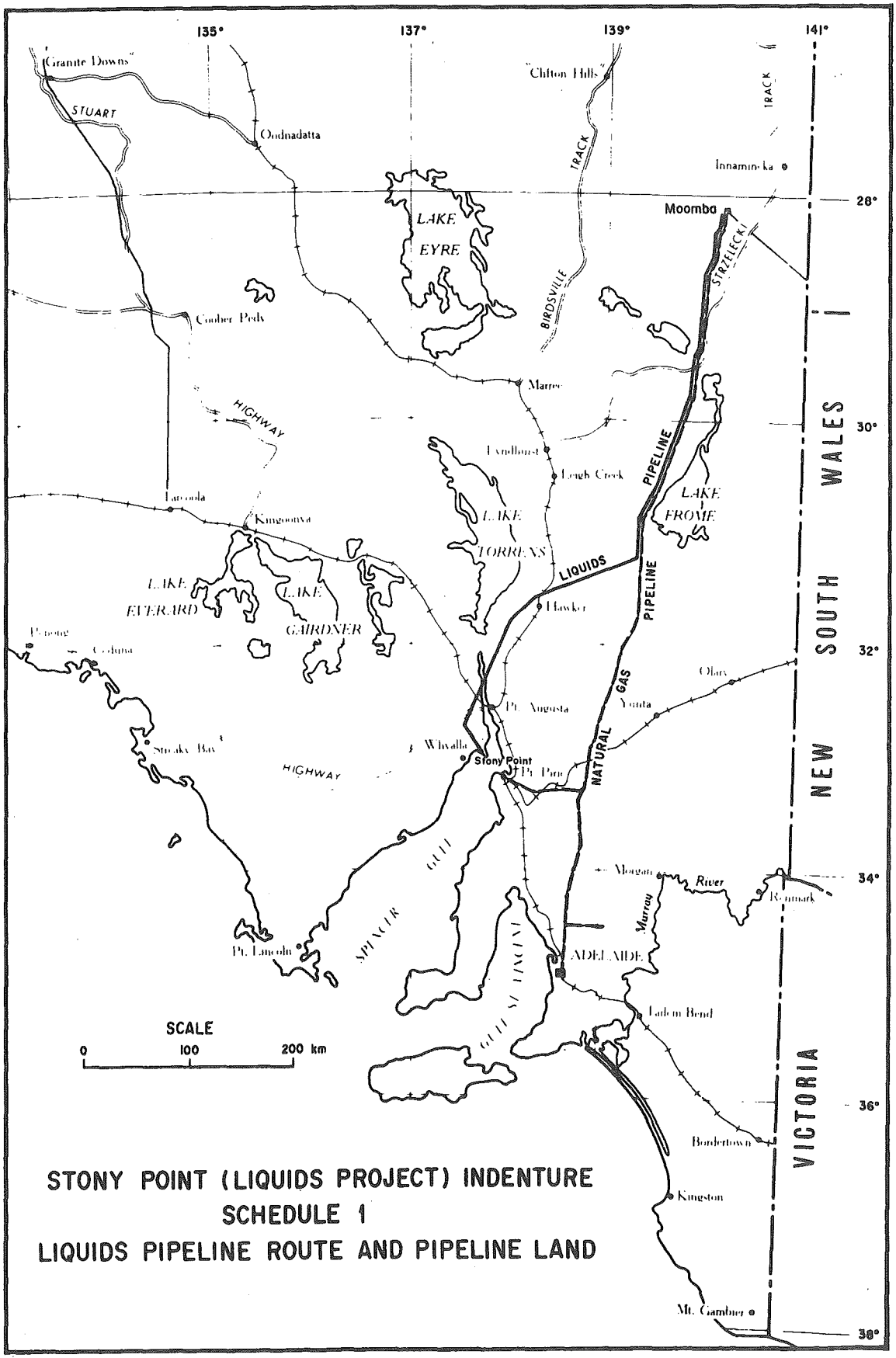
112. Any notice, demand, consent or other communication (other than the communication to be given or made by telex) requiring to be given or made pursuant to this Indenture shall be sufficient, if:

(1) In the case of the State it shall be under the hand of the Premier of the State;

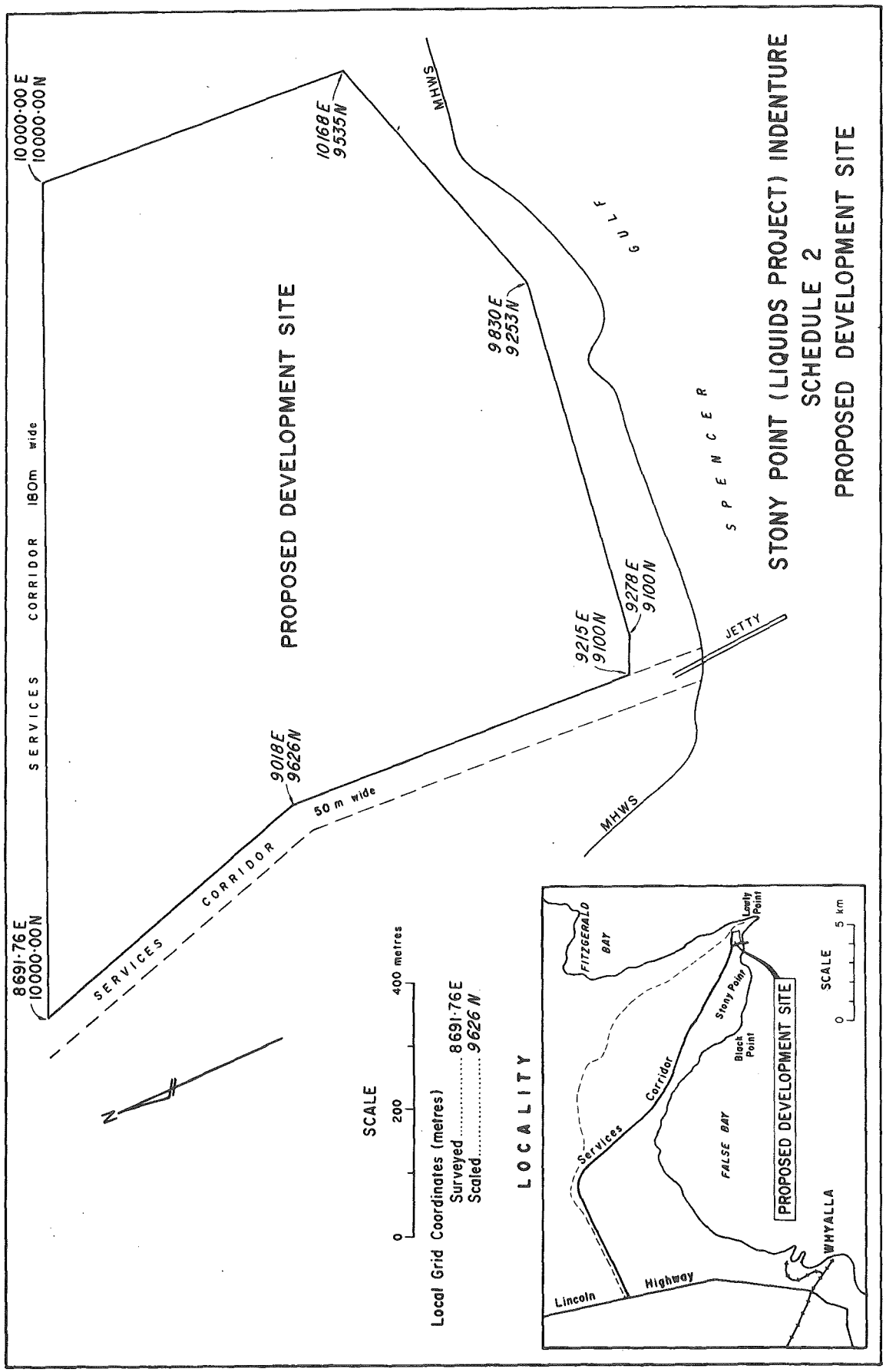
(2) In the case of the Minister it shall be under the hand of the Minister;

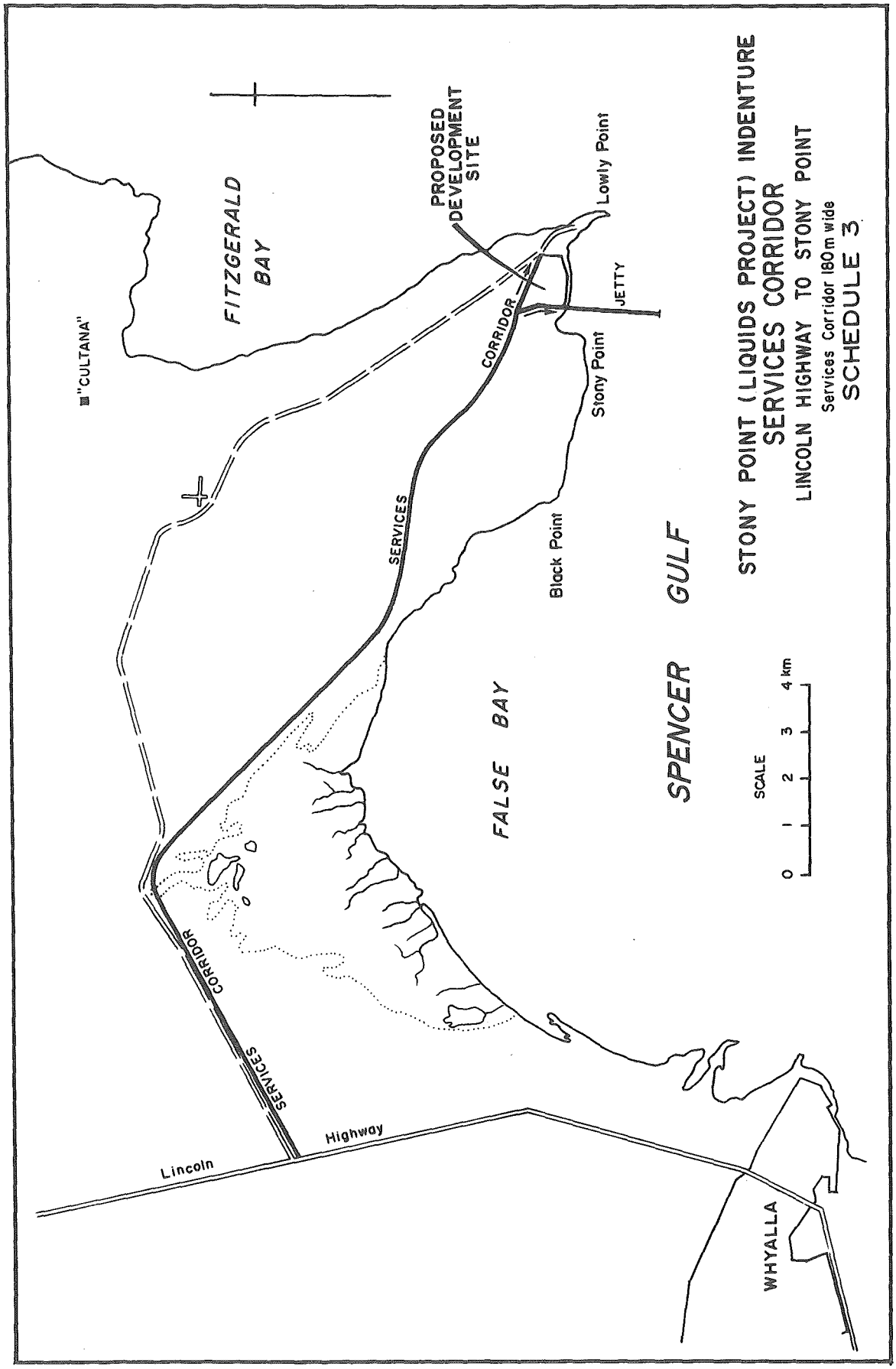
and

(3) In the case of a Producer or assignee, transferee, sublessee, trustee, nominee or like person, it shall be under the hand of any Director or Managing Director or General Manager or Secretary or President or Vice-President or any person for the time being acting in one of those offices.



STONY POINT (LIQUIDS PROJECT) INDENTURE
SCHEDULE 1
LIQUIDS PIPELINE ROUTE AND PIPELINE LAND


STONY POINT (LIQUIDS PROJECT) INDENTURE
SCHEDULE 2
PROPOSED DEVELOPMENT SITE
PROPOSED DEVELOPMENT SITE
SERVICES CORRIDOR 180m wide
SERVICES CORRIDOR 50 m wide
10000·00 E
10000·00 N
10168 E
9535 N
9830 E
9253 N
9278 E
9100 N
9215 E
9100 N
9018 E
9626 N
8691·76 E
10000·00 N
MHWS
MHWS
JETTY
GULF
SPENCER
SCALE
0 200 400 metres
Local Grid Coordinates (metres)
Surveyed ..... 8691·76 E
Scaled ..... 9626 N
LOCALITY
FITZGERALD BAY
Lively Point
Stony Point
Black Point
Services Corridor
FALSE BAY
PROPOSED DEVELOPMENT SITE
WHYALLA
Lincoln Highway
SCALE
0 5 km


STONY POINT (LIQUIDS PROJECT) INDENTURE
SERVICES CORRIDOR
LINCOLN HIGHWAY TO STONY POINT
Services Corridor 180 m wide
SCHEDULE 3
FITZGERALD BAY
PROPOSED DEVELOPMENT SITE
Lowly Point
JETTY
Stony Point
CORRIDOR
"CULTANA"
SERVICES
Black Point
FALSE BAY
SPENCER GULF
SCALE
0 1 2 3 4 km
CORRIDOR
SERVICES
Lincoln
Highway
WHYALLA

SCHEDULE 4

SECURITY DEPOSIT

1. The Producers shall deposit with the State as and when required by the State a sum equal to the capital cost including interest incurred or to be incurred by the State as notified in writing by the State to the Producers in the provision of water in accordance with Part X of this Indenture and the roads within the Road Reserve in accordance with Part XI of this Indenture. Such deposit shall secure the due observance by the Producers of the terms respectively of Parts X and XI of this Indenture on their part to be observed. To the extent of any shortfall in payment of amounts owing pursuant to Parts X and XI or to any agreements referred to therein in any year the Producers shall to that extent forfeit the moneys which would otherwise have been payable to the Producers pursuant to this Schedule.

2. The aforesaid deposit together with interest at a rate of 18 per cent per annum shall, subject to the foregoing provision of this Schedule, be repaid to the Producers annually on a credit foncier system in ten equal instalments in a manner to be agreed between the parties to this Indenture.

SCHEDULE 5

AMENDMENTS TO THE COOPER BASIN INDENTURE

Clause 1(7) (c):

Add after "agreements" the words "or other disposal arrangements" and after "Substances" add "or from petroleum recovered from any area comprised in a Petroleum Production Licence granted to the Producers within the Subject Area and areas referred to in clause 6 (10) of this Indenture".

Add at end of Clause 1(7) "copies of which shall be provided in confidence to the Minister".

Clause 1(15):

Add after clause 1(14):

"(15) "Joint Operating Agreement" means any agreement heretofore or hereafter entered into by or including the Producers or some of them and approved by the Minister governing exploration for and production of petroleum and includes any agreement providing for the installation and as applicable sharing of use of facilities for the handling of petroleum."

Clause 4:

Amend clause 4(1) after the words "Appendix 'A' " by inserting the words "and delineated in Appendix 'C' to the extent not delineated in Appendix 'A' ";

Insert new Appendix "C" (as set out in page 50 of this Indenture);

Amend clause 4(2) by deleting the words "being Unit Facilities" and adding after the words "Unit Agreement" the words "or other agreement pursuant to which any of the foregoing may be owned from time to time".

Clause 6:

Clause 6(1), after "Unit Agreement", where first appearing, insert the words "or the relevant Joint Operating Agreement";

Clause 6 (1), after the word "Minister)" insert "or any Joint Operating Agreement in so far as it applies to the Subject Area.";

Clause 6 (4) *(b)*, after the word "Minister)" on the last line insert "or any Joint Operating Agreement in so far as it applies to the Subject Area.";

Clause 6 (7), after "Unit Agreement" insert the words "or any Joint Operating Agreement or other applicable agreement" and delete the words "within the Subject Area";

Insert after clause 6 (9), the words: "(10) The clauses of this Indenture, save and except clauses 6 (1) and 6 (4) hereof, shall apply to any Petroleum Production Licences granted in respect or for the purposes of the production of petroleum from the following areas:

Area 1

Commencing at a point being the intersection of latitude 27°00′S and longitude 140°00′E, thence east to longitude 141°00′E, south to latitude 27°15′S, west to longitude 140°55′E, south to latitude 27°20′S, west to longitude 140°50′E, south to latitude 27°25′S, west to longitude 140°35′E, south to latitude 27°30′S, west to longitude 140°25′E, south to latitude 27°32′S, west to longitude 140°23′E, south to latitude 27°33′S, west to longitude 140°21′E, south to latitude 27°35′S, west to longitude 140°18′E, south to latitude 27°37′S, west to longitude 140°16′E, south to latitude 27°38′S, west to longitude 140°15′E, north to latitude 27°27′S, west to longitude 140°00′E, north to the point of commencement.

Area 2

Commencing at a point being the intersection of latitude 27°37′S and longitude 139°38′E, thence east to longitude 139°53′E, south to latitude 27°45′S, east to longitude 140°00′E, south to latitude 27°56′S, west to longitude 139°59′E, south to latitude 27°57′S, west to longitude 139°58′E, south to latitude 27°59′S, west to longitude 139°57′E, south to latitude 28°00′S, west to longitude 139°56′E, south to latitude 28°02′S, west to longitude 139°55′E, south to latitude 28°06′S, east to longitude 140°00′E, south to latitude 28°18′S, west to longitude 139°56′E, south to latitude 28°19′S, west to longitude 139°52′E, south to latitude 28°23′S, east to longitude 139°53′E, south to latitude 28°24′S, east to longitude 139°55′E, south to latitude 28°25′S, east to longitude 140°15′E, south to latitude 28°35′S, west to longitude 139°38′E, north to the point of commencement.

being the areas marked '1' and '2' respectively on the plan annexed hereto as Appendix 'D' ".

Insert new Appendix "D" (as set out on page 51 of this Indenture).

Clause 7 (2):

After the words "Unit Agreement" insert "or any Joint Operating Agreement".

Clause 11:

After the words "Unit Agreement" (when appearing) insert the words "or any Joint Operating Agreement";

After the words "the Producers" (when appearing) insert "or any of them".

Clause 12:

Substitute for the words "Unitized Substances" when appearing on each occasion the word "petroleum";

After "Unit Agreement" add the words "or any Joint Operating Agreement" when appearing in sub-clauses (2) *(a)*, (5) and (7);

After the words "Unit Agreement" in sub-clause (2) *(c)* add, the words "or Joint Operating Agreement upstream of the inlet of the liquids pipeline at Moomba."

After the last word in sub-clause (2) *(a)* add "The costs and expenses shall include but not be limited to all licence fees payable under any pipeline licence, all wharfage dues and the Commonwealth crude oil levy payable under the Excise Act, 1901 and the Excise Tariff Act, 1921 of the Commonwealth. Where costs and expenses are incurred by way of payments to a party not at arms-length to the Producers, such costs for this purpose shall not exceed the actual costs of that party".

Add a new sub-clause (1A) after sub-clause (1)

"(1A) (i) Except as provided otherwise in this clause, during the period from the 1st January, 1988 up to and including 31st December, 1992, royalty shall be calculated and paid in respect of all liquid petroleum (which expression for this purpose shall include crude oil, condensate, propane, butane and ethane conveyed through the liquids pipeline the subject of Pipeline Licence No. 2) sold in accordance with the Sales Contracts at whichever is the lesser of the rate prescribed from time to time under the Petroleum Act, 1940-1981 or the rate of ten per centum of the value at the wellhead.

(ii) The State may from time to time require that discussions be held with the producers with respect to the royalty rate and base to apply on and after the 1st January, 1988 providing there has been a significant or substantial increase in royalty on liquid petroleum or pipeline licence fees or other similar charges in other States since the 1st January, 1982. In conducting such discussions, the parties will exchange information and consult with a view to determining whether, and, if so, what change in royalty arrangements would be appropriate having regard to the royalty position in other States. During those discussions the following factors will be taken into account and evaluated:

(a) The actual levels of royalty rates in other States;

(b) The basis of calculating royalty in other States;

(c) The basis of calculating well-head value in other States and its comparison with the basis under this Indenture;

(d) The level of pipeline licence fees and similar charges in other States;

(e) The extent to which royalties in other States apply to well established projects which have completed their financing period;

(f) The extent to which other States originally provided infrastructure support for comparable projects;

(g) The effect which royalty payments will have generally in encouraging State development and petroleum exploration in South Australia; and

(h) The extent to which the Cooper Basin liquids project has contributed and will continue to contribute to the development of South Australia.

(iii) Following the discussions referred to in sub-clause (ii) above, the parties will attempt to reach agreement on the appropriate basis and level of royalty.

Failing agreement, the State shall have the absolute discretion, having regard to all of the matters outlined in sub-clause (ii), above, to increase royalty as follows:

(a) Royalty on liquid petroleum shall not exceed the rate prescribed under the Petroleum Act 1940-1981.

(b) Subject to the preceding sub-clause (iii) *(a)* the State may increase royalty to a maximum level of 12.5 per centum of the value at the wellhead of all such liquid petroleum from 1st January, 1988.

In the event that the royalty rate on liquid petroleum differs from the royalty rate on gas, the State and the Producers shall agree on the basis of allocation of capital and operating costs between liquid petroleum and gas and if there is no agreement, the matter shall be determined by arbitration."

In sub-clause (2) *(a)* after the words "Clause 12 (2)" insert the words "and the sum provided in sub-clause *(d)* of this Clause 12 (2)".

In sub-clause (2) *(c)* when first appearing delete the word "Unit".

Insert a new sub-clause (2) *(d)* after sub-clause (2) *(c)* as follows:

"*(d)* A sum determined under a credit foncier system over a period of thirty half yearly instalments at a rate of interest of eighteen per centum per annum on the capital cost of all facilities (including the liquids pipeline) owned by the Producers or any of them between the point of sale of any petroleum and the inlet of the liquids pipeline at Moomba installed, constructed or otherwise acquired from time to time by the Producers or some one or more of them. Notwithstanding the expiry of fifteen years, the deduction of such sum shall be a continuing deduction and shall cease only upon the disposal, destruction or cessation of use by the Producers of any item of such facilities to the extent that the deduction is applicable to such item".

Insert a new sub-clause (10) after sub-clause (9):

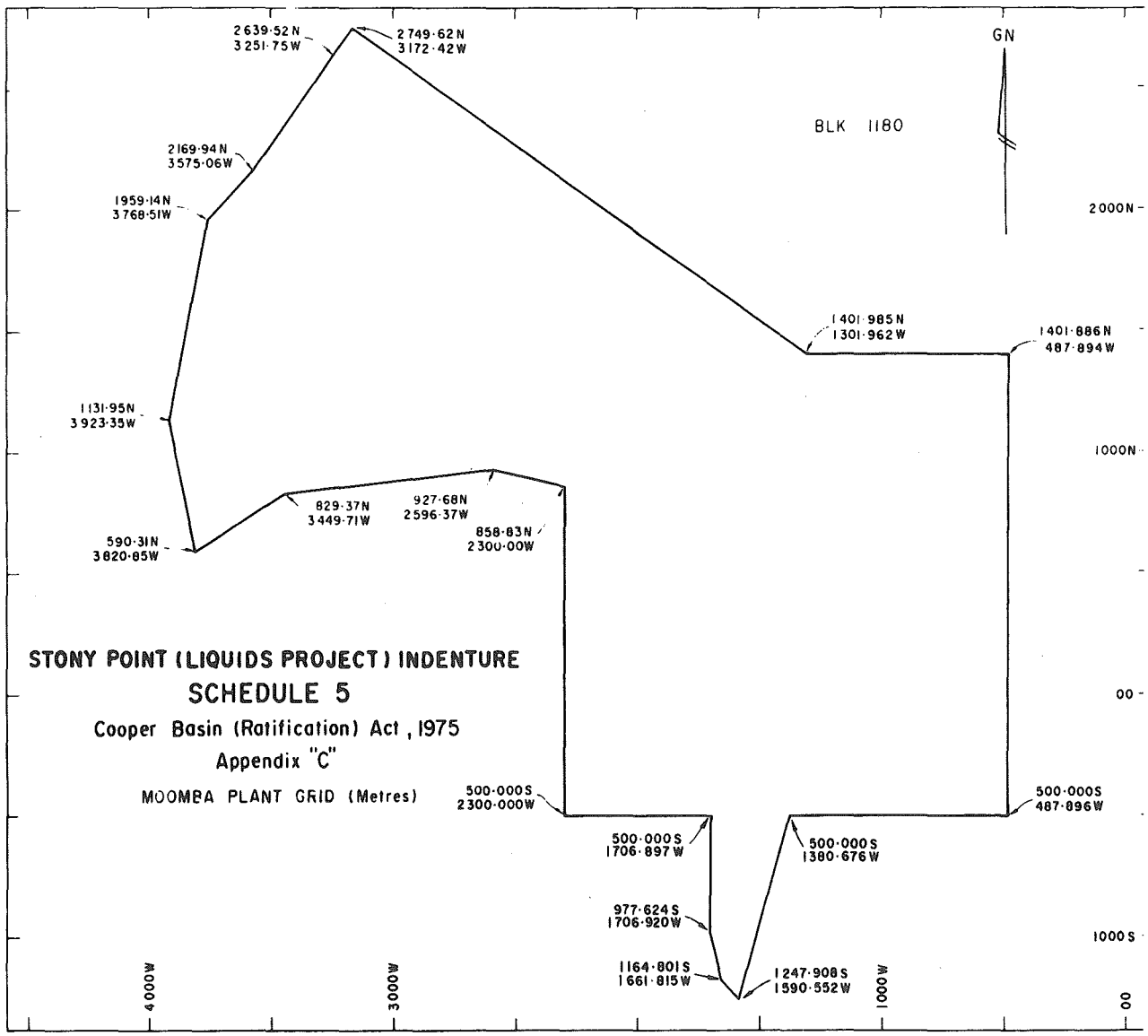
"(10) Notwithstanding anything to the contrary contained herein no royalty, tax, impost or levy of whatsoever nature or kind other than bona fide charges for services provided by the State shall be payable by the Producers upon any petroleum produced from a State other than South Australia and upon which royalty has been paid in another State".

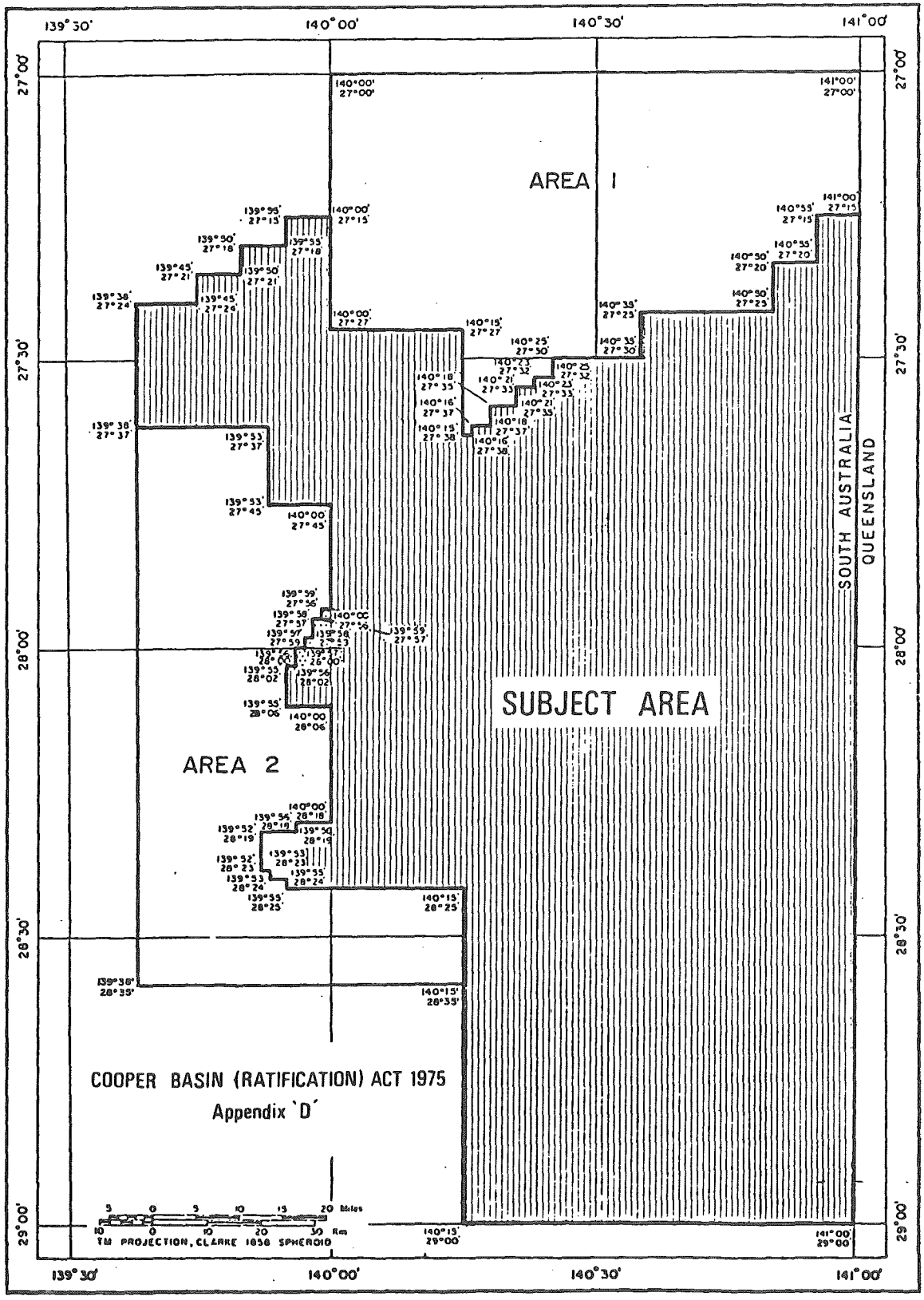
Clause 14 (2):

After the words "Unit Agreement" add the words "and as applicable the provisions of any relevant Joint Operating Agreement".

Clause 20:

After the words "Indenture shall", when appearing in the last line add the words "as between the holders thereof".


2639·52N
3251·75W
2749·62N
3172·42W
GN
BLK 1180
2169·94N
3575·06W
1959·14N
3768·51W
2000N
1401·985N
1301·962W
1401·886N
487·894W
1131·95N
3923·35W
1000N
829·37N
3449·71W
927·68N
2596·37W
858·83N
2300·00W
590·31N
3820·85W
STONY POINT (LIQUIDS PROJECT) INDENTURE
SCHEDULE 5
Cooper Basin (Ratification) Act, 1975
Appendix "C"
MOOMBA PLANT GRID (Metres)
500·000S
2300·000W
500·000S
487·896W
500·000S
1706·897W
500·000S
1380·676W
977·624S
1706·920W
1000S
1164·801S
1661·815W
1247·908S
1590·552W
4000W
3000W
1000W
00


139°30'
140°00'
140°30'
141°00'
27°00'
27°30'
28°00'
28°30'
29°00'
AREA 1
AREA 2
SUBJECT AREA
SOUTH AUSTRALIA
QUEENSLAND
COOPER BASIN (RATIFICATION) ACT 1975
Appendix 'D'
TM PROJECTION, CLARKE 1858 SPHEROID

IN WITNESS WHEREOF the parties hereto sign seal and deliver the foregoing presents and have hereunto set their respective hands and seals on the day and year first above written.

SIGNED SEALED AND DELIVERED by THE HONOURABLE DAVID OLIVER TONKIN Premier of the State of South Australia for and on behalf of the said State and in the presence of KENT PATRICK	DAVID TONKIN
THE COMMON SEAL of THE MINISTER OF MINES AND ENERGY was hereunto affixed by the authority of the Minister and in the presence of KENT PATRICK	E. R. GOLDSWORTHY
The COMMON SEAL of SANTOS LIMITED was hereunto affixed in the presence of	A. CARMICHAEL Director D. PARTINGTON Secretary
The COMMON SEAL of DELHI PETROLEUM PTY LIMITED was hereunto affixed in the presence of	J. McARDLE Director J. McRAE Secretary
The COMMON SEAL of SOUTH AUSTRALIAN OIL & GAS CORPORATION PTY. LTD. was hereunto affixed in the presence of	J. P. BURNSIDE Director J. CRADDOCK Secretary

EXECUTED on behalf of BASIN OIL NO LIABILITY by being Signed Sealed and Delivered by its Attorney under Power in the presence of:	PETER LANE Attorney CLIVE ARMOUR Witness
EXECUTED on behalf of BRIDGE OIL LIMITED by being Signed Sealed and Delivered by its Attorney under Power in the presence of:	A. G. HARRIS Attorney L. CARROLL Witness
EXECUTED on behalf of BRIDGE OIL DEVELOPMENTS PTY. LIMITED by being Signed Sealed and Delivered by its Attorney under Power in the presence of:	A. G. HARRIS Attorney L. CARROLL Witness
EXECUTED on behalf of TOTAL EXPLORATION AUSTRALIA PTY. LIMITED by being Signed Sealed and Delivered by its Attorney under Power in the presence of:	H. W. G. CAVILL Attorney CLIVE ARMOUR Witness
EXECUTED on behalf of REEF OIL NO LIABILITY by being Signed Sealed and Delivered by its Attorney Under Power in the presence of:	PETER LANE Attorney CLIVE ARMOUR Witness
EXECUTED on behalf of VAMGAS LIMITED by being Signed Sealed and Delivered by its Attorney under Power in the presence of:	J. B. FITZGERALD Attorney CLIVE ARMOUR Witness
EXECUTED on behalf of ALLIANCE PETROLEUM AUSTRALIA NO LIABILITY by being Signed Sealed and Delivered by its Attorney under Power in the presence of:	E. H. C. GARLAND Attorney CLIVE ARMOUR Witness
EXECUTED on behalf of CRUSADER RESOURCES N.L. by being Signed Sealed and Delivered by its Attorney under Power in the presence of:	M. PYECROFT Attorney CLIVE ARMOUR Witness

THE SECOND SCHEDULE

PETROLEUM ACT, 1940-1981

PIPELINE LICENCE No. 2

I, ERIC ROGER GOLDSWORTHY, Minister of Mines and Energy in and for the State of South Australia (hereinafter referred to as the Minister) pursuant to the Petroleum Act, 1940-1981 (hereinafter referred to as the Petroleum Act), and all other enabling powers hereby grant to: SANTOS LIMITED a Company incorporated under the laws of the State of South Australia and having its registered office at 183 Melbourne Street, North Adelaide in that State. DELHI PETROLEUM PTY. LIMITED a Company incorporated under the laws of the State of South Australia and having its registered office at 33 King William Street, Adelaide in that State. SOUTH AUSTRALIAN OIL & GAS CORPORATION PTY. LTD. a Company incorporated under the laws of the State of South Australia and having its registered office at 226 Melbourne Street, North Adelaide in that State. BASIN OIL NO LIABILITY a Company incorporated under the laws of the State of New South Wales and having its registered office at C/- Priestly and Morris, 37 Pitt Street, Sydney in that State. BRIDGE OIL LIMITED a Company incorporated under the laws of the State of New South Wales and having its registered office at 60 Margaret Street, Sydney in that State. BRIDGE OIL DEVELOPMENTS PTY. LIMITED a Company incorporated under the laws of the State of New South Wales and having its registered office at 60 Margaret Street, Sydney in that State. TOTAL EXPLORATION AUSTRALIA PTY. LIMITED a Company incorporated under the laws of the State of New South Wales and having its registered office at 168 Walker Street, North Sydney in that State. REEF OIL NO LIABILITY a Company incorporated under the laws of the State of New South Wales and having its registered office at C/- Priestly and Morris, 37 Pitt Street, Sydney in that State. VAMGAS LIMITED a Company incorporated under the laws of the State of New South Wales and having its registered office at Suite 801, London Assurance House, 20 Bridge Street, Sydney in that State. ALLIANCE PETROLEUM AUSTRALIA NO LIABILITY a Company incorporated under the laws of the State of Victoria and having its registered office at 30 Collins Street, Melbourne, in that State. CRUSADER RESOURCES N.L. a Company incorporated under the laws of the State of Victoria and having its registered office at 44 Market Street, Melbourne in that State. (hereinafter called "the Licensees" which expression shall include in respect of each of the Licensees its successors and permitted assigns) this licence, as the same may be varied or replaced from time to time (referred to in the Indenture (hereinafter defined) as "Pipeline Licence No. 2"), to construct install and operate a pipeline system described hereunder for the conveyance of Product subject to the Conditions set out hereinafter.

GENERAL DESCRIPTION OF THE PIPELINE SYSTEM

The pipeline and the machinery and appurtenances which the Licensees shall use for the operation of or in conjunction with the pipeline shall comprise:—

A. A 355.6 millimetres outside diameter steel pipeline for the conveyance of Product, approximately 659 kilometres in length commencing at the outlet side of a petroleum liquids extraction plant to be constructed in the vicinity of the Moomba natural gas processing plant along a route as nearly as possible parallel to the existing natural gas pipeline owned by Pipelines Authority of South Australia (PASA), from Moomba to a point in the near vicinity of Compressor Station Number 4 on the said natural gas pipeline, thence south-westerly and southerly, to a delivery point at a fractionation and storage facility to be constructed in the vicinity of Stony Point near Whyalla in the State.

In general terms and subject to Condition 4 hereof the said route shall more particularly follow that shown on the plan annexed hereto, described as Schedule 1, which said route has already been approved by the Governor;

B. An inlet metering station at the outlet side of the said petroleum liquids extraction plant;

C. A delivery metering station at the inlet to the said fractionation and storage facility to be constructed in the vicinity of Stony Point;

D. A pumping station at the outlet side of the said petroleum liquids extraction plant together with a number of additional pumping stations as shall be required in order to comply with sub-Condition (i) of Condition 6 hereof;

E. A system of control for the operation and maintenance of the pipeline system;

F. A communication system connecting the inlet and outlet points and a number of intermediate fixed points of the pipeline; and

G. A mobile communication system for use between any two points on the pipeline or in the near vicinity thereof.

CONDITIONS

1. (i) Terms and expressions defined in the Indenture (hereinafter defined) shall, where the context so admits or requires, have the same meanings in this licence; and

(ii) "The Indenture" means an Indenture of even date with this licence entered into between the State of the first part the Licensees (therein referred to as "the Producers") of the second to twelfth parts (both inclusive) and the Minister of the thirteenth part as the same may be varied or replaced from time to time.

2. The term of this licence is twenty-one years, commencing on the date hereof, and terminating at midnight on the 25th day of November, 2002, both dates inclusive, but subject always to renewals as provided in clause 52 of the Indenture.

3. (i) This licence is granted pursuant to the provisions of the Petroleum Act and all Acts passed in amendment thereof or in substitution therefor, and all regulations and by-laws made thereunder not inconsistent with the terms of the Indenture.

(ii) If the Stony Point (Liquids Project) Ratification Bill, 1981, is not passed so as to come into operation as an Act of the State before the 31st day of December 1981, or such later date as the parties to the Indenture may agree, in the same terms as those now contained in the Stony Point (Liquids Project) Ratification Bill, 1981 or in such other terms as the parties hereto otherwise may agree in writing, this Pipeline Licence shall lapse on and with effect from that date.

4. PASA shall acquire certain right, title and interest in certain lands between Moomba and Stony Point pursuant to and more particularly described in an agreement of even date herewith made between PASA and the Licensees described as the PASA and Producers (Right of Way) Agreement therein and herein described as the "pipeline land". The pipeline shall be constructed and installed within the boundaries of the pipeline land providing that the Licensees before causing construction and installation of the pipeline to commence shall request PASA to identify the position where the pipeline shall be installed so as not to cause damage to or interference with the operation of the existing natural gas pipeline owned by PASA. The Licensees shall comply with any relevant direction or instruction given by PASA as a result of the request under this Condition. Without limiting the generality of the foregoing the pipeline shall unless otherwise approved in writing by PASA be installed in such a position as not to be closer at any point than 20 metres to the western boundary of any land in relation to which PASA shall have a right, title or interest for any purpose in connection with the existing natural gas pipeline owned by PASA. Save as hereinbefore provided the pipeline route as nearly as possible shall be parallel to the existing natural gas pipeline owned by PASA, from Moomba to a point in the near vicinity of Compressor Station No. 4 on the said natural gas pipeline, thence south-westerly and southerly to a delivery point at a fractionation and storage facility to be constructed in the vicinity of Stony Point.

The plan annexed hereto described as Schedule 1 does not contain sufficient detail to identify the pipeline route otherwise than in general terms. Nothing contained in the said Schedule 1 is intended to derogate from these Conditions so far as concerns the position where the pipeline shall be installed, providing that the Licensees will confer with PASA as soon as practicable after the date of this licence with a view more precisely to identifying the position where the pipeline shall be installed.

5. Except as otherwise provided by these Conditions the pipeline shall be designed, constructed, installed, tested, maintained and operated in accordance with Australian Standard 2018-1981 (S.A.A. Liquid Petroleum Pipeline Code), supplemented by:—

(i) Bechtel-Kinhill Specification L-01 for Electric Resistance Welded High Test Line Pipe;

(ii) Bechtel-Kinhill Specification L-03 for Mainline Valves;

(iii) Bechtel-Kinhill Specification L-04 for Pipeline Protective Tape Coating;

(iv) Bechtel-Kinhill Specification Exhibit C to Contract No. 14156-CD-201-Construction of Moomba to Stony Point Pipeline; and

(v) Bechtel-Kinhill Specifications forming part of Contract No. 14156-CD-207-Cathodic Protection.

which Specifications were lodged by the Licensees in making application for this licence.

The Licensees shall comply with all Australian Standards from time to time in force relating to the maintenance and operation of liquid petroleum pipelines in Australia.

6. The pipeline shall be designed so as to comply with the following requirements:

(i) An initial capacity to convey 6,360 cubic metres per day (40,000 barrels per day) of Product with provision for increase to capacity of 12,720 cubic metres per day (80,000 barrels per day) of Product;

(ii) To permit the conveyance of Product including the capability of transporting ethane in solution in a high vapour pressure liquid system;

(iii) To permit a maximum allowable operating pressure, as defined by Australian Standard 2018-1981 of 10,380 kilopascals, at a normal operating temperature not exceeding 38 degrees Celsius, and a maximum temperature of 75 degrees Celsius under unusual conditions;

(iv) An outside diameter of 355.6 millimetres; and

(v) To permit conversion of the pipeline, at a later time to be agreed between the Minister and the Licensees, to allow transmission of natural gas in accordance with Australian Standard 1697-1981 (S.A.A. Gas Pipeline Code) at a maximum allowable operating pressure (as defined in that Standard) of not less than 7,322 kilopascals.

7. The Licensees shall, as soon as practicable, submit to PASA complete details of all equipment and materials installed on the pipeline. "As constructed" drawings and all revisions of such drawings shall be supplied to the Minister and to PASA.

8. When constructed and installed the pipeline shall include the following:

(i) Remotely operated valves to permit sections of the pipeline to be isolated under emergency conditions. Information relating to the selection of the site for each such remotely operated pipeline valve shall be submitted to the Minister for approval before construction and installation of the pipeline shall commence;

(ii) A cathodic protection system to prevent external corrosion of the pipeline. The said system shall be such as will not adversely affect the cathodic protection of the existing natural gas pipeline owned by PASA. The design shall be subject to approval by PASA. Following installation tests shall be carried out at the cost of the Licensees to demonstrate that the level of protection on the existing pipeline has not adversely been affected by the system proposed by the Licensees. Surveys at intervals not exceeding twelve months during the term of this licence shall be carried out to ascertain whether the cathodic protection on each pipeline is adequate and appropriate for the purpose of preventing external corrosion of either pipeline;

(iii) Facilities to allow the passage through the pipeline of an instrumented inspection tool calibrated in such a manner as to detect defects in the pipeline. Pipeline inspection surveys, using the inspection tool shall be carried out at intervals not exceeding five years unless otherwise approved by the Minister; and

(iv) A communications system which shall provide for telemetry of such status information and pressure, flow and other operating data as the Minister shall require, remote control of valves for routine and emergency operation, and voice communication to locations along and in the near vicinity of the pipeline and mobile vehicles employed for purposes relating to the operation or maintenance of the pipeline.

9. Prior to the conveyance of liquids having a vapour pressure higher than atmospheric pressure the Licensees shall install a leak detection system. Details of the system including its design and sensitivity shall be submitted to the Minister for his approval before it is installed.

10. Before construction or installation of the pipeline commences the Licensees shall take all reasonable steps to inform contractors of the relevant provisions of this licence, the Indenture and the Petroleum Act and any conditions, directions, instructions or matters of a like nature whether statutory or otherwise relating to construction and installation of the pipeline.

11. The Licensees shall not interfere nor cause interference with or damage to the existing natural gas pipeline owned by PASA during the term of this licence.

12. The pipeline shall be submitted to a hydrostatic strength test for a period of four hours at a minimum pressure of 13 696 kilopascals and a maximum pressure of 14 416 kilopascals, and a hydrostatic leak test for a minimum period of 24 hours at a minimum pressure of 12 975 kilopascals and a maximum pressure of 13 696 kilopascals. Both the said tests shall be conducted in accordance with the requirements of Australian Standards 2018-1981 and 1978-1977.

13. Manuals described the operating and maintenance procedures specified by Australian Standard 2018-1981 and all revisions to such manuals shall be submitted by the Licensees to the Minister for his approval thereto and the Licensees, upon the manuals being approved by the Minister, shall comply with the operating and maintenance procedures specified therein. A review of such manuals may be required by the Minister from time to time.

14. No section of the pipeline shall be put into operation until all necessary hydrostatic testing, tie-ing in and backfilling of the trench has been completed to the satisfaction of the Minister, and the manuals describing the operating and maintenance procedures required in accordance with Condition 13 have been approved by the Minister.

15. Whenever the standards referred to herein require certified test certificates to be submitted, such certificates shall be properly endorsed in accordance with the requirements from time to time of the National Association of Testing Authorities.

16. The Licensees shall, at the request of the Minister or of any person authorised by him to make the request on his behalf, produce from time to time to the Minister or to the person authorised as aforesaid, all books, accounts and other records in their possession or power relating to the costs of constructing, operating and maintaining the pipeline and shall permit the Minister or the person authorised as aforesaid, to inspect and make copies of those books, accounts and records.

17. Save as hereinbefore provided, prior to completion of construction and installation of the pipeline the Licensees may accept and employ the services of PASA including but not limited to advice on technical matters pertaining to the design, construction, installation and operation of the pipeline and in relation to the supervision of all work carried out by Bechtel-Kinhill Joint Venture.

18. Prior to completion of construction and installation of the pipeline the Licensees shall enter into an agreement in writing with PASA on terms to be mutually agreed between the Licensees and PASA, (which terms shall comply with the requirements of Condition 13 hereof) the provisions of which agreement shall have been approved by the Minister before the parties thereto shall enter into and become bound by such agreement, pursuant to which PASA shall maintain the pipeline and communications systems (as described in clauses A, F and G of the General Description of the Pipeline System) and that part of the control system (as described in clause E of the General Description of the Pipeline System) which is to be installed in PASA's Glenside Control Centre in good order and condition. Terms and conditions relating to the maintenance of pumping stations, if made the subject of a subsequent agreement between PASA and the Licensees, shall be submitted for the Minister's approval before being implemented.

19. The right, title and interest in and to the pipeline land which PASA shall acquire in accordance with the provisions of Condition 4 of this licence shall be acquired by PASA at its own cost and expense and the Licensees shall not be obliged to make any financial contribution in that regard.

20. The Licensees shall enter into the PASA and Producers (Right of Way) Agreement contemporaneously with the grant of the within licence, the provisions of which have been approved by the Minister.

21. The Licensees shall not use the pipeline, nor shall they cause the pipeline to be used, for any purpose other than for conveying Product, without the consent in writing of the Minister first had and obtained.

22. In the event that the pipeline is no longer operated by the Licensees for the purpose of transmitting their product extracted from the Cooper Basin region in accordance with the Project referred to in the Indenture, PASA shall have the right, but not the obligation, to acquire ownership of the pipeline at a cost to be agreed at that time. Such cost shall not include any component for or in relation to any right, title or interest in relation to any real property the subject of any grant by PASA pursuant to Condition 4 of this licence.

23. The Licensees shall not at any time remove any part of the pipeline without the consent in writing of the Minister first had and obtained.

24. The interest of any individual Licensee pursuant to this licence shall not be assigned, transferred, sublet, or made the subject of any trust or other dealing, whether directly or indirectly other than to another Licensee or to a related corporation of that individual Licensee, without the consent in writing of the Minister; and any such transaction entered into without such consent shall be void; providing that any such interest of any individual Licensee may be mortgaged, charged or otherwise encumbered or made the subject of a security interest without the consent of the Minister or alternatively with the consent of the Minister and then subject only to such conditions (if any) as the Minister may reasonably impose after having due regard to the needs of the Licensees or any of them to raise finance for the activities contemplated by this licence on the most favourable terms available.

A mortgagee, chargee or encumbrancee under a mortgage, charge, encumbrance or other security interest which has been consented to by the Minister as aforesaid in enforcing its security or any receiver or receiver and manager of a Licensee thereunder or any transferee or assignee thereof shall in the exercise of its rights be subject only to such reasonable conditions (if any) as the Minister shall have imposed at the time of his approval to the creation of the mortgage, charge, encumbrance or other security interest.

A mortgagee, chargee or encumbrancee under a mortgage, charge, encumbrance or other security interest which has not been consented to by the Minister as aforesaid in enforcing its security or any receiver or receiver and manager of a Licensee thereunder or any transferee or assignee thereof shall not assign, transfer, sublet or make the subject of any trust or other dealing without the consent in writing of the Minister.

The Minister may, before consenting to any such transaction, require such information as he thinks fit with respect thereto, and shall have a discretion to grant or refuse such consent but shall not capriciously or unreasonably refuse it and shall not grant any such consent on unreasonable conditions.

Where a transaction has received the consent of the Minister under this Condition 24 subject to conditions, and any of those conditions is subsequently satisfied, the Licensees or any of them shall, within twenty-eight days, serve personally or by post upon the Minister, notice in writing of that fact.

For the purposes of this Condition "related corporation" shall have the meaning ascribed to that term in section 6 (5) of the Companies Act 1962-1980.

25. (i) If any individual Licensee purports, without the consent in writing of the Minister, to assign, transfer or sublet any interest under this licence or to make such interest the subject of any trust or other dealing which requires the consent of the Minister as aforesaid the Licensee shall be in default under this licence.

(ii) Any purported assignment or transfer of the interest or part thereof of any individual Licensee pursuant to this licence shall be subject to the assignee or transferee executing in favour of the State and the Minister and the other Licensees a deed of covenant in a form to be agreed between the Minister and the Licensees to comply with, observe and perform the provisions of this licence on the part of the Licensees to be complied with, observed or performed in regard to the interest so assigned.

The Minister may require any person who acquires any interest whether legal or equitable in this licence by virtue of a transaction to which the Minister has consented under this Condition, to enter into a bond upon such terms and conditions and in such sum not exceeding $4 000 and to give such security for the satisfaction of the bond as he may stipulate.

26. Notwithstanding anything hereinbefore contained, if any one or more of the following events occurs, namely:

(i) If any of the Licensees makes default in the due payment of any moneys payable under this licence to the State or to anyone on its behalf or to any agency or instrumentality of the Crown and any such default remains unremedied for a period exceeding thirty days after notice specifying the default is given to the Licensees and to sub-Licensees (if any) and to all lenders of money to the Licensees or any of them who have been notified by the Licensees or any of them to the State in writing (such lenders, whether one or more, being hereinafter referred to as "the lenders") by the State; or

(ii) If any of the Licensees makes default in the due performance of any of its material covenants or obligations under this licence (not being a covenant or obligation of the kind referred to in sub-clause (i) of this Condition) and if the relevant Licensee fails to remedy or to commence and continue in good faith to remedy that default within a reasonable time after notice specifying the default is given to the Licensees and to sub-Licensees (if any) and to the lenders by the State

then and in any such events the Minister, after consultation with the Licensees, (and provided the Licensees not in default have agreed with the State to assume all of the obligations, including without limitation, obligations due and unsatisfied in respect of any antecedent breach of the Licensee or Licensees in default) may determine this licence in respect only of the Licensee or Licensees in default.

The rights and obligations of that defaulting Licensee or of those defaulting Licensees under this licence *vis-a-vis* the State and the Minister shall thereupon cease and shall *ipso facto* be assumed by and become the rights and obligations of the Licensees not in default but in all other respects the rights and obligations of the Licensees not in default under this licence shall be unaffected by such determination.

If the Licensees not in default do not agree with the State to assume the obligations of the Licensee or Licensees in default as aforesaid, or if all of the Licensees are in default under this licence then the State may cancel this licence.

Any determination or cancellation of this licence shall be by written notice to the Licensees and to sub-Licensees (if any) and to the lenders.

27. Upon the cancellation of this licence under Condition 26 of this licence:

(i) the rights and obligations of the Licensees to, in or under this licence shall thereupon cease and determine but without prejudice to the liability of a Licensee in respect of any antecedent breach or default by it under this licence; and

(ii) each Licensee shall forthwith pay to the State all moneys which then shall have become payable or accrued due by it

and the rights of the Minister shall, subject to sub-clauses (i) and (ii) of this Condition, constitute the exclusive remedy of the State and the Minister and of any instrumentality of the State and of any other Minister against the Licensees not in default and each of them in respect of the said cancellation.

28. The liability of each Licensee under this licence shall be several and not joint nor joint and several and the liability of each Licensee shall be determined in accordance with the extent of its ownership of the pipeline.

Dated this 26th day of November 1981.

Minister of Mines and Energy

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

****

No. 90 of 1981

An Act to amend the Road Traffic Act, 1961-1981.

[*Assented to* 23 *December* 1981]

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. 4), 1981".

(2) The Road Traffic Act, 1961-1981, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Road Traffic Act, 1961-1981".

Amendment of s. 85—Control of parking near Parliament House.

2. Section 85 of the principal Act is amended—

(*a*) by striking out paragraph (*a*) of subsection (1) and substituting the following paragraph:

(*a*) declare—

(i) any part of a street that abuts on the site of either House of Parliament or of the Constitutional Museum of South Australia;

or

(ii) any part of the site of the Constitutional Museum of South Australia,

to be a prohibited area;;

and

(*b*) by striking out subsection (4).

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

****

No. 91 of 1981

An Act to amend the Valuation of Land Act, 1971-1981.

[*Assented to* 23 *December* 1981]

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 "Valuation of Land Act Amendment Act, 1981".

(2) The Valuation of Land Act, 1971-1981, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Valuation of Land Act, 1971-1981".

Amendment of s. 3—Arrangement.

2. Section 3 of the principal Act is amended by striking out the item:

PART IV—NOTICES AND OBJECTIONS

and substituting the item:

PART IV—OBJECTIONS AND APPEALS.

Repeal of heading and substitution of new heading.

3. The heading immediately preceding section 23 of the principal Act is repealed and the following heading is substituted:

PART IV

OBJECTIONS AND APPEALS

Amendment of s. 23—Notice of valuation to be served on owner.

4. Section 23 of the principal Act is amended—

(*a*) by striking out from subsection (2) the passage "and in the prescribed form";

and

(*b*) by inserting after subsection (2) the following subsection:

(2a) Where the prescribed particulars required under subsection (2) are included in an account or notice sent by a rating or taxing authority to the owner of the land to which

the particulars relate, that account or notice shall be deemed to constitute the notice of valuation required under subsection (1).

Repeal of s. 24 and substitution of new section.

5. Section 24 of the principal Act is repealed and the following section is substituted:

Objection to valuation.

24. (1) A person who is dissatisfied with a valuation of land in force under this Act may, by notice in writing served personally or by post on the Valuer-General, object to the valuation.

(2) A notice of objection under subsection (1) must contain a full and detailed statement of the grounds on which the objection is based.

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

****

No. 92 of 1981

An Act to repeal the South Australian Council for Educational Planning and Research Act, 1974-1975.

[*Assented to* 23 *December* 1981]

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 "South Australian Council for Educational Planning and Research Act Repeal Act, 1981".

Repeal.

2. The South Australian Council for Educational Planning and Research Act, 1974-1975, is repealed.

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

****

No. 93 of 1981

An Act to amend the South Australian Housing Trust Act, 1936-1973.

[*Assented to* 23 *December* 1981]

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 "South Australian Housing Trust Act Amendment Act, 1981".

(2) The South Australian Housing Trust Act, 1936-1973, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "South Australian Housing Trust Act, 1936-1981".

Repeal of s. 20a and substitution of new section.

2. Section 20a of the principal Act is repealed and the following section is substituted:

Power to borrow on the security of debentures or promissory notes.

20a. (1) The trust may, with the consent of the Treasurer, borrow money or otherwise raise funds for the purposes of this Act or of the Housing Improvement Act, 1940-1978, on the security of debentures, or promissory notes, issued by the trust.

(2) The trust may issue any such debentures or promissory notes.

(3) The terms of a debenture issued under this section may be such as to create a mortgage or charge over assets of the trust generally or over specified assets of the trust.

Amendment of s. 20b—Inscribed debenture stock.

3. Section 20b of the principal Act is amended by striking out subsection (10).

Amendment of s. 20c—Government guarantee of debentures.

4. Section 20c of the principal Act is amended—

(*a*) by inserting in subsection (1) after the passage "under any debenture" the passage ", inscribed debenture stock, or promissory note";

and

(*b*) by inserting after subsection (3) the following subsection:

(4) A loan or other investment in respect of which a guarantee exists under subsection (1) shall be regarded as an investment in which a trustee is (unless forbidden by the instrument creating the trust) authorized to invest trust funds.

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

****

No. 94 of 1981

An Act to amend the Discharged Soldiers Settlement Act, 1934-1978.

[*Assented to* 23 *December* 1981]

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 "Discharged Soldiers Settlement Act Amendment Act, 1981".

(2) The Discharged Soldiers Settlement Act, 1934-1978, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Discharged Soldiers Settlement Act, 1934-1981".

Commencement.

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

Amendment of s. 24a—Surrender of lease for agreement.

3. Section 24a of the principal Act is amended by inserting in subsection (1) after the passage "holder of land" the passage "(not being land within an irrigation area)".

Amendment of s. 24b—Surrender of lease for land grant.

4. Section 24b of the principal Act is amended by inserting in subsection (1) after the passage "holder of land" the passage "(not being land within an irrigation area)".

Repeal of s. 25.

5. Section 25 of the principal Act is repealed.

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

****

No. 95 of 1981

An Act to amend the Harbors Act, 1936-1981, and to make consequential amendments to the Broken Hill Proprietary Company's Indenture Act, 1937-1940.

[*Assented to* 23 *December* 1981]

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 (No. 2), 1981".

(2) The Harbors Act, 1936-1981, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Harbors Act, 1936-1981".

Insertion of new s. 35.

2. The following section is inserted after section 34 of the principal Act:

Vesting of Rapid Bay Jetty in the Minister.

35. (1) In this section—

"the Company" means the Broken Hill Proprietary Company Limited:

"the Indenture" means the Indenture set out in the schedule to the Broken Hill Proprietary Company's Indenture Act, 1937-1940:

"the Jetty" means the jetty constructed at Rapid Bay under clause 7 (*b*) of the Indenture.

(2) On the first day of January, 1982, the Jetty shall vest in the Minister freed and discharged from any mortgage, charge or other interest.

(3) As from the first day of January, 1982, no provision of the Indenture shall apply in relation to the Jetty.

(4) The fact that the Company has requested and consented to the vesting of the Jetty in the Minister is acknowledged and shall be recognized for any relevant purpose of the law of the State.

Amendment of Broken Hill Proprietary Company's Indenture Act, 1937-1940.

3. (1) The Broken Hill Proprietary Company's Indenture Act, 1937-1940, is amended—

(*a*) by striking out the second sentence of paragraph (*b*) of section 6;

(*b*) by striking out paragraph (*b*) of clause 7 of the Indenture set out in the schedule;

(*c*) by inserting after paragraph (*c*) of clause 7 of the Indenture set out in the schedule the following paragraph:

(*d*) Paragraph (*c*) does not apply in relation to the jetty constructed at Rapid Bay.

(2) The Broken Hill Proprietary Company's Act, 1937-1940, as amended by this Act, may be cited as the "Broken Hill Proprietary Company's Act, 1937-1981".

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

****

No. 96 of 1981

An Act to amend the Motor Fuel Distribution Act, 1973-1981.

[*Assented to* 23 *December* 1981]

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 "Motor Fuel Distribution Act Amendment Act, 1981".

(2) The Motor Fuel Distribution Act, 1973-1981, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Motor Fuel Distribution Act, 1973-1981".

Amendment of s. 53—Definition of "industrial pump".

2. Section 53 of the principal Act is amended by striking out from subsection (1) the passage "not less than 1 800 litres" and substituting the passage "not less than 2 001 litres".

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

****

No. 97 of 1981

An Act to amend the Industries Development Act, 1941-1978.

[*Assented to* 23 *December* 1981]

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 "Industries Development Act Amendment Act, 1981".

(2) The Industries Development Act, 1941-1978, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Industries Development Act, 1941-1981".

Commencement.

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

Amendment of s. 2—Interpretation.

3. Section 2 of the principal Act is amended—

(*a*) by striking out from paragraph (*b*) of the definition of "overseas industry" the passage ", in the opinion of the corporation,"; and

(*b*) by striking out the definition of "the corporation".

Amendment of s. 8—Quorum and majority decision.

4. Section 8 of the principal Act is amended by striking out from subsection (4) the passage "or that assistance be given by the corporation under this Act".

Repeal of heading and ss. 16a to 16h and substitution of new section.

5. Sections 16a to 16h (inclusive) of the principal Act and the heading immediately preceding those sections are repealed and the following section is inserted in their place:

Power of Treasurer to grant direct assistance to industry.

16a. The Treasurer may, on the recommendation of the Committee—

(*a*) make loans on terms and conditions determined by the Treasurer and approved by the Committee for the purpose of assisting in the establishment or development of any industry in the State;

(*b*) acquire land and equipment and make it available for use in any industry on terms and conditions determined by the Treasurer and approved by the Committee;

or

(*c*) make non-repayable monetary grants for the purpose of assisting in the establishment or development of any industry in the State.

Amendment of s. 17—Application for guarantee.

6. Section 17 of the principal Act is amended—

(*a*) by striking out from subsection (1) the passage "the Committee or the corporation, as the case may require, with all information required by the Treasurer, Committee or corporation" and substituting the passage "or the Committee, as the case may require, with all information required by the Treasurer or the Committee";

and

(*b*) by striking out from subsection (2) the passage "the Committee or the corporation" and substituting the passage "or the Committee".

Amendment of s. 18—Auditor-General report.

7. Section 18 of the principal Act is amended by striking out subsection (2).

Insertion of s. 23b. Vesting of property, rights and liabilities in the Crown.

8. The following section is inserted after section 23a of the principal Act:

23b. (1) All property, rights, powers and liabilities (whether vested or contingent) of the South Australian Development Corporation shall, upon the commencement of the Industries Development Act Amendment Act, 1981, vest in or attach to the Crown.

(2) The property, rights and powers referred to in subsection (1) shall be administered or exercisable, on behalf of the Crown, by a Minister nominated by the Governor.

(3) The Minister nominated under subsection (2) may deal with or dispose of property that vests in the Crown under this section as he thinks fit.

(4) Where an estate or interest in real property vests in the Crown under this section, the Registrar-General shall upon the application of the Minister nominated under subsection (2), register that Minister as the proprietor of that estate or interest.

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

****

No. 98 of 1981

An Act to amend the Motor Vehicles Act, 1959-1981.

[*Assented to* 23 *December* 1981]

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 "Motor Vehicles Act Amendment Act, (No. 5), 1981".

(2) The Motor Vehicles Act, 1959-1981, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Motor Vehicles Act, 1959-1981".

Commencement.

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

(2) The Governor may, in a proclamation made for the purposes of this Act, suspend the operation of any specified provisions of this Act until a subsequent day fixed in the proclamation, or a day to be fixed by subsequent proclamation.

Amendment of s. 5—Interpretation.

3. Section 5 of the principal Act is amended—

(*a*) by inserting in subsection (1) before the definition of "articulated motor vehicle" the following definitions:

"accident" means a collision or impact (whether caused accidentally or on purpose) resulting in damage to a motor vehicle:

"accident towing direction" in relation to a motor vehicle damaged in an accident means a direction to tow that motor vehicle from the scene of the accident, being a direction given to a towtruck operator by or on behalf of a member of the police force in accordance with the accident towing roster scheme:

"accident towing roster scheme" means the accident towing roster scheme provided for by the regulations:;

(*b*) by inserting in subsection (1) after the definition of "articulated motor vehicle" the following definition:

"authority to tow" in relation to a damaged motor vehicle means authorization in writing to remove the motor vehicle given for the purposes of this Act by the owner or person in charge of the vehicle or an inspector or member of the police force:;

(*c*) by inserting in subsection (1) after the definition of "commercial motor vehicle" the following definition:

"the committee" means the consultative committee established under section 139b:;

(*d*) by inserting in subsection (1) after the definition of "court" the following definition:

"declared area" means—

(*a*) the municipalities of Adelaide, Brighton, Burnside, Campbelltown, Elizabeth, Enfield, Gawler, Glenelg, Henley and Grange, Hindmarsh, Kensington and Norwood, Marion, Mitcham, Noarlunga, Payneham, Port Adelaide, Prospect, St. Peters, Salisbury, Tea Tree Gully, Thebarton, Unley, Walkerville, West Torrens and Woodville;

(*b*) the district council districts of Munno Para, East Torrens and Stirling;

(*c*) the wards known as the Happy Valley, Coromandel, Clarendon and Kangarilla wards of the district council of Meadows;

(*d*) the portion of the Hundred of Willunga that lies within the district council district of Willunga;

and

(*e*) a part of the State declared by regulation to be within the area:;

(*e*) by inserting in subsection (1) after the definition of "owner" the following definition:

"premises" includes land and the fences, walls or structures on the boundaries of land:;

(*f*) by inserting in subsection (1) after the definition of "primary producer" the following definition:

"quotation for repair" means an assessment or estimate of the actual or probable cost of repairing damage to a motor vehicle:;

(*g*) by inserting in subsection (1) after the definition of "registered owner" the following definition:

"registered premises" in relation to a towtruck operator means the premises registered in the name of the towtruck operator pursuant to the accident towing roster scheme:;

(*h*) by inserting in subsection (1) after the definition of "road" the following definition:

"scene of an accident" means the area within a radius of two hundred metres from the point at which a vehicle involved in an accident has, as an immediate result of the accident, come or been brought to a stationary position:;

(*i*) by inserting in subsection (1) after the definition of "stamp duty" the following definition:

"temporary towtruck certificate" means a temporary towtruck certificate issued by the Registrar under Part IIIC:;

(*j*) by striking out from subsection (1) the definitions of "towtruck" and "towtruck certificate" and substituting the following definitions:

"tow" in relation to a motor vehicle means tow, partially lift and tow, lift and carry or carry a motor vehicle by means of another motor vehicle:

"towtruck" means a motor vehicle (including a trailer attached to a motor vehicle) designed, adapted or intended to lift and carry or partially lift and tow a motor vehicle that is incapable, by reason of damage or malfunction, of being operated properly under its own motive power:

"towtruck certificate" means a towtruck certificate issued by the Registrar under Part IIIC:

"towtruck driver" means a person who drives or operates the equipment of a towtruck:

"towtruck operator" means a person who carries on a business of or that includes towing motor vehicles:;

and

(*k*) by inserting in subsection (1) after the definition of "trailer" the following definition:

"the Tribunal" means the Towtruck Tribunal established under Part IIIC.

Repeal of ss. 98c to 98m and substitution of new sections.

4. Sections 98c to 98m of the principal Act are repealed and the following sections are substituted:

Interpretation.

98c. In this Part—

"inspector" means an inspector appointed under this Part.

Certain towtruck drivers required to hold certificates.

98d. (1) Subject to subsection (2), no person shall drive or operate the equipment of a towtruck within the declared area unless he is the holder of a towtruck certificate or temporary towtruck certificate.

Penalty: One thousand dollars.

(2) Subsection (1) does not prevent a person who does not hold a towtruck certificate or temporary towtruck certificate from driving or operating the equipment of a towtruck within the declared area in the course of a business conducted from a place of business outside the declared area, provided that the towtruck is not used for the purpose of towing a motor vehicle damaged in an accident occurring within the declared area.

Applications for towtruck certificates.

98e. (1) An application for a towtruck certificate must be made to the Registrar in such manner and form, contain such information and be accompanied by such papers and documents (including photographs) as the Registrar may require.

(2) An applicant for a towtruck certificate must, if the Registrar so requires—

(*a*) undergo such tests or furnish such other evidence as the Registrar may require of his ability to drive and operate the equipment of a towtruck of a kind specified by the Registrar;

(*b*) furnish the Registrar with such further information, papers or documents as the Registrar may require;

and

(*c*) verify by statutory declaration information furnished for the purposes of the application.

(3) An applicant for a towtruck certificate must at the time of making the application pay the prescribed application fee to the Registrar.

Entitlement to be granted towtruck certificate.

98f. (1) Subject to this Act, an applicant shall be entitled to be granted a towtruck certificate if—

(*a*) he is of or above the age of eighteen years;

(*b*) he is the holder of a class 2 or class 3 driver's licence granted and in force under Part III;

(*c*) he is a fit and proper person to be granted a towtruck certificate;

(*d*) he has an adequate knowledge of the provisions of this Act relating to driving and operating the equipment of towtrucks;

and

(*e*) he is proficient in driving and operating the equipment of a towtruck of the kind specified by the Registrar.

(2) Where due application is made for a towtruck certificate under this Part and the applicant is entitled to be granted the certificate, the Registrar shall, upon payment of the prescribed fee, grant the certificate.

Renewal of towtruck certificates.

98g. (1) A towtruck certificate in force immediately before the commencement of this section shall, subject to this Act, remain in force for the term for which it was granted or last renewed and, upon the expiration of that term, may be renewed in accordance with this section.

(2) A towtruck certificate granted or renewed after the commencement of this section shall, subject to this Act, remain in force for a period of twelve months from the grant or renewal of the certificate and may from time to time be renewed for successive periods of twelve months.

(3) An application for renewal of a towtruck certificate must be made to the Registrar in such manner and form as may be required by the Registrar.

(4) Where due application is made for renewal of a towtruck certificate, the Registrar shall, upon payment of the prescribed fee, renew the certificate.

Conditions of towtruck certificates.

98h. (1) The Registrar may, upon granting or renewing a towtruck certificate, or at any other time, by notice in writing to the holder of the certificate, impose a condition of the certificate.

(2) The Registrar may, at any time, by notice in writing to the holder of a towtruck certificate, vary or revoke a condition of the certificate.

(3) No person who is the holder of a towtruck certificate shall contravene or fail to comply with a condition of the certificate.

Penalty: Five hundred dollars.

Surrender of towtruck certificate.

98i. A person who is the holder of a towtruck certificate may, at any time, surrender his certificate and the certificate shall thereupon cease to have any effect.

Suspension of towtruck certificate.

98j. A towtruck certificate shall be deemed to be suspended for any period for which the holder of the certificate is not the holder of a class 2 or class 3 driver's licence that is in force under Part III.

Temporary towtruck certificates.

98k. (1) The Registrar may, in such circumstances as he thinks fit, grant a person a temporary towtruck certificate authorizing that person to drive and operate the equipment of a towtruck during a period specified in the certificate.

(2) The Registrar may, upon granting a temporary towtruck certificate, or at any other time, by notice in writing to the holder of the certificate, impose a condition of the certificate.

(3) The Registrar may, at any time, by notice in writing to the holder of a temporary towtruck certificate, vary or revoke a condition of the certificate.

(4) A temporary towtruck certificate in force immediately before the commencement of this section shall be deemed to have been granted under this section and shall, subject to this Act, remain in force for the period for which it was granted.

(5) No person who is the holder of a temporary towtruck certificate shall contravene or fail to comply with a condition of the certificate.

Penalty: Five hundred dollars.

Form of certificates.

981. (1) Towtruck certificates and temporary towtruck certificates shall be in a form determined by the Registrar.

(2) The Registrar may, at any time, by notice in writing to the holder of a towtruck certificate or temporary towtruck certificate, require the certificate to be returned to him at a place and within a period specified in the notice for the purpose of varying the form of the certificate or replacing the certificate with a certificate in a different form.

(3) A person given a notice under this section shall not fail to comply with the notice.

Penalty: Five hundred dollars.

Duplicate certificates.

98m. (1) The Registrar may, on the application of the holder of a towtruck certificate or temporary towtruck certificate, on proof to his satisfaction of the loss or destruction of the certificate, or on the surrender of the certificate to the Registrar, and on payment of the prescribed fee, issue to the holder a duplicate certificate.

(2) The Registrar may, for reasonable cause, remit a fee payable under subsection (1).

(3) A duplicate issued under this section shall have effect as if it were the original.

Return of certificates when cancelled or suspended.

98ma. (1) Where a towtruck certificate or temporary towtruck certificate is cancelled or suspended under this Act, the Registrar may, by notice in writing to the former holder of the certificate, require the certificate to be returned to him at a place and within a period specified in the notice.

(2) A person given a notice under this section shall not fail to comply with the notice.

Penalty: Five hundred dollars.

Register of certificates.

98mb. (1) The Registrar shall keep a register of all towtruck certificates and temporary towtruck certificates granted under this Part and record in the register all related conditions, suspensions, cancellations and disqualifications.

(2) The register shall contain such other information as the Registrar deems necessary for the administration of this Part and be in a form fixed by the Registrar.

Towtruck operators to notify Registrar of towtruck drivers in their employ.

98mc. (1) A towtruck operator shall not cause, suffer or permit a person to drive or operate the equipment of a towtruck in the course of his business in circumstances in which that person is required to hold a towtruck certificate or temporary towtruck certificate unless—

(*a*) that person holds a towtruck certificate or temporary towtruck certificate;

and

(*b*) the towtruck operator has notified the Registrar in writing that that person will be employed in his business as a towtruck driver.

Penalty: Five hundred dollars.

(2) Where notification has been given under subsection (1) (*b*) of the employment of a person as a towtruck driver and that person dies or ceases to be so employed, the towtruck operator shall, within forty-eight hours, notify the Registrar in writing of that fact.

Penalty: Five hundred dollars.

Only persons directed by police to proceed to or be present at scene of accident for purposes related to removal, wrecking or repair.

98md. (1) No person shall, for or in expectation of a fee, reward or benefit of any kind, or in the course of a business, proceed to, or be present at, the scene of an accident that occurred within the declared area for any purpose related to the removal, storage, repair or wrecking of a motor vehicle that was damaged in the accident unless—

(*a*) he is the holder of a towtruck certificate;

(*b*) he is acting pursuant to an accident towing direction given—

(i) if he is a towtruck operator—to him;

or

(ii) in any other case—to a towtruck operator by whom he is employed;

and

(*c*) he is proceeding or has proceeded to the scene of the accident in a towtruck registered in the name of the towtruck operator to whom the accident towing direction was given.

Penalty: Five thousand dollars.

(2) In any proceedings for an offence against subsection (1), an allegation in the complaint that the defendant was acting for a purpose related to the removal, storage, repair or wrecking of a motor vehicle damaged in the accident shall, in the absence of proof to the contrary, be deemed to be proved.

(3) A member of the police force or an inspector may, for the purpose of protecting the driver, owner or person in charge of a motor vehicle damaged in an accident (whether occurring within or outside the declared area) from undue soliciting or harassment, require a person to leave the scene of the accident, or give such other direction as he thinks fit to a person present at the scene of the accident.

(4) A person shall comply with any requirement or direction given under this section.

Penalty: One thousand dollars.

Towing of vehicle at or from scene of accident.

98me. (1) No person shall, for or in expectation of a fee, reward or benefit of any kind, or in the course of a business, tow or otherwise remove a motor vehicle damaged in an accident that occurred within the declared area at or from the scene of the accident unless—

(*a*) he is the holder of a towtruck certificate;

(*b*) he is acting pursuant to an accident towing direction given—

(i) if he is a towtruck operator—to him;

or

(ii) in any other case—to a towtruck operator by whom he is employed;

(*c*) he tows the damaged vehicle by means of a towtruck registered in the name of the towtruck operator to whom the accident towing direction was given;

and

(*d*) he has before removing the damaged vehicle personally obtained from the owner or person in charge of the vehicle or an inspector or member of the police force authorization to remove the vehicle in the form of a valid authority to tow.

Penalty: Five thousand dollars.

(2) An authority to tow is not valid for the purposes of subsection (1)—

(*a*) if it is given by a towtruck operator, towtruck driver or a person acting on behalf of a towtruck operator, or towtruck driver, unless the towtruck operator or towtruck driver is the owner of the damaged vehicle or was the driver of, or a passenger in, the vehicle immediately before the accident occurred;

(*b*) if it is given by a person under the age of sixteen years;

(*c*) unless it is contained in a document issued by the Registrar to the towtruck operator to whom the accident towing direction was given for use as an authority to tow;

(*d*) unless it is signed and completed in triplicate;

(*e*) unless the towtruck driver before presenting the document to any person for signature fully and accurately enters in the document the particulars required by the document;

(*f*) unless the document is signed by the person authorizing removal of the damaged vehicle;

and

(*g*) unless the towtruck driver, forthwith upon obtaining the signature of the person authorizing removal of the damaged vehicle, signs the document himself and enters in it the date and time at which each person signed it and then forthwith delivers the original of the authority to that other person.

(3) A towtruck driver who has obtained an authority to tow under this section authorizing him to remove a vehicle from the scene of an accident shall remove the vehicle in accordance with the terms of the authority to the address specified in the authority by the shortest route practicable and leave the vehicle at that address until it is lawfully removed from there.

Penalty: One thousand dollars.

(4) No person shall prevent by intimidation or force a person duly authorized to remove a damaged motor vehicle from the scene of an accident from doing so, or from delivering the vehicle to and leaving it at the place specified in the authority.

Penalty: One thousand dollars.

(5) Where a towtruck driver has been given, or expects to be given, a fee, reward or benefit of any kind in anticipation of, or return for, his removing a damaged vehicle from the scene of an accident to a particular place (other than the registered premises of the towtruck operator to whom the accident towing direction was given), the towtruck driver shall not solicit from the owner or person in charge of the vehicle authorization to remove the vehicle to that place.

Penalty: One thousand dollars.

(6) Where, in proceedings for an offence against subsection (5), it is proved that the defendant solicited from the owner or person in charge of a motor vehicle authorization to remove the vehicle from the scene of an accident to a place other than the registered premises of

the towtruck operator to whom the accident towing direction was given, the defendant shall be deemed, in the absence of proof to the contrary, to have been given, or to have expected to be given, a fee, reward or benefit of any kind in anticipation of, or return for, his removing the vehicle to that place.

(7) No person shall alter any of the particulars in an authority to tow under this section without the consent of the person who gave the authority indicated by signature of that person in the margin of the authority near to the alteration.

Penalty: One thousand dollars.

(8) Where an alteration is made to any of the particulars in an authority to tow under this section, the authority is not valid for the purposes of this section unless the signatures of the towtruck driver and the person who gave the authority appear in the margin of the authority near to the alteration.

(9) No person shall solicit a person who has signed an authority to tow a motor vehicle from the scene of an accident, for a revocation or variation of that authority, or for any further or other authorization superseding that authority.

Penalty: One thousand dollars.

(10) An inspector or a member of the police force present at the scene of an accident may, by oral or written direction, revoke an authority to tow if he considers that—

(*a*) the particulars required to be entered in the authority have not been fully or correctly entered;

(*b*) the authority or an alteration of the authority has been obtained or made in contravention of a provision of this Act;

or

(*c*) the removal or repair of the vehicle should be delayed in order to preserve evidence for the purpose of future court proceedings.

(11) An inspector or a member of the police force may give such directions as are reasonable in the circumstances to a towtruck operator or towtruck driver requiring that person to tow or remove a motor vehicle at or from the scene of an accident (whether or not an authority to tow has been obtained in respect of that vehicle and whether the accident occurred within or outside the declared area) for the purpose of removing or preventing an obstruction or danger arising or likely to arise from the accident.

(12) No towtruck operator or towtruck driver shall, without reasonable excuse, fail to comply with a direction given under subsection (11).

Penalty: One thousand dollars.

(13) A towtruck driver who has obtained an authority to tow under this section in relation to a motor vehicle—

(*a*) shall within the period of ten hours after obtaining the authority deliver the duplicate and triplicate copies of the

authority to the registered premises of the towtruck operator to whom the accident towing direction in relation to that motor vehicle was given;

and

(*b*) until he has so delivered those copies of the authority, carry them with him and, on demand, produce them for inspection to an inspector or member of the police force.

Penalty: One thousand dollars.

(14) A towtruck operator (being a towtruck driver or the employer of a towtruck driver who has obtained an authority to tow) shall ensure—

(*a*) that the duplicate and triplicate copies of the authority to tow are completed in the prescribed manner with the prescribed additional information;

(*b*) that the duplicate copy so completed is forwarded to the Registrar in such manner and within such time as may be prescribed;

and

(*c*) retain the triplicate copy at his registered premises for a period of not less than three years after his receipt of the authority.

Penalty: One thousand dollars.

(15) Where a towtruck operator removes a motor vehicle from the scene of an accident in accordance with an authority to tow to the place specified in the authority and leaves the vehicle at that place, the towtruck operator shall be entitled to recover from the owner of the vehicle, by action in a court of competent jurisdiction, as a debt due to him, a fee for so removing the vehicle determined according to the prescribed scale of fees.

Storage of vehicles by towtruck operators.

98mf. (1) Where a motor vehicle damaged in an accident is stored by or on behalf of a towtruck operator (being a towtruck operator who engages in the towing of motor vehicles damaged in accidents occurring within the declared area) otherwise than at his registered premises, the towtruck operator shall be guilty of an offence and liable to a penalty not exceeding one thousand dollars.

(2) Where a motor vehicle has been removed by a towtruck operator in accordance with an authority to tow from the scene of an accident that occurred within the declared area to the registered premises of the towtruck operator for storage of the vehicle at those premises, the towtruck operator shall—

(*a*) store the vehicle at those premises in accordance with the regulations until it is lawfully removed from the premises;

and

(*b*) be entitled to recover from the owner of the vehicle, by action in a court of competent jurisdiction, as a debt due to him, a fee for so storing the vehicle determined according to the prescribed scale of fees.

Removal of vehicle from place to which it was removed from the scene of an accident.

98mg. (1) Where a motor vehicle has been removed from the scene of an accident to the place specified in an authority to tow given in relation to that vehicle, no person shall, for or in expectation of a fee,

reward or benefit of any kind, or in the course of a business, remove the vehicle from that place except—

(*a*) pursuant to a written direction in the form determined by the Registrar of the owner of the vehicle or a person duly authorized to act on his behalf to a place specified in the direction, being a direction given after the removal of the vehicle to the place specified in the authority to tow;

or

(*b*) with the approval of the Registrar to a place and in accordance with the conditions specified in the approval.

Penalty: One thousand dollars.

(2) The Registrar may, upon application made in writing by a person into whose possession a motor vehicle has come as a result of its removal from the scene of an accident in accordance with the terms of an authority to tow, give his approval by notice in writing, upon such conditions as he thinks fit and specifies in the approval, for the vehicle to be removed to a place specified in the approval, if he is satisfied that that person has made reasonable attempts to obtain the permission of the owner of the vehicle or a person duly authorized to act on his behalf to remove the vehicle to another place and that it is reasonable in the circumstances that the vehicle be removed to that other place.

Contracts relating to the repair of certain motor vehicles.

98mh. (1) No person shall, at the scene of any accident within the declared area involving or affecting a motor vehicle, or, where the vehicle was removed from the scene of the accident by a towtruck, within the period of twelve hours following that accident, solicit the owner, driver or person in charge of the vehicle for a contract, authority, insurance claim or other document for or relating to the storage, wrecking or repair or a quotation for repair of the vehicle or for revocation or variation of any such contract, authority, insurance claim or document.

Penalty: One thousand dollars.

(2) No contract for a quotation for repair of a motor vehicle or for repair of a motor vehicle, being a motor vehicle that has been damaged in an accident within the declared area, shall, if entered into before the prescribed time, be enforceable or relied upon in any way unless—

(*a*) the contract is in writing (and, in addition, in the case of a contract for a quotation for repair of a motor vehicle, is in the prescribed form) and has been signed by the owner of the vehicle or some person duly authorized to act on his behalf;

(*b*) there is printed conspicuously on that contract in capital letters in bold, black type so as to be clearly seen the words "This contract is unenforceable unless the owner of the motor vehicle or some person duly authorized to act on his behalf confirms the contract not less than six hours nor more than fourteen days after the signing of the contract";

(*c*) the owner of the vehicle or person duly authorized to act on his behalf is given a duplicate of the contract immediately

after signing the contract and the other party to the contract has obtained from that person an acknowledgement in writing of receipt of the duplicate;

and

(*d*) the owner of the vehicle or some person duly authorized to act on his behalf has not less than six hours nor more than fourteen days after the signing of the contract notified the other party to the contract in writing that the owner confirms the contract.

(3) No amount shall be payable, nor shall a lien arise, in respect of the cost of making repairs to, or preparing a quotation for repair of, a motor vehicle referred to in subsection (2) where the repairs are made or the quotation is prepared before the prescribed time unless the repairs are made or the quotation is prepared pursuant to a contract that has been entered into and confirmed in accordance with subsection (2).

(4) In this section "the prescribed time" means—

(*a*) where the vehicle was removed from the scene of the accident by a towtruck—the time at which after the vehicle was so removed the owner or some person duly authorized to act on his behalf recovers actual physical possession of the vehicle;

or

(*b*) the expiration of twenty-four hours after the removal of the vehicle from the scene of the accident,

whichever last occurs.

(5) An agreement or arrangement that purports to exclude, modify or restrict the operation of this section shall to that extent be void and of no effect.

(6) A purported waiver of a right conferred by this section shall be void and of no effect.

(7) The provisions of this section, other than subsection (1), do not apply to a contract to which the Door to Door Sales Act, 1971-1979, applies.

Duty to surrender vehicle.

98mi. (1) A person who has in his possession or control a motor vehicle that has been damaged in an accident and removed from the scene of the accident by a towtruck or that has broken down and been removed by a towtruck, shall, at the request of the owner of the vehicle or a person acting on his behalf, and upon payment or tender of payment of all amounts lawfully claimed from the owner in relation to—

(*a*) removal of the vehicle from the scene of the accident or the place at which it broke down;

(*b*) storage of the vehicle;

(*c*) quotation for repair of the vehicle;

(*d*) repair of the vehicle,

forthwith deliver up the vehicle to the owner or person acting on his behalf.

Penalty: Two thousand dollars.

(2) Notwithstanding the provisions of section 98mf (2), no amount shall be payable for storage of a motor vehicle referred to in subsection (1) for a period exceeding fourteen days unless notices in the prescribed form and containing the prescribed information have been given in the prescribed manner before the vehicle has been stored for that period.

(3) An agreement or arrangement that purports to exclude, modify or restrict the operation of subsection (2) shall to that extent be void and of no effect.

(4) Subject to subsection (5), where an inspector has reason to believe that a person has failed to deliver up a vehicle in contravention of subsection (1), the inspector may seize and remove the vehicle and deliver it to the owner or person acting on his behalf and for that purpose may exercise the powers conferred on inspectors for the purpose of an investigation under section 98p.

(5) An inspector shall not exercise the powers conferred by subsection (4) except upon the authority of a warrant issued by a justice.

Accident spotting.

98mj. (1) No person shall enter into an agreement or arrangement under which information relating to the occurrence of an accident involving or affecting a motor vehicle or to the location of a motor vehicle damaged in an accident is, for a fee, reward or benefit of any kind, furnished to or by that person for any purpose relating to the towing, storage, repair or wrecking of the vehicle.

Penalty: Two thousand dollars.

(2) Where in any proceedings for an offence against subsection (1) it is proved that information of the kind referred to in that subsection was furnished to or by the defendant, the defendant shall be deemed, in the absence of proof to the contrary, to have entered into an agreement or arrangement under which such information is, for a fee, reward or benefit, furnished to or by him, for a purpose relating to the towing, storage, repair or wrecking of the vehicle.

Off-the-hook transactions.

98mk. (1) No person shall directly or indirectly give or agree or offer to give, or receive, agree to receive, or solicit, a fee, reward or benefit of any kind for or in expectation of obtaining for himself or another person—

(*a*) the work of repairing or wrecking a damaged motor vehicle;

(*b*) permission to prepare or give a quotation for repair of a damaged motor vehicle;

(*c*) permission to place a damaged motor vehicle in storage;

or

(*d*) possession or control of a damaged motor vehicle for any purpose related to the storage, repair or wrecking of the vehicle.

Penalty: Five thousand dollars.

(2) Where in any proceedings for an offence against subsection (1) circumstances are proved from which it is reasonable to infer that the defendant was a party to a transaction to which that subsection applies, it shall be deemed to be proved, in the absence of proof to the contrary, that he was a party to such a transaction.

Towtruck driver to carry certificate while driving towtruck.

98ml. (1) A person who is the holder of a towtruck certificate or temporary towtruck certificate shall have his certificate fixed to his clothing in accordance with the regulations at all times when he is driving or riding in or upon a towtruck or operating the equipment of a towtruck.

Penalty: Five hundred dollars.

(2) A person who is the holder of a towtruck certificate or temporary towtruck certificate shall, upon being requested by a member of the police force or an inspector to do so, forthwith deliver the certificate to the member of the police force or inspector for his inspection.

Penalty: Five hundred dollars.

Amendment of s. 98n—Traders plates not to be used for the purpose of a towtruck in certain circumstances.

5. Section 98n of the principal Act is amended by striking out the passage "Two hundred dollars" and substituting the passage "Five hundred dollars".

Amendment of s. 98o—Persons who may ride in towtruck.

6. Section 98o of the principal Act is amended—

(*a*) by striking out from subsection (1) the passage "Two hundred dollars" and substituting the passage "Five hundred dollars";

(*b*) by striking out from subsection (2) the passage "Two hundred dollars" and substituting the passage "Five hundred dollars";

(*c*) by striking out from subsection (3) the passage "two hundred dollars" and substituting the passage "five hundred dollars";

and

(*d*) by inserting after subsection (4) the following subsection:

(5) Notwithstanding any other provision of this section, one other person who is the holder of a towtruck certificate or temporary towtruck certificate may accompany the driver (in addition to any other persons referred to in subsection (1) or (2)) on any towtruck with a mass of more than five tonnes.

Amendment of s. 98p—Inspectors.

7. Section 98p of the principal Act is amended by striking out from paragraph (*b*) of subsection (4) the passage "as soon as reasonably practicable (but in any event within forty-eight hours)" and substituting the word "forthwith".

Insertion of new sections 98pa to 98pg.

8. The following sections are inserted after section 98p of the principal Act:

Power to require production or attendance for investigations.

98pa. (1) An inspector may, for the purposes of an investigation, by notice in writing given to a person require the person—

(*a*) within the time and in the manner specified to furnish information specified in the notice;

(*b*) within or at the time and at the place specified to produce for inspection a vehicle or other object or books, papers, documents or records of any kind specified in the notice;

or

(*c*) at a reasonable time and at the place specified in the notice to attend in person in order to enable an inspector to put questions to that person.

(2) No person shall, without reasonable excuse, fail to comply with a requirement of an inspector made under subsection (1).

Penalty: Two thousand dollars.

Reference of certain matters to the consultative committee.

98pb. (1) The Registrar shall, before refusing an application for a towtruck certificate or temporary towtruck certificate, or before imposing a condition of a certificate under this Part, refer the matter to the committee for decision by the committee.

(2) Where a matter is decided by the committee pursuant to this section, the Registrar shall give effect to the decision of the committee.

Towtruck Tribunal.

98pc. (1) A tribunal shall be established entitled the "Towtruck Tribunal".

(2) The Tribunal shall consist of three members appointed by the Governor, of whom—

(*a*) one, who shall be the chairman of the Tribunal, shall be a person holding judicial office under the Local and District Criminal Courts Act, 1926-1981, a special magistrate or a legal practitioner of not less that seven years' standing;

(*b*) one shall be a person nominated by the Minister from a panel of three persons nominated by the South Australian Automobile Chamber of Commerce, Incorporated;

and

(*c*) one shall be a person nominated by the Minister, being a person who, in the opinion of the Minister, has appropriate knowledge of the towtruck industry.

(3) A member of the Tribunal shall be appointed for such term of office, not exceeding three years, as the Governor may determine and on the expiration of his term of office shall be eligible for re-appointment.

(4) The Governor may appoint a person to be the deputy of a member of the Tribunal (being a person with the same qualifications for appointment as that member) and such a person shall, while acting in the absence of that member, be deemed to be a member of the Tribunal with all the powers, authorities, duties and obligations of the member of whom he has been appointed to be the deputy.

(5) If the Minister, by notice in writing given to the South Australian Automobile Chamber of Commerce, Incorporated, requests that body to nominate a panel of persons for the purposes of the appointment of a member of the Tribunal or deputy of such a member and that body does not within the period specified in the notice nominate such a panel, the Governor may appoint a person nominated by the Minister to be a member of the Tribunal or a deputy of such a member, and a person so appointed shall, for all purposes, be deemed to have been duly appointed to be such a member or deputy.

(6) A person appointed under subsection (2) or (4) shall be entitled to receive such allowances and expenses (if any) as may from time to time be determined by the Governor.

Inquiries.

98pd. (1) The Tribunal may, upon the application of a person made in the prescribed manner, or of its own motion, inquire into the conduct of a person who holds or has held a towtruck certificate or temporary towtruck certificate.

(2) If after conducting an inquiry under subsection (1) into the conduct of a person, the Tribunal is satisfied that proper cause exists for disciplinary action, the Tribunal may do one or more of the following:

(*a*) reprimand the person;

(*b*) impose a penalty of an amount not exceeding five hundred dollars;

(*c*) suspend for a period specified by the Tribunal or until the fulfilment of a condition imposed by the Tribunal, or until the further order of the Tribunal, a towtruck certificate or temporary towtruck certificate held by the person, or cancel the certificate;

(*d*) disqualify the person either temporarily or permanently, or, until the fulfilment of a condition imposed by the Tribunal, or until the further order of the Tribunal, from obtaining a towtruck certificate or temporary towtruck certificate.

(3) There shall be proper cause for disciplinary action in relation to a person who holds or has held a towtruck certificate or temporary towtruck certificate if—

(*a*) the certificate was improperly obtained;

(*b*) the person has contravened or failed to comply with a provision of this Act;

(*c*) the person has contravened or failed to comply with a condition of the certificate;

(*d*) the person has contravened, or failed to comply with, a provision of the *Wireless and Telegraphy Act* 1905 of the Commonwealth, as amended from time to time;

(*e*) the person has been convicted, or guilty, of an offence involving dishonest, threatening or violent behaviour or involving the use of a motor vehicle;

or

(*f*) the person has been guilty of any other act or default of such a nature that, in the opinion of the Tribunal, disciplinary action should be taken against the person.

(4) Where a person has expiated, in accordance with the Police Offences Act, 1953-1981, an offence that attracts demerit points under this Act, he shall be deemed, for the purposes of subsection (3), to have been convicted of the offence.

(5) The Tribunal shall give to the person whose conduct is the subject of an inquiry under this Part, and to the person (if any) upon whose application the inquiry is to be held, not less than seven days' notice of the time and place at which it intends to conduct the inquiry and shall

afford the person a reasonable opportunity to call or give evidence, to examine or cross-examine witnesses and to make submissions to the Tribunal.

(6) If a person to whom notice has been given pursuant to subsection (5) does not attend at the time and place fixed by the notice, the Tribunal may hold the inquiry in his absence.

(7) Subject to this Act, the procedure at an inquiry shall be as determined by the Tribunal.

(8) A person whose conduct becomes the subject of an inquiry conducted by the Tribunal and a person upon whose application an inquiry is held under this Part may be represented by counsel at the inquiry.

(9) In an inquiry the Tribunal shall act according to equity, good conscience and the substantial merits of the case without regard to technicalities and legal forms, and it shall not be bound by the rules of evidence but may inform itself on any matter in such manner as it thinks fit.

(10) The Tribunal may, upon the determination of an inquiry under this Part, make such orders as to costs as the Tribunal thinks just and reasonable.

(11) Where the Tribunal makes an order for the payment of a penalty or costs against a person who holds a towtruck certificate or temporary towtruck certificate and the penalty or costs are not paid within the time fixed by the Tribunal, the Tribunal may suspend the certificate of that person until the penalty or costs are paid, or for such period as the Tribunal thinks fit.

(12) Where the Tribunal has ordered the payment of a penalty or costs, the penalty or costs shall be recoverable summarily.

Review.

98pe. (1) A person aggrieved by any decision or order made by the Registrar under the accident towing roster scheme may apply to the Tribunal for a review of the decision or order.

(2) The application for review must be made within one month of the making of the decision or order to be reviewed, but the Tribunal may, if it is satisfied that it is just and reasonable in the circumstances to do so, dispense with the requirement that the application be so made.

(3) The Tribunal may, on the review, do one or more of the following, according to the nature of the case—

(*a*) confirm the decision or order subject to the review;

(*b*) substitute, or make, in addition, any decision or order that could have been made in the first instance;

(*c*) make any further or other order as to costs or any other matter that the case requires.

(4) The person making a decision or order that may be subject to review under this section shall, if so required by a person in relation to whom the decision or order was made, state in writing the reasons for the decision or order.

(5) If the reasons for a decision or order are not given in writing at the time of the making of the decision or order and the person in relation to whom it was made then requested that the reasons be given in writing, the time for making an application for review shall run from the time of service upon that person of the written statement of those reasons.

(6) Where a decision or order has been made and the person that made the decision or order or the Tribunal is satisfied that an application for review of the decision or order has been made, that person or the Tribunal may suspend the operation of the decision or order until the completion of the review.

(7) Where the person that made a decision or order has suspended the operation of the decision or order under subsection (6), that person may terminate the suspension, and where the Tribunal has done so, the Tribunal may terminate the suspension.

(8) Subject to this Act, the procedure for a review shall be as determined by the Tribunal.

(9) Where the Tribunal has ordered the payment of costs, the costs shall be recoverable summarily.

Powers of Tribunal.

98pf. (1) The Tribunal may for the purposes of an inquiry or review under this Part—

(*a*) by summons signed on behalf of the Tribunal by one of its members require the attendance before the Tribunal of any person whom it thinks fit to call before it;

(*b*) by summons signed on behalf of the Tribunal by one of its members, require the production of any motor vehicle, books, papers, documents or other thing;

(*c*) inspect any motor vehicle, books, papers, documents or other things produced before it, and retain them for such reasonable period as it thinks fit, and make copies of such books, papers or documents or any of their contents;

(*d*) require a person to make an oath or affirmation that he will truly answer all questions put to him by the Tribunal or a person appearing before it relevant to any matter arising in the hearing (which oath or affirmation may be administered by a member of the Tribunal);

or

(*e*) require a person (other than counsel) appearing before the Tribunal (whether he has been summoned to appear or not) to answer relevant questions put to him by a member of the Tribunal or by a person appearing before it.

(2) Subject to subsection (3), if a person—

(*a*) who has been served with a summons to attend before the Tribunal neglects or fails to attend in obedience to the summons;

(*b*) who has been served with a summons to produce any motor vehicle, books, papers, documents or other thing, neglects or fails to comply with the notice;

(*c*) misbehaves himself before the Tribunal, wilfully insults the Tribunal or a member of the Tribunal, or interrupts the proceedings of the Tribunal;

or

(*d*) refuses to be sworn or to affirm, or to answer a relevant question, when required to do so by the Tribunal,

he shall be guilty of an offence and liable to a penalty not exceeding one thousand dollars.

(3) A person shall not be obliged to answer a question put to him in proceedings before the Tribunal if the answer to the question would tend to incriminate him.

(4) In the course of an inquiry the Tribunal may receive in evidence, and act upon—

(*a*) a transcript of evidence in proceedings before any court or tribunal;

or

(*b*) a finding or judgment of any court or tribunal,

that may be relevant to the proceedings.

Protection for Registrar.

98pg. No liability shall attach to—

(*a*) the Registrar;

(*b*) a member of the committee;

or

(*c*) a member of the Tribunal,

for an act or omission in good faith and in the performance or discharge or purported performance or discharge of a power, function or duty conferred by or under this Act.

Amendment of s. 134a— Right of appeal.

9. Section 134a of the principal Act is amended by striking out paragraph (*b*) of subsection (1) and the word "or" occurring immediately before that paragraph.

Amendment of s. 135— False statements.

10. Section 135 of the principal Act is amended by striking out subsection (1) and substituting the following subsection:

(1) A person shall not in furnishing information, or compiling a record, pursuant to this Act make, or include in the record, a statement that is false or misleading in a material particular.

Penalty: One thousand dollars or imprisonment for six months.

Amendment of s. 135a— Bribes.

11. Section 135a of the principal Act is amended—

(*a*) by inserting after the passage "under this Act," the word "solicit,";

and

(*b*) by striking out the passage "Four hundred dollars" and substituting the passage "One thousand dollars or imprisonment for six months".

Amendment of s. 138a—Commissioner of Police to give certain information to Registrar.

12. Section 138a of the principal Act is amended by inserting after the passage "under this Act" the passage "or to hold a position on an accident towing roster established under the accident towing roster scheme".

Amendment of s. 139b—Consultative committee.

13. Section 139b of the principal Act is amended—

(*a*) by inserting after subsection (3) the following subsection:

(3a) The Minister may appoint a suitable person to be the deputy of a member of the consultative committee and any such person shall, while acting in the absence of that member, be deemed to be a member of the committee with all the powers, authorities, duties and obligations of a member of the committee.;

and

(*b*) by inserting after subsection (7) the following subsection:

(8) No proceedings, decision or order of the consultative committee in relation to any matter shall be called into question, quashed or set aside by reason of any antecedent decision or action by the Registrar, or a delegate of the Registrar, in relation to the matter pursuant to this Act.

Insertion of new s. 139c.

14. The following section is inserted after section 139b of the principal Act:

Notices.

139c. Except as otherwise provided in this Act, a document or notice required or authorized by this Act to be given to or served on a person may—

(*a*) be served on that person personally;

or

(*b*) be sent by post addressed to that person at his last known place of residence, employment or business.

Amendment of s. 140—Evidence of registers.

15. Section 140 of the principal Act is amended by striking out the passage "the register of motor vehicles or in the register of licences" and substituting the passage "any register kept pursuant to this Act".

Amendment of s. 141—Evidence by certificate of Registrar.

16. Section 141 of the principal Act is amended—

(*a*) by inserting after paragraph (*a*) the following paragraphs:

(*ab*) that premises described in the certificate were not on a specified day or during a specified period the registered premises of a towtruck operator described in the certificate;

(*ac*) that a motor vehicle described in the certificate was or was not on a specified day or during a specified period registered in the name of a person or a business name described in the certificate;;

and

(*b*) by striking out from paragraph (*g*) the passage "given the Registrar notice" and substituting the passage "given, furnished or produced to the Registrar any notice, document or object required by or".

Amendment of s. 142—Facilitation of proof.

17. Section 142 of the principal Act is amended—

(*a*) by striking out from paragraph (*e*) the passage "for fee or reward" and substituting the passage "for or in expectation of any fee or reward or benefit";

and

(*b*) by inserting after paragraph (*e*) the following paragraph:

(*f*) a document purporting to be a certificate signed by a member of the police force of or above the rank of inspector stating that a person specified in the certificate was or was not given an accident towing direction on a day specified and in relation to a motor vehicle and accident specified in the certificate shall be proof of the matters so stated in the absence of proof to the contrary.

Amendment of s. 143—Causing or permitting offences.

18. Section 143 of the principal Act is amended by striking out from subsection (1) the passage "to drive a motor vehicle" and substituting the passage "to do or omit to do anything".

Insertion of new s. 143a.

19. The following section is inserted after section 143 of the principal Act:

Offences by corporations.

143a. Where a person convicted of an offence against this Act is a corporation, every member of the governing body of the corporation shall be guilty of an offence and liable to the same penalty as is prescribed for the principal offence unless he proves that he could not by the exercise of reasonable diligence have prevented the commission of the offence by the corporation.

Amendment of s. 145—Regulations.

20. Section 145 of the principal Act is amended—

(*a*) by striking out paragraph (*h*) and the word "and" occurring immediately before that paragraph and substituting the following paragraphs:

(*h*) providing for an accident towing roster scheme and for that purpose may by regulation—

(i) provide for and regulate the issuing of directions by or on behalf of members of the police force for towtrucks to proceed to the scenes of accidents occurring in the declared area;

(ii) provide for and regulate the administration of, an accident towing roster under which the towtrucks of towtruck operators holding positions on the roster may be directed to proceed to the scenes of accidents occurring within the declared area, or, if the declared area is divided into zones, within a particular zone;

(iii) empower the Minister to declare, by notice published in the *Gazette*, that the declared area shall be divided into zones specified in the notice, and to vary or revoke any such declaration by a subsequent notice;

(iv) empower the Registrar to determine applications by towtruck operators for positions on an accident towing roster;

(v) prescribe the qualifications that applicants must have in order to be granted positions on an accident towing roster;

(vi) otherwise provide for and regulate applications for and the allocation of positions on an accident towing roster;

(vii) provide for and prescribe the duties of and regulate the activities and conduct of towtruck operators holding positions on an accident towing roster;

(viii) empower the Registrar to stipulate conditions with which towtruck operators holding positions on an accident towing roster must comply;

(ix) empower the Registrar to reprimand a towtruck operator who holds a position on an accident towing roster, to remove or suspend him from the roster or to reduce the number of positions held by him on the roster and prescribe the circumstances in which the Registrar may exercise those powers;

(x) provide for tests or examinations for the purpose of determining applications for positions on an accident towing roster;

(xi) prohibit any conduct that might interfere with the operation or administration of an accident towing roster or the issuing of accident towing directions;

(xii) regulate the activities and conduct of persons employed or acting in the course of the business of a towtruck operator holding a position on an accident towing roster;

(xiii) prescribe the standards and requirements for and provide for the registration of the premises used by towtruck operators who hold positions on an accident towing roster;

(xiv) require the display at towtruck operators' registered premises of signs of a prescribed size, construction and form and containing the prescribed information and regulate the positioning of such signs;

(xv) regulate the storage at the registered premises of towtruck operators of vehicles damaged in accidents;

(xvi) prescribe the standards and requirements for and provide for the approval by the Registrar of towtrucks and equipment carried on towtrucks used for towing motor vehicles damaged in accidents in the declared area and prohibit the driving of towtrucks that do not comply with the prescribed standards and requirements or that have not been so approved;

(xvii) provide for and prescribe the hours at which towtruck operators must be ready and able to engage in towing pursuant to accident towing directions;

(xviii) require towtruck operators to insure against risks of damage to or loss relating to motor vehicles towed or stored in the course of their businesses;

(xix) prescribe application fees and fees payable annually for positions on an accident towing roster being fees which may vary according to prescribed factors;

(xx) provide for the issuing of documents to be used as authorities to tow and the fees for issuing such documents;

(xxi) regulate the possession or use of documents issued by the Registrar for use as authorities to tow;

(xxii) prescribe the duties of a towtruck driver or towtruck operator where a document issued for use as an authority to tow, or an authority to tow, or a copy of an authority to tow, is lost, destroyed, rendered unusable or illegible or cancelled;

(xxiii) require the keeping and preserving of records by persons holding or formerly holding positions on an accident towing roster;

(xxiv) require the provision of information to the Registrar by towtruck operators holding positions on an accident towing roster;

(*i*) providing for the inspection of towtrucks and equipment carried on towtrucks;

(*j*) prescribing the forms of certificates, notices or documents required or authorized to be given under Part IIIC or under the regulations or providing that the forms of such certificates, notices or documents shall be as determined by the Minister;

(*k*) prescribing the fees for certificates under Part IIIC which may be of varying amounts according to factors prescribed in the regulations;

(*l*) exempting, or conferring on the Registrar a power to exempt, a person from compliance with a specified provision of Part IIIC or regulation made for the purposes of that Part for a period and subject to conditions specified in the regulations or by the Registrar;

and

(*m*) prescribing and providing for penalties not exceeding one thousand dollars for any breach of, or failure to comply with, the regulations.;

and

(*b*) by inserting after its present contents as amended by this section (now to be designated as subsection (1)) the following subsection:

(2) Any regulations made under this section or any other section of this Act may be of general application or limited by reference to time, places, circumstances or any other factor.

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

****

No. 99 of 1981

An Act to amend the Road Traffic Act, 1961-1981.

[*Assented to* 23 *December* 1981]

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. 5), 1981".

(2) The Road Traffic Act, 1961-1981, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Road Traffic Act, 1961-1981".

Commencement.

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

Amendment of s. 5—Interpretation.

3. Section 5 of the principal Act is amended—

(*a*) by inserting in subsection (1) after the definition of "driver" the following definition:

"driver's licence" includes a learner's permit:;

(*b*) by inserting after the definition of "the standing" in subsection (1) the following definition:

"towtruck" means a motor vehicle (including a trailer attached to a motor vehicle) designed, adapted or intended to lift and carry or partially lift and tow a motor vehicle that is incapable, by reason of damage or malfunction, of being operated properly under its own motive power:;

and

(*c*) by inserting after subsection (2) the following subsection:

(3) For the purposes of this Act, a vehicle shall be deemed to be attached to another vehicle if it is drawn by that other vehicle, notwithstanding that the vehicles are not directly attached to each other.

Amendment of s. 47a—Interpretation.

4. Section 47a of the principal Act is amended by striking out from the definition of "alcotest" the passage "is indicated by the discolouration of a reagent contained in the apparatus upon contact with the breath exhaled by that person" and substituting the passage "who exhales into the apparatus is indicated".

Amendment of s. 91—Duty to comply with direction of authorized person.

5. Section 91 of the principal Act is amended by striking out subsections (1) and (2) and substituting the following subsections:

(1) An authorized person may give to any other person reasonable directions relating to the movement or positioning of vehicles or persons on or in the vicinity of a ferry.

(2) An authorized person may request the driver of a vehicle that has entered or is about to enter a ferry to inform him of the total mass of the vehicle, any attached vehicle, and the loads (if any) on the vehicle, or any attached vehicle, or to supply him with information from which that total mass might be estimated.

Amendment of s. 138a—Prohibition of left-hand drive vehicles.

6. Section 138a of the principal Act is amended by striking out subsections (2) and (3).

Repeal of s. 138b and heading.

7. Section 138b of the principal Act and the heading preceding that section are repealed.

Repeal of s. 143.

8. Section 143 of the principal Act is repealed.

Amendment of s. 147—Maximum masses.

9. Section 147 of the principal Act is amended by striking out subsections (6), (7) and (8).

Repeal of ss. 157 and 158 and substitution of new section.

10. Sections 157 and 158 of the principal Act are repealed and the following section is substituted:

Requirements as to towing.

157. A person shall not drive a vehicle to which another vehicle is attached for the purpose of being towed if a requirement of the regulations relating to the towing of vehicles is not complied with.

Amendment of s. 162ab—Wearing of seat belts is compulsory.

11. Section 162ab of the principal Act is amended by striking out subsection (5).

Amendment of s. 163—Information to be painted on certain vehicles.

12. Section 163 of the principal Act is amended—

(*a*) by striking out subsections (1) and (2) and substituting the following subsection:

(1) A vehicle of a prescribed class must have marked on it in accordance with the regulations the information prescribed in relation to that class of vehicle.;

and

(*b*) by striking out subsections (4) and (5).

Insertion of new s. 163aa.

13. The following section and heading are inserted after section 163 and before Part IVA of the principal Act:

Power of exemption.

Power of Exemption

163aa. (1) The Board may, by instrument in writing, or by notice published in the *Gazette*—

(*a*) exempt—

(i) any specified vehicle;

(ii) any vehicles of a specified class;

or

(iii) vehicles carrying loads of a specified kind,

from specified provisions of this Part;

or

(*b*) vary or revoke an exemption under paragraph (*a*).

(2) An exemption under subsection (1) shall be subject to such conditions and limitations (if any) as the Board thinks fit and specifies in the instrument or notice of exemption.

(3) The Board may by instrument in writing delegate (or revoke a delegation of) its powers to grant an exemption under this section but any such delegation shall not derogate from the powers of the Board to act under this section itself.

Amendment of s. 163c—Prohibition against driving a vehicle not subject to a certificate of inspection.

14. Section 163c of the principal Act is amended—

(*a*) by inserting after paragraph (*b*) of subsection (1) the following paragraph:

(*ba*) any towtruck;;

and

(*b*) by striking out subsection (2) and substituting the following subsection:

(2) Where a vehicle to which this Part applies is driven—

(*a*) in the case of a passenger vehicle—for the purpose of carrying passengers (other than the driver);

or

(*b*) in the case of a towtruck—for the purpose of towing or carrying another vehicle,

and is not the subject of a current certificate of inspection issued by the Authority under this Part, the driver of that vehicle and any person by whom he is employed to drive that vehicle shall each be guilty of an offence.

Amendment of s. 163d—Inspection of vehicles and issue of certificates of inspection.

15. Section 163d of the principal Act is amended by striking out subsection (3) and substituting the following subsection:

(3) The Authority shall decline to issue a certificate where the inspection reveals some mechanical defect or inadequacy that may, in the opinion of the Authority, render the vehicle unsafe.

Amendment of s. 163f—Cancellation of certificates of inspection.

16. Section 163f of the principal Act is amended by striking out from paragraph (*c*) the passage "for the carriage of passengers".

Insertion of new s. 164b.

17. The following section is inserted after section 164a of the principal Act:

Permit or exemption does not operate in favour of person who contravenes a condition thereof.

164b. (1) If a person contravenes or fails to comply with a condition or restriction specified in a permit or exemption granted under this Act, the permit or exemption does not, while the contravention or non-compliance continues, operate in his favour.

(2) Where, by virtue of subsection (1), a person is guilty of an offence against the provision of this Act from which he was exempted by the permit or exemption, he may be proceeded against either for that offence, or for the offence of contravening, or failing to comply with, a condition or restriction of the permit or exemption.

Amendment of s. 168— Power of court to disqualify.

18. Section 168 of the principal Act is amended—

(*a*) by striking out from paragraph (i) the passage "holding and obtaining" and substituting the passage "holding or obtaining"; and

(*b*) by striking out from subsection (4) the passage "holding and obtaining" and substituting the passage "holding or obtaining".

Amendment of s. 169— Duty of court to disqualify driver for certain offences.

19. Section 169 of the principal Act is amended by striking out from subsection (2) the passage "holding and obtaining" and substituting the passage "holding or obtaining".

Amendment of s. 170— Disqualification where vehicle used for criminal purposes.

20. Section 170 of the principal Act is amended by striking out the passage "holding and obtaining" and substituting the passage "holding or obtaining".

Amendment of s. 172— Removal of disqualification.

21. Section 172 of the principal Act is amended by striking out the passage "holding and obtaining" and substituting the passage "holding or obtaining".

Amendment of s. 173— Appeals and suspension of disqualification.

22. Section 173 of the principal Act is amended by striking out from subsection (1) the passage "holding and obtaining" and substituting the passage "holding or obtaining".

Amendment of s. 176— Regulations.

23. Section 176 of the principal Act is amended by inserting after paragraph (*o*) of subsection (1) the following paragraphs:

(*p*) prescribing and providing for the payment of fees (not exceeding twenty dollars) in respect of specified matters;

(*q*) providing for the granting by the Board, subject to such conditions or restrictions as it may think fit, of exemptions from any provision of the regulations.

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

****

No. 100 of 1981

An Act to amend the Tea Tree Gully (Golden Grove) Development Act, 1978-1981.

[*Assented to* 23 *December* 1981]

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 "Tea Tree Gully (Golden Grove) Development Act Amendment Act (No. 2), 1981".

(2) The Tea Tree Gully (Golden Grove) Development Act, 1978-1981, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Tea Tree Gully (Golden Grove) Development Act, 1978-1981".

Amendment of s. 28—Regulations.

2. Section 28 of the principal Act is amended by inserting after paragraph (*d*) of subsection (2) the following paragraph:

(*da*) provide for the establishment and administration of a fund to be applied towards the cost of developing reserves and community facilities within the development Area, or otherwise for the benefit of the community within the Area, and provide for the payment of contributions to the fund by persons by whom, or on whose behalf, plans of subdivision or re-subdivision relating to land within the development Area are submitted for the approval of the Committee;.

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

****

No. 101 of 1981

An Act to amend the Licensing Act, 1967-1980.

[*Assented to* 23 *December* 1981]

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 "Licensing Act Amendment Act, 1981".

(2) The Licensing Act, 1967-1980, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Licensing Act, 1967-1981".

Commencement.

2. This Act shall come into operation on the first day of January, 1982.

Amendment of s. 37—Licence fees.

3. Section 37 of the principal Act is amended—

(*a*) by striking out subsection (1) and substituting the following subsection:

(1) Subject to this Act, the licence fees payable under this Act are as follows:

(*a*) in relation to a licence, other than one for which provision is subsequently made in this subsection, an amount equal to—

(i) 9 per centum of the gross amount paid or payable for liquor (other than low alcohol liquor) purchased for the purpose of retail sale, during the relevant period, in pursuance of the licence;

and

(ii) 2 per centum of the gross amount paid or payable for low alcohol liquor purchased for the purpose of retail sale, during the relevant period, in pursuance of the licence;

(*b*) in relation to a wholesale storekeeper's licence, a brewer's Australian ale licence, a distiller's storekeeper's licence or a vigneron's licence—an amount equal to—

(i) 7.2 per centum of the gross amount paid or payable in respect of the retail sale of liquor (other than low alcohol liquor) during the relevant period, in pursuance of the licence;

and

(ii) 1.6 per centum of the gross amount paid or payable in respect of the retail sale of low alcohol liquor during the relevant period, in pursuance of the licence;

(*c*) in relation to a limited restaurant licence—a fee of not less than one hundred dollars and not more than three hundred dollars fixed by the court;

and

(*d*) in relation to a twenty litre licence—a fee of twenty five dollars.;

(*b*) by striking out from subsection (1a) the passage "fifty dollars and not more than two hundred and fifty dollars" and substituting the passage "one hundred dollars and not more than five hundred dollars";

and

(*c*) by inserting after subsection (4) the following subsections:

(5) In this section—

"licence year" means a period commencing on the first day of April in one year and ending on the thirty-first day of March in the next:

"low alcohol liquor" means liquor in which the concentration of alcohol does not exceed a level fixed by regulation:

"the relevant period" in relation to a licence means the period of twelve months ending on the thirtieth day of June last preceding the commencement of the licence year for which, or for part of which, the licence is to be granted or renewed:

"retail sale" means—

(*a*) a sale to a person who is not authorized under this Act or any other law to sell liquor;

or

(*b*) a sale to a person who is authorized under this Act to sell or supply liquor but required by or under this Act or the conditions of the relevant licence or other authorization to purchase liquor by retail.

(6) In computing the gross amount payable by or to a licensee for liquor—

(*a*) liquor sold or disposed of in pursuance of a permit or of a certificate under section 65 or 71 shall be taken into account as if sold or disposed of in pursuance of the relevant licence;

(*b*) excise duty and sales tax payable under the law of the Commonwealth shall be taken into account;

(*c*) where separate charges are made in relation to packing, freight and delivery, those charges shall not be taken into account;

and

(*d*) where the licensee is required under a condition of his licence to purchase liquor by retail from another licensee or licensees, the amounts paid or payable for those purchases shall not, in relation to the licence subject to that condition, be taken into account.

Amendment of s. 39—Assessment of licence fees in certain cases.

4. Section 39 of the principal Act is amended—

(*a*) by striking out from subsection (1f) the definition of "the relevant period" and substituting the following definition:

"the relevant period" has the same meaning as in section 37:;

(*b*) by striking out from subsection (2) the passage "subsection (1) of";

and

(*c*) by striking out from subsection (4) the passage "other than persons licensed under this Act or otherwise permitted by law to sell liquor" and substituting the passage "who are not authorized under this Act or any other law to sell liquor".

Amendment of s. 66a—Reception house permits.

5. Section 66a of the principal Act is amended by striking out from subsection (1) the passage "fifty dollars and not more than two hundred dollars" and substituting the passage "one hundred dollars and not more than three hundred dollars".

Amendment of s. 67—Permit for supply of liquor at club.

6. Section 67 of the principal Act is amended by striking out from subsection (1) the passage "five dollars and not more than one hundred dollars" and substituting the passage "ten dollars and not more than three hundred dollars".

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

****

No. 102 of 1981

An Act to amend the Coroners Act, 1975.

[*Assented to* 23 *December* 1981]

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 "Coroners Act Amendment Act, 1981".

(2) The Coroners Act, 1975, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Coroners Act, 1975-1981".

Amendment of s. 6—Interpretation.

2. Section 6 of the principal Act is amended by striking out the definition of "Government institution".

Amendment of s. 7—Appointment of State Coroner.

3. Section 7 of the principal Act is amended by striking out paragraph (*b*) of subsection (2) and substituting the following paragraph:

(*b*) shall be paid a salary determined by the Governor.

Amendment of s. 12—Jurisdiction.

4. Section 12 of the principal Act is amended by striking out paragraph (*d*) and substituting the following paragraphs:

(*d*) the death outside the State by violent, unusual or unknown cause of any person where there is reason to believe that the cause of death, or a possible cause of death, arose, or may have arisen, within the State;

(*da*) the death of any person where there is reason to believe that the death occurred, or the cause of death, or a possible cause of death, arose, or may have arisen, while the person was detained in custody within the State pursuant to an Act or law of the State;

(*db*) the death of any person where there is reason to believe that the death occurred, or the cause of death, or a possible cause of death, arose, or may have arisen, while the person was accommodated in an institution, or a part of an institution, established

for the care or treatment of persons who are suffering from mental illness, intellectual retardation or impairment or who are dependent upon drugs;.

Amendment of s. 13—Power of inquiry of coroners in relation to inquests.

5. Section 13 of the principal Act is amended by inserting in subsection (1) after the word "enter", twice occurring, in each case, the passage "at any time and by force, if necessary,".

Amendment of s. 14—Holding of inquests by coroners.

6. Section 14 of the principal Act is amended by striking out subsection (1) and substituting the following subsection:

(1) The State Coroner shall hold an inquest or direct another coroner to hold an inquest if—

(*a*) the State Coroner considers it necessary or desirable to do so;

(*b*) an inquest is required to be held under any other Act;

or

(*c*) the Attorney-General directs him to do so.

Amendment of s. 26—Inquests and other legal proceedings.

7. Section 26 of the principal Act is amended—

(*a*) by striking out subsection (2);

and

(*b*) by striking out from subsection (3) the passage "Except as provided by subsection (2) of this section, a" and substituting the word "A".

Amendment of s. 28—Re-opening of inquests.

8. Section 28 of the principal Act is amended by striking out the passage "if the Attorney-General directs him to do so" and substituting the passage "at any time".

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

****

No. 103 of 1981

An Act to amend the Building Societies Act, 1975-1981.

[*Assented to* 23 *December* 1981]

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 "Building Societies Act Amendment Act (No. 2), 1981".

(2) The Building Societies Act, 1975-1981, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Building Societies Act, 1975-1981".

Commencement.

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

Amendment of s. 3—Arrangement of Act.

3. Section 3 of the principal Act is amended by inserting after the item:

DIVISION IV—RETURNS

the item:

DIVISION V—MANAGEMENT CONTRACTS.

Amendment of s. 33—Restricted loans.

4. Section 33 of the principal Act is amended—

(*a*) by striking out paragraphs (*a*), (*b*) and (*c*) of subsection (1) and substituting the following paragraphs:

(*a*) a loan of a sum exceeding seventy thousand dollars or, where some other sum is prescribed, exceeding the prescribed sum;

(*b*) a loan to a person who, after the loan is made, is indebted to the society in a sum exceeding seventy thousand dollars or, where some other sum is prescribed, exceeding the prescribed sum;

(*c*) a loan made for a purpose other than—

(i) the acquisition, construction or improvement of a place of residence;

or

(ii) the acquisition of land for residential purposes.;

(*b*) by striking out from paragraphs (*b*) and (*c*) of subsection (5) the passage "ten per centum" wherever it occurs and substituting, in each case, the passage "ten per centum or such greater percentage as may be prescribed";

and

(*c*) by inserting in subsection (6) after the passage "a restricted loan" the passage "or restricted loans of a specified class".

Amendment of s. 36—Liquidity.

5. Section 36 of the principal Act is amended—

(*a*) by striking out paragraphs (*c*), (*d*) and (*e*) of the definitions of "liquid funds" in subsection (2) and substituting the following paragraphs:

(*c*) the monetary value of any securities issued or guaranteed by—

(i) the Treasurer or the Government of the State;

(ii) the Treasurer or the Government of the Commonwealth;

(iii) an instrumentality of the Crown in right of the State or the Commonwealth;

or

(iv) the South Australian Gas Company;

(*d*) the monetary value of bills of exchange that have been accepted or endorsed by a prescribed bank;;

(*b*) by striking out paragraph (*g*) of the definition of "liquid funds" in subsection (2) and substituting the following paragraph:

(*g*) the monetary value of any other prescribed securities or prescribed assets,;

and

(*c*) by inserting after paragraph (*g*) of the definition of "liquid funds" in subsection (2) the passage "less the amount of any borrowings made by the society by way of bank overdraft.".

Amendment of s. 40—Investments.

6. Section 40 of the principal Act is amended—

(*a*) by striking out paragraph (*b*) of subsection (1) and substituting the following paragraph:

(*b*) in bills of exchange that have been accepted or endorsed by a prescribed bank;;

(*b*) by inserting at the end of paragraph (*e*) of subsection (1) the passage "or prescribed assets";

and

(*c*) by striking out subsection (3) and substituting the following subsection:

(3) A society shall not invest funds in purchasing shares in a company or body corporate unless—

(*a*) the Registrar has approved in writing of the proposed investment;

(*b*) the company or body corporate is engaged in activities incidental or related to those of the society;

and

(*c*) the total of the funds of the society invested in shares of companies or bodies corporate would not, in consequence of the investment, exceed one per centum or such greater percentage as may be prescribed of the total paid up share capital of the society.

Amendment of s. 41— Raising of funds.

7. Section 41 of the principal Act is amended by striking out subsection (2) and substituting the following subsection:

(2) A society shall not raise funds under this section if, in consequence of so doing, the total amount of—

(*a*) the funds raised and held by the society;

and

(*b*) the accumulated interest payable but not yet paid or credited to depositors or others,

would exceed two-thirds of the total amount due to the society by way of the outstanding principal of loans made by the society.

Amendment of s. 58— Voting.

8. Section 58 of the principal Act is amended by striking out subsection (2) and substituting the following subsection:

(2) Every member who is present personally or by proxy shall, subject to this section, have one vote, and, notwithstanding anything to the contrary in the rules of the society, no member shall be entitled to more than one vote, on any question arising for decision at a meeting of the society.

Amendment of s. 67— Winding up.

9. Section 67 of the principal Act is amended by striking out from paragraph (*d*) of subsection (3) the passage "less than five hundred thousand dollars" and substituting the passage "not less than two million dollars".

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

****

No. 104 of 1981

An Act to amend the State Theatre Company of South Australia Act, 1972-1979.

[*Assented to* 23 *December* 1981]

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 "State Theatre Company of South Australia Act Amendment Act, 1981".

(2) The State Theatre Company of South Australia Act, 1972-1979, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "State Theatre Company of South Australia Act, 1972-1981".

Commencement.

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

Amendment of s. 6—The Board of Governors.

3. Section 6 of the principal Act is amended—

(*a*) by striking out from subsection (2) the word "six" and substituting the word "eight";

and

(*b*) by striking out from paragraph (*a*) of subsection (2) the word "three" and substituting the word "five".

Amendment of s. 10—Procedures of the Board.

4. Section 10 of the principal Act is amended by striking out from subsection (4) the word "three" and substituting the word "four".

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

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No. 105 of 1981

An Act to amend the Business Names Act, 1963.

[*Assented to* 23 *December* 1981]

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 "Business Names Act Amendment Act, 1981".

(2) The Business Names Act, 1963, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Business Names Act, 1963-1981".

Amendment of s. 34—Regulations.

2. Section 34 of the principal Act is amended by striking out from paragraph (*a*) of subsection (2) the passage "(not exceeding twenty dollars) to be paid under this Act to the Registrar" and substituting the passage "to be paid for the purposes of this Act to the Registrar, and may provide for the recovery of those fees".

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

****

No. 106 of 1981

An Act to amend the South Australian Film Corporation Act, 1972-1979.

[*Assented to* 23 *December* 1981]

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 "South Australian Film Corporation Act Amendment Act, 1981".

(2) The South Australian Film Corporation Act, 1972-1979, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "South Australian Film Corporation Act, 1972-1981".

Amendment of s. 3—Arrangement.

2. Section 3 of the principal Act is amended by striking out the item:

PART III—THE DIRECTOR

and substituting the item:

PART III—THE MANAGING DIRECTOR

Amendment of s. 4—Interpretation.

3. Section 4 of the principal Act is amended by striking out the definition of "the Director" and substituting the following definition:

"the Managing Director" means the person for the time being holding or acting in the office of Managing Director under this Act.

Amendment of heading to Part III.

4. The heading to Part III of the principal Act is amended by striking out the passage "THE DIRECTOR" and substituting the passage "THE MANAGING DIRECTOR".

Amendment of s. 14—The Managing Director.

5. Section 14 of the principal Act is amended by striking out the word "Director" wherever it occurs and substituting, in each case, the passage "Managing Director".

Amendment of s. 15—Casual vacancy in office of Managing Director.

6. Section 15 of the principal Act is amended by striking out the word "Director" and substituting the passage "Managing Director".

Amendment of s. 16—Deputy Managing Director.

7. Section 16 of the principal Act is amended by striking out the passage "the Director" wherever it occurs and substituting, in each case, the passage "the Managing Director."

Amendment of s. 17—Managing Director to be principal executive officer of the Corporation.

8. Section 17 of the principal Act is amended by striking out the word "Director" wherever it occurs and substituting, in each case, the passage "Managing Director".

Amendment of s. 26—Superannuation.

9. Section 26 of the principal Act is amended by striking out the passage "The Director" and substituting the passage "The Managing Director".

Amendment of s. 33—Regulations.

10. Section 33 of the principal Act is amended by striking out from paragraph (*c*) of subsection (2) the passage "the Director" and substituting the passage "the Managing Director".

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

****

No. 107 of 1981

An Act to amend the Criminal Law Consolidation Act, 1935-1980; and to make consequential amendments to the Acts Interpretation Act, 1915-1978.

[*Assented to* 23 *December* 1981]

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 "Criminal Law Consolidation Act Amendment Act, 1981".

(2) The Criminal Law Consolidation Act, 1935-1980, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Criminal Law Consolidation Act, 1935-1981".

Commencement.

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

Amendment of s. 3—Arrangement of Act.

3. Section 3 of the principal Act is amended by striking out the item:

Attempts to Murder (section 18).

Repeal of s. 18 and heading.

4. Section 18 of the principal Act and the heading immediately preceding that section are repealed.

Amendment of s. 23—Malicious wounding, etc.

5. Section 23 of the principal Act is amended by striking out the passage "for any term not exceeding three years" and substituting the passage "for a term not exceeding five years, or, where the victim was at the time of the commission of the offence under the age of twelve years, for a term not exceeding eight years".

Amendment of s. 39—Common assault.

6. Section 39 of the principal Act is amended by striking out the passage "for any term not exceeding one year" and substituting the passage "for a term not exceeding three years".

Amendment of s. 40—Assaults occasioning harm.

7. Section 40 of the principal Act is amended by striking out the passage "for any term not exceeding three years" and substituting the passage "for a term not exceeding five years, or, where the victim was at the time of the commission of the offence under the age of twelve years, for a term not exceeding eight years".

Amendment of s. 43—Assaults in the course of resisting arrest, etc.

8. Section 43 of the principal Act is amended—

(*a*) by striking out paragraph (*a*);

and

(*b*) by striking out the passage "for any term not exceeding two years" and substituting the passage "for a term not exceeding five years".

Amendment of s. 48—Rape.

9. Section 48 of the principal Act is amended by striking out subsection (2).

Amendment of s. 49—Unlawful sexual intercourse.

10. Section 49 of the principal Act is amended—

(*a*) by striking out subsection (2);

(*b*) by striking out from subsection (3) the passage ", or attempts to have sexual intercourse,";

(*c*) by striking out from paragraphs (*a*) and (*b*) of subsection (4) the passage "or to have attempted," wherever it occurs;

(*d*) by striking out from subsection (5) the passage "or attempts to have sexual intercourse,";

and

(*e*) by striking out from subsection (6) the passage ", or attempts to have,".

Repeal of s. 56 and substitution of new section.

11. Section 56 of the principal Act is repealed and the following section is substituted:

Indecent assault.

56. A person who indecently assaults another shall be guilty of a misdemeanour and liable to be imprisoned for a term not exceeding eight years, or, where the victim was at the time of the commission of the offence under the age of twelve years, for a term not exceeding ten years.

Amendment of s. 58—Acts of gross indecency.

12. Section 58 of the principal Act is amended by striking out from paragraph (*b*) of subsection (1) the passage "or attempts to procure".

Amendment of s. 63—Procuring persons to be prostitutes.

13. Section 63 of the principal Act is amended by striking out ", or endeavours to procure," wherever it occurs.

Amendment of s. 64—Procuring sexual intercourse.

14. Section 64 of the principal Act is amended—

(*a*) by striking out from paragraph (*a*) the passage ", or endeavours to procure,";

and

(*b*) by striking out from paragraph (*b*) the passage "endeavours to procure" and substituting the word "procures".

15. Section 69 of the principal Act is amended by striking out subsection (2). Amendment of s. 69—Offences with animals.

16. Section 87 of the principal Act is repealed. Repeal of s. 87.

17. Section 89 of the principal Act is repealed. Repeal of s. 89.

18. Section 92 of the principal Act is repealed. Repeal of s. 92.

19. Section 115 of the principal Act is amended by striking out paragraph (*a*). Amendment of s. 115—Poisoning of cattle.

20. Section 138 of the principal Act is amended by striking out the passage ", or attempts to kill or wound". Amendment of s. 138—Stealing deer, etc., in enclosed land.

21. Section 156 of the principal Act is repealed. Repeal of s. 156.

22. Section 205 of the principal Act is amended by striking out from paragraph (*b*) the passage "or endeavours to transfer" and the passage "or endeavours to receive". Amendment of s. 205—Personating the owner of stock.

23. Section 238 of the principal Act is amended by striking out the passage ", or attempts to rescue or set at liberty out of prison,". Amendment of s. 238—Rescuing murderers.

24. Section 268 of the principal Act is amended by striking out subsection (1) and substituting the following subsection: Amendment of s. 268—Accessories after the fact.

(1) A person who becomes an accessory after the fact to a felony (whether the felony is constituted by statute or common law) shall be guilty of a felony and liable to be imprisoned for a term not exceeding five years or, where the felony to which he became an accessory was a homicide, for a term not exceeding ten years.

25. Section 270 of the principal Act is amended by striking out paragraph (*a*) of subsection (1). Amendment of s. 270—Punishment for certain offences.

26. The following headings and sections are inserted after section 270 of the principal Act: Insertion of new headings and ss. 270a. and 270b.

Attempts

270a. (1) Subject to subsection (2), a person who attempts to commit an offence (whether the offence is constituted by statute or common law) shall be guilty of the offence of attempting to commit that offence. Attempts.

(2) Where under a provision of any other Act, or any other provision of this Act, an attempt is constituted as an offence, this section—

(*a*) does not apply in relation to that offence;

and

(*b*) does not operate to create a further or alternative offence with which a person who commits the former offence might be charged.

(3) The penalty for an attempt to which this section applies shall be as follows:

(*a*) in the case of attempted murder or attempted treason—the penalty shall be life imprisonment or imprisonment for some lesser term;

(*b*) where the penalty or maximum penalty for the principal offence (not being treason or murder) is life imprisonment the penalty for the attempt shall be imprisonment for a term not exceeding twelve years;

(*c*) in any other case, the penalty for the attempt shall be a penalty not exceeding a maximum of two-thirds of the maximum penalty prescribed for the principal offence.

(4) Where the principal offence is an indictable offence, an attempt to commit that offence shall also be an indictable offence, where the principal offence is a minor indictable offence, an attempt to commit that offence shall also be a minor indictable offence, and where the principal offence is a summary offence, an attempt to commit that offence shall also be a summary offence.

Assaults with Intent to Commit Felonies or Indictable Misdemeanours

Assaults with intent.

270b. (1) Subject to subsection (2), a person who assaults another with intent to commit a felony or indictable misdemeanour (whether constituted by statute or common law) shall be guilty of an indictable misdemeanour.

(2) Where under a provision of any other Act, or any other provision of this Act, an assault with intent to commit a felony or indictable misdemeanour is constituted as an offence, this section—

(*a*) does not apply in relation to that offence;

and

(*b*) does not operate to create a further or alternative offence with which a person who commits the former offence might be charged.

(3) The penalty for assault to which this section applies shall be—

(*a*) imprisonment for a term not exceeding seven years;

or

(*b*) imprisonment for a term not exceeding the maximum term that may be imposed for an attempt to commit the principal offence,

whichever is the greater maximum penalty.

Amendment of the Acts Interpretation Act, 1915-1978.

27. The Acts Interpretation Act, 1915-1978, is amended—

(*a*) by inserting after the definition of "Minister" in section 4 the following definition:

"minor indictable offence" means an indictable offence that is a minor indictable offence within the meaning, and for the purposes of, the Justices Act, 1921-1981:;

(*b*) by inserting after the definitions of "statutory declaration" in section 4 the following definition:

"summary offence" means an offence (not being a minor indictable offence) that is punishable summarily:;

and

(*c*) by striking out section 32.

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

****

No. 108 of 1981

An Act to amend the Criminal Law Consolidation Act, 1935-1980.

[*Assented to* 23 *December* 1981]

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 "Criminal Law Consolidation Act Amendment Act (No. 2), 1981".

(2) The Criminal Law Consolidation Act, 1935-1980, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Criminal Law Consolidation Act, 1935-1981".

Insertion of new s. 285a.

2. The following section is inserted after section 285 of the principal Act:

Certain questions of Law may be determined before jury empanelled.

285a. A court before which a person has been arraigned may, if it thinks fit, hear and determine any question relating to the admissibility of evidence, and any other question of law affecting the conduct of the trial, before the jury is empanelled.

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

****

No. 109 of 1981

An Act to amend the Local and District Criminal Courts Act, 1926-1981; the Justices Act, 1921-1981; the Criminal Law Consolidation Act, 1935-1980; and the Companies Act, 1962-1981; and to make consequential amendments to the Local and District Criminal Courts Act Amendment Act, 1978.

[*Assented to* 23 *December* 1981]

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 "Statutes Amendment (Jurisdiction of Courts) Act, 1981".

Commencement.

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

(2) The Governor may, by the proclamation made for the purposes of subsection (1), suspend the operation of specified provisions of this Act until a later day fixed in the proclamation or to be fixed by subsequent proclamation.

Arrangement of Act.

3. This Act is arranged as follows:

PART I—PRELIMINARY
PART II—AMENDMENT OF LOCAL AND DISTRICT CRIMINAL COURTS ACT, 1926-1981
PART III—AMENDMENT OF JUSTICES ACT, 1921-1981
PART IV—AMENDMENT OF CRIMINAL LAW CONSOLIDATION ACT, 1935-1980
PART V—AMENDMENT OF COMPANIES ACT, 1962-1981.

PART II

PART II

AMENDMENT OF LOCAL AND DISTRICT CRIMINAL COURTS ACT, 1926-1981

Short titles.

4. (1) In this Part, the Local and District Criminal Courts Act, 1926-1981, is referred to as "the principal Act".

(2) The principal Act, as amended by this Part, may be cited as the "Local and District Criminal Courts Act, 1926-1981".

Amendment of s. 4—Interpretation.

5. Section 4 of the principal Act is amended—

(*a*) by striking out from the definition of "small claim" in subsection (2) the passage "five hundred dollars" and substituting the passage "one thousand dollars";

(*b*) by striking out the definition of "the local court jurisdictional limit" in subsection (2) and substituting the following definitions:

"the jurisdictional limit of local courts of limited jurisdiction" means seven thousand five hundred dollars:

"the local court jurisdictional limit" means—

(*a*) in relation to a cause of action in tort relating to injury, damage or loss caused by, or arising out of, the use of a motor vehicle—sixty thousand dollars;

and

(*b*) in any other case—forty thousand dollars:;

(*c*) by striking out from paragraph (*b*) of the definition of "group I offence" in subsection (3) the passage "ten years" and substituting the passage "fifteen years";

(*d*) by striking out from the definition of "group II offence" in subsection (3) the passage "for a term exceeding four years but not exceeding ten years" and substituting the passage "for a term exceeding five years but not exceeding fifteen years";

and

(*e*) by striking out from the definition of "group III offence" the passage "four years" and substituting the passage "five years".

Amendment of s. 5a—Transitional provision.

6. Section 5a of the principal Act is amended by inserting after subsection (1) the following subsection:

(2) Where proceedings in respect of a claim for a pecuniary sum exceeding five hundred dollars but not exceeding one thousand dollars had been instituted in a local court before the commencement of the Statutes Amendment (Jurisdiction of Courts) Act, 1981, that claim does not become a small claim by virtue of the provisions of that amending Act.

Amendment of s. 5b—Appointment to judicial office.

7. Section 5b of the principal Act is amended—

(*a*) by striking out from paragraph (*b*) of subsection (3) the passage "or a Special Magistrate";

(*b*) by striking out from paragraph (*c*) of subsection (3) the passage "who has, for not less than seven years, held a practising certificate issued under that Act" and substituting the passage "of not less than seven years standing";

and

(*c*) by inserting after subsection (3) the following subsection:

(3a) For the purpose of determining whether a legal practitioner has the standing required for appointment to judicial office, only—

(*a*) periods for which he has held a practising certificate (whether or not he simultaneously held office as a special magistrate for the whole or any part of those periods);

or

(*b*) periods for which he has, prior to the commencement of the Statutes Amendment (Jurisdiction of Courts) Act, 1981, held office as a special magistrate without also holding a practising certificate,

shall be taken into account.

Amendment of s. 31—Jurisdiction of courts of full jurisdiction.

8. Section 31 of the principal Act is amended—

(*a*) by striking out from paragraph I the passage "is not more than twenty thousand dollars" and substituting the passage "does not exceed the local court jurisdictional limit";

(*b*) by striking out from paragraph I the passage "reduced to twenty thousand dollars or less" and substituting the passage "reduced to an amount that falls within the local court jurisdictional limit";

(*c*) by striking out from paragraph II the passage "twenty thousand dollars" and substituting the passage "the local court jurisdictional limit";

and

(*d*) by striking out from paragraph III the passage "twenty thousand dollars" and substituting the passage "the local court jurisdictional limit".

Amendment of s. 32—Jurisdiction of courts of limited jurisdiction.

9. Section 32 of the principal Act is amended by striking out the passage "two thousand five hundred dollars" wherever it occurs and substituting, in each case, the passage "the jurisdictional limit of local courts of limited jurisdiction".

Amendment of s. 57—Reservation of question of law.

10. Section 57 of the principal Act is amended by inserting in subsection (1) after the passage "in any action" the passage "(not being an action based upon a small claim)".

Amendment of s. 58—Appeal to the Supreme Court.

11. Section 58 of the principal Act is amended—

(*a*) by striking out from paragraphs (*a*), (*b*), (*c*) and (*d*) of subsection (1) the passage "five hundred dollars" wherever it occurs and substituting, in each case, the passage "one thousand dollars";

(*b*) by striking out from subsection (3) the passage "five hundred dollars" and substituting the passage "one thousand dollars";

and

(*c*) by inserting in subsection (3) after the passage "any party referred to in subsection (1) of this section" the passage "(not being a party to an action based on a small claim)".

PART II

Amendment of s. 107—Judgment by default.

12. Section 107 of the principal Act is amended by striking out from subsection (2) the passage "the rate of five dollars per centum per annum" and substituting the passage "the rate prescribed by rules of court".

Amendment of s. 126—Non-appearance of defendant.

13. Section 126 of the principal Act is amended by striking out from subsection (1) the passage "the rate of five dollars per centum per annum" and substituting the passage "the rate prescribed by rules of court".

Amendment of s. 152b—Right of representation.

14. Section 152b of the principal Act is amended by striking out from subsection (1) the passage "In any proceedings" and substituting the passage "Subject to this Part, in any proceedings".

Amendment of s. 152f—Certain matters not justiciable under this Part.

15. Section 152f of the principal Act is amended by striking out from paragraph (*a*) of subsection (1) the passage "five hundred dollars" and substituting the passage "one thousand dollars".

Insertion of new s. 152g.

16. The following section is inserted after section 152f of the principal Act:

Right of appeal.

152g. (1) A party to proceedings based upon a small claim who is dissatisfied with a judgment given in the proceedings may, by leave of a local court of full jurisdiction, appeal to that court against the judgment.

(2) Upon the appeal, the local court of full jurisdiction may confirm, vary or quash the judgment subject to the appeal and, where it quashes the judgment, may give any judgment that should, in the opinion of the court, have been given in the first instance.

(3) Proceedings relating to an appeal under this section shall be heard and determined without unnecessary formality, and may be heard, at the discretion of the court, either in open court or in chambers.

(4) A party to an application for leave to appeal, or to an appeal, under this section may, by leave of the court to which the application or appeal is made, be represented by counsel.

(5) In this section—

"judgment" includes a determination or order.

Amendment of s. 153—Execution against goods.

17. Section 153 of the principal Act is amended by striking out from paragraph (*b*) of subsection (1) the passage "the rate of five dollars per centum per annum" and substituting the passage "the rate prescribed by rules of court".

Amendment of s. 165—Suspension of execution in case of sickness, etc.

18. Section 165 of the principal Act is amended by striking out the passage "three hundred dollars" wherever it occurs in subsections (1) and (2) and substituting, in each case, the passage "one thousand dollars".

Amendment of s. 168—What goods may be taken in execution.

19. Section 168 of the principal Act is amended by striking out the passage "sixty dollars" and substituting the passage "one hundred dollars".

PART II

Amendment of s. 175—Summons on unsatisfied judgment.

20. Section 175 of the principal Act is amended—

(*a*) by inserting after subsection (2) the following subsection:

(2a) For the purposes of subsection (2), a company shall be deemed to reside at the place where its registered office is situated.;

(*b*) by striking out paragraphs (*a*) and (*b*) of subsection (3) and substituting the following paragraphs:

(*a*) be in the form prescribed by rules of court;

and

(*b*) shall require—

(i) in the case of a summons issued against a natural person—that person to attend the court for examination;

or

(ii) in the case of a summons issued against a company—a director, secretary or other officer of the company named in the summons (the "company representative") to attend the court for examination,

at a time fixed in the summons.;

(*c*) by striking out subsection (4) and substituting the following subsections:

(4) The summons shall be served by a bailiff, unless authority is obtained from a Judge or special magistrate for service by some other person.

(4a) The summons shall be served personally—

(*a*) where it is issued against a natural person—upon that person;

or

(*b*) where it is issued against a company—upon the company representative named in the summons.

(4b) A summons served under this section on a company representative shall be deemed to have been served on the relevant company.;

and

(*d*) by inserting after subsection (5) the following subsection:

(6) In this section and the succeeding provisions of this Part—

"company" means any body corporate:

"company representative" means the director, secretary or other officer of a company named in a summons issued against a company under this section:

"officer" of a company means officer as defined in the Companies Act, 1962-1981.

PART II

Amendment of s. 177—Examination in unsatisfied judgment summons proceedings.

21. Section 177 of the principal Act is amended—

(*a*) by striking out the passage "At the hearing of the summons" and substituting the passage "At the hearing of an unsatisfied judgment summons issued against a natural person";

and

(*b*) by inserting after its present contents as amended by this section (now to be designated as subsection (1)) the following subsections:

(2) At the hearing of an unsatisfied judgment summons issued against a company—

(*a*) the company representative may be examined on oath as to—

(i) the assets and liabilities of the company;

(ii) any transactions or dealings of the company that may have affected its assets or liabilities;

and

(iii) any other matters relevant to the satisfaction of the judgment;

(*b*) the court may hear such evidence in relation to the matters referred to in paragraph (*a*) as it thinks fit;

(*c*) the court may order the company representative to apply moneys or property of the company (being moneys or property in the possession or control of the company representative) in or towards satisfaction of the judgment debt or to take other steps specified by the court with a view to securing satisfaction of the judgment debt;

(*d*) the court may order the company to pay the judgment debt at such time or in such instalments as it thinks fit.

(3) An order under subsection (2) (*c*) does not operate so as to make a company representative personally liable for a judgment debt of the company.

Amendment of s. 178—Power to commit to gaol.

22. Section 178 of the principal Act is amended—

(*a*) by striking out the passage "If the person so summoned attends and" and substituting the passage "Where, in proceedings upon an unsatisfied judgment summons issued against a natural person, the person summoned attends and";

and

(*b*) by inserting after its present contents as amended by this section (now to be designated as subsection (1)) the following subsection:

(2) Where, in proceedings upon an unsatisfied judgment summons issued against a company, the company representative attends and—

(*a*) refuses to be sworn;

(*b*) refuses to answer questions relevant to the examination or does not answer such questions to the satisfaction of the court;

or

(*c*) it appears to the court that the company representative has failed, without reasonable cause, to comply with an order under section 177 (2) (*c*),

the court may order that he be committed to a gaol or other proper place of imprisonment named in the order for a period not exceeding forty days.

Amendment of s. 179—Procedure where party summoned or company representative does not attend.

23. Section 179 of the principal Act is amended—

(*a*) by inserting after the passage "the party summoned", where it first occurs, the passage "or, in the case of an unsatisfied judgment summons issued against a company, the company representative";

and

(*b*) by striking out paragraph (*b*) and substituting the following paragraph:

(*b*) may proceed to hear and determine the proceedings in the absence of the party or company representative.

Amendment of s. 180—Warrant of commitment.

24. Section 180 of the principal Act is amended by striking out from subsection (3) the passage "by the party summoned".

Amendment of s. 181—Compensation in vexatious cases.

25. Section 181 of the principal Act is amended by striking out from subsection (2) the passage "sixty dollars" and substituting the passage "one hundred dollars".

Amendment of s. 183—Warrants of commitment to be issued to bailiff.

26. Section 183 of the principal Act is amended by inserting in subsection (1) after the passage "judgment debtor" the passage "or company representative".

Amendment of s. 216—Proceedings for recovery of premises and rent.

27. Section 216 of the principal Act is amended by striking out from subsection (1) the passage "three thousand one hundred and eighty dollars" and substituting the passage "six thousand dollars."

Amendment of s. 228—Proceedings for recovery of premises where rent is one-half year in arrears.

28. Section 228 of the principal Act is amended by striking out from subsection (1) the passage "three thousand one hundred and eighty dollars" and substituting the passage "six thousand dollars".

Amendment of s. 230—Proceedings in ejectment where land is under Real Property Act.

29. Section 230 of the principal Act is amended by striking out from subsections (1) and (3) the passage "twenty thousand dollars" wherever it occurs and substituting, in each case, the passage "forty thousand dollars".

PART II

Amendment of s. 259—Special equitable jurisdiction of the local court.

30. Section 259 of the principal Act is amended—

(*a*) by striking out the passage "twenty thousand dollars" wherever it occurs and substituting, in each case, the passage "forty thousand dollars";

and

(*b*) by striking out the passage "three thousand one hundred and eighty dollars" wherever it occurs and substituting, in each case, the passage "six thousand dollars".

Amendment of s. 279—Powers of courts in actions.

31. Section 279 of the principal Act is amended by striking out from paragraph (ii) of subsection (3) the passage "ninety dollars" and substituting the passage "two hundred dollars".

Amendment of s. 284—Order for examination of witnesses who are unable to attend at hearing.

32. Section 284 of the principal Act is amended by striking out the passage "ninety dollars" and substituting the passage "two hundred dollars".

Amendment of s. 285—Commission for examination of witnesses out of State, etc.

33. Section 285 of the principal Act is amended by striking out the passage "ninety dollars" and substituting the passage "two hundred dollars".

Amendment of s. 294—Court fees.

34. Section 294 of the principal Act is amended—

(*a*) by striking out subsections (1) and (2) and substituting the following subsection:

(1) The Governor may, by regulation, fix fees to be paid in respect of matters specified in the regulations.;

and

(*b*) by inserting after subsection (3) the following subsection:

(3a) Payment of a fee prescribed under this section shall, in relation to matters declared by the regulations to be matters to which this subsection applies, be denoted by an adhesive stamp, issued by or on the authority of the Attorney-General, affixed in accordance with the regulations to process of, or a document filed in, the relevant court.

Amendment of s. 295—Practitioners entitled to costs on certain scale.

35. Section 295 of the principal Act is amended by striking out from subsection (1) the passage "two thousand five hundred dollars" wherever it occurs and substituting, in each case, the passage "seven thousand five hundred dollars".

Amendment of s. 296—Costs as between solicitor and client.

36. Section 296 of the principal Act is amended by striking out from subsection (1) the passage "two thousand five hundred dollars" wherever it occurs and substituting, in each case, the passage "seven thousand five hundred dollars".

Amendment of s. 302—Remedy against officers guilty of misconduct.

37. Section 302 of the principal Act is amended by striking out paragraph (*c*) and the word "and" immediately preceding that paragraph.

PART II

Amendment of s. 328—Jurisdiction and powers of District Criminal Court.

38. Section 328 of the principal Act is amended by striking out subsection (2) and substituting the following subsection:

(2) A District Criminal Court has no jurisdiction to try or sentence a person for a group I offence except in a case referred by the Supreme Court to a District Criminal Court for trial.

Repeal of ss. 335 and 336.

39. Sections 335 and 336 of the principal Act are repealed.

Insertion of new s. 341.

40. The following section is inserted after section 341 of the principal Act:

Remission of fees.

341a. A District Criminal Court, or a Judge, may remit, in whole or in part, a fee payable under the district criminal court provisions, or the rules of court under the district criminal court provisions, if it appears to the Court or Judge that the remission should, on account of the poverty of the party liable to pay the fee, or for any other reason, be granted.

Repeal of 3rd and 4th schedules to the principal Act.

41. The third and fourth schedules to the principal Act are repealed.

Consequential amendments to Local and District Criminal Courts Act Amendment Act, 1978.

42. The Local and District Criminal Courts Act Amendment Act, 1978, is amended—

(*a*) by striking out paragraphs (*c*) and (*d*) of section 3;

(*b*) by striking out paragraph (*a*) of section 10 and the word "and" immediately following that paragraph;

(*c*) by striking out paragraph (*a*) of section 11 and the word "and" immediately following that paragraph;

(*d*) by striking out section 16;

(*e*) by striking out section 18;

(*f*) by striking out section 21;

(*g*) by striking out section 25;

(*h*) by striking out paragraph (*b*) of section 26 and the word "and" immediately preceding that paragraph;

(*i*) by striking out section 30;

(*j*) by striking out paragraph (*a*) of section 33 and the word "and" immediately following that paragraph;

(*k*) by striking out section 34;

and

(*l*) by striking out section 36.

PART III

PART III

AMENDMENT OF JUSTICES ACT, 1921-1981

Short titles.

43. (1) In this Part, the Justices Act, 1921-1981, is referred to as "the principal Act".

(2) The principal Act, as amended by this Part, may be cited as the "Justices Act, 1921-1981".

Amendment of s. 4—Interpretation.

44. Section 4 of the principal Act is amended—

(*a*) by striking out from subsection (1) the definition of "minor indictable offence" and substituting the following definition:

"minor indictable offence" means—

(*a*) an offence declared to be, or designated or described as, a minor indictable offence by any other Act;

(*b*) a group III offence except—

(i) an offence against the person (other than common assault, assault occasioning actual bodily harm and unlawful and malicious wounding);

(ii) concealment of childbirth;

(iii) an offence involving interference with, damage to, or destruction of, property where the loss resulting from the commission of the offence exceeds $2 000;

or

(iv) any other offence relating to property, the value of which exceeds $2 000;

or

(*c*) an offence against section 136, 137, 138, 169, 170, 171, 173, 174, 175, 176, 177, 178, 184, 196 or 197a of the Criminal Law Consolidation Act, 1935-1981, not being an offence relating to property, the value of which exceeds $2 000:;

and

(*b*) by striking out from the definition of "simple offence" in subsection (1) the passage "but does not include an indictable offence which can only be heard and determined in a summary way as a minor indictable offence" and substituting the passage "but does not include a minor indictable offence".

Powers conferred on special justice.

45. Section 5 of the principal Act is amended—

(*a*) by striking out from subsection (2) the passage "subsections (3), (4) and (5) of this section" and substituting the passage "subsection (3)";

and

(*b*) by striking out subsections (4) and (5).

Amendment of s. 75—Fine in lieu of imprisonment.

46. Section 75 of the principal Act is amended by striking out from subsection (7) the passage "two hundred dollars" and substituting the passage "two thousand dollars".

Amendment of s. 81—Term of imprisonment in default of payment of fine.

47. Section 81 of the principal Act is amended by striking out from subsection (2) the passage "ten dollars", wherever it occurs, and substituting, in each case, the passage "twenty-five dollars".

PART III

Amendment of s. 106—Receipt of evidence on preliminary examination.

48. Section 106 of the principal Act is amended by striking out subsection (8).

Repeal of s. 106a.

49. Section 106a of the principal Act is repealed.

Amendment of s. 108—Examination of witnesses.

50. Section 108 of the principal Act is amended by striking out subsection (2) and substituting the following subsection:—

(2) Where a witness is examined orally, his deposition—

(*a*) shall be recorded in writing;

(*b*) shall be read over by, or read over to, the witness;

and

(*c*) shall be signed by the witness and the justice.

Amendment of s. 109—Procedure on completion of evidence for prosecution.

51. Section 109 of the principal Act is amended by striking out paragraph (*a*) of subsection (3).

Repeal of s. 120 and substitution of new section.

52. Section 120 of the principal Act is repealed and the following section is substituted:

Jurisdiction of courts of summary jurisdiction in relation to minor indictable offences.

120. A court of summary jurisdiction constituted of a special magistrate has, subject to this Act, jurisdiction to hear and determine, in a summary way, a charge in respect of a minor indictable offence.

Repeal of s. 121.

53. Section 121 of the principal Act is repealed.

Repeal of s. 122 and substitution of new section.

54. Section 122 of the principal Act is repealed and the following section is substituted:

Procedure and powers of court in relation to charges of minor indictable offences.

122. (1) Subject to this Act, the procedure and powers of a court of summary jurisdiction in relation to the hearing and determination of a charge of a minor indictable offence shall be the same as if the charge were a complaint of a simple offence.

(2) At any time in the course of proceedings in respect of a minor indictable offence up to and including the completion of the case for the prosecution, the defendant may elect to be tried upon indictment and upon the making of that election the court shall not proceed to convict the defendant but may commit him for trial upon indictment.

(3) If it appears to the court that the offence, by reason of its seriousness, the intricacy of the facts in issue, the difficulty of any questions of law likely to arise at the trial, or for any other reason, ought to be tried upon indictment, it shall not proceed to convict the defendant but may commit him for trial upon indictment.

(4) Where a defendant appears before a court of summary jurisdiction charged with a minor indictable offence, the court shall, if the defendant does not elect to be tried upon indictment, inform him, at the completion of the case for the prosecution, whether or not it proposes to deal with the case in a summary way.

(5) If the defendant elects to be tried on indictment, or the court determines not to deal with the case in a summary way, the proceedings shall continue as a preliminary examination.

(6) In proceedings before a court of summary jurisdiction relating to a minor indictable offence, the deposition of any witness for the prosecution—

(*a*) shall be recorded in writing;

(*b*) shall be read over by, or read over to, the witness;

and

(*c*) shall be signed by the witness and the special magistrate.

Repeal of s. 124 and substitution of new section.

55. Section 124 of the principal Act is repealed and the following section is substituted:

Procedure to be followed where person charged appears before a justice.

124. Where a person appears before a justice (not being a special magistrate) charged with a minor indictable offence, the justice shall remand him in custody or on bail to appear before a court of summary jurisdiction constituted of a special magistrate.

Repeal of ss. 125 and 126.

56. Sections 125 and 126 of the principal Act are repealed.

Amendment of s. 129—Powers of court as to punishment for minor offences.

57. Section 129 of the principal Act is amended—

(*a*) by striking out from subsection (2) the passage "justices or a special magistrate have or has" and substituting the passage "a court of summary jurisdiction has";

(*b*) by striking out from subsection (2) the passage "two hundred dollars" and substituting the passage "two thousand dollars";

(*c*) by striking out from subsection (3) the passage ", whether by a court of summary jurisdiction or the Supreme Court,";

(*d*) by striking out from subsection (3) the passage "two hundred dollars" and substituting the passage "two thousand dollars";

and

(*e*) by inserting after subsection (3) the following subsections:

(4) Where a person is convicted of a minor indictable offence by a court of summary jurisdiction, and the court is of the opinion that the convicted person cannot be adequately punished by the court by reason of limitations on the power of the court imposed by this section, the court may remand the convicted person in custody or on bail to appear for sentence before a District Court at a time and place fixed by the court of summary jurisdiction.

(5) Where a person is remanded under subsection (4) to appear before a District Court that Court may—

(*a*) sentence him for the offence of which he was convicted by the court of summary jurisdiction;

and

(*b*) exercise any powers in relation to the convicted person that would have been available to the Court if he had been convicted in proceedings before the Court.

PART IV

AMENDMENT OF CRIMINAL LAW CONSOLIDATION ACT, 1935-1980

Short titles.

58. (1) In this Part, the Criminal Law Consolidation Act, 1935-1980, is referred to as "the principal Act".

(2) The principal Act, as amended by this Part, may be cited as the "Criminal Law Consolidation Act, 1935-1981".

Insertion of new heading and s. 281a.

59. The following heading and section are inserted after section 281 of the principal Act:

Change of Forum

Change of forum.

281a. (1) Where a person has been committed for trial in the Supreme Court, and the Court is of the opinion that the trial of the defendant might be appropriately conducted by a District Court, the Supreme Court may, of its own motion, or on the application of the Attorney-General or the defendant, direct that the case be referred to a District Court and, where such a direction is given, the District Court to which the case is referred shall hear and determine the case as if the defendant had been committed for trial in that District Court.

(2) A direction shall not be given under subsection (1) in respect of a case involving a charge of treason, murder, attempted murder, rape or armed robbery.

(3) Where a person has been committed for trial in a District Court, and the Supreme Court is of the opinion that the trial should be conducted by the Supreme Court, the Supreme Court may, on the application of the Attorney-General or the defendant, direct that the case be referred to the Supreme Court and, where such a direction is given, the Supreme Court shall hear and determine the case as if the defendant had been committed for trial in the Supreme Court.

(4) In determining whether to make a direction under subsection (1) or (3) the Supreme Court shall have regard to—

(*a*) the gravity of the offence or offences;

(*b*) the complexity or otherwise of the evidence to be given at the trial;

(*c*) the difficulty or uncertainty of the law involved or likely to be involved at the trial;

(*d*) the views (so far as they have been expressed) of the parties to the proceedings;

and

(*e*) the circumstances of the case generally.

Enactment of new heading.

60. The following heading is inserted before section 282 of the principal Act:

Saving and transitional provisions

PART V

AMENDMENT OF COMPANIES ACT, 1962-1981

Short titles.

61. (1) In this Part, the Companies Act, 1962-1981, is referred to as "the principal Act".

(2) The principal Act, as amended by this Part, may be cited as the "Companies Act, 1962-1981".

Repeal of s. 390.

62. Section 390 of the principal Act is repealed.

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

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No. 110 of 1981

An Act to authorize execution on behalf of this State of an Agreement between the Commonwealth, the States and the Northern Territory relating to housing; and for other purposes.

[*Assented to* 23 *December* 1981]

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 "Housing Agreement Act, 1981".

Interpretation.

2. In this Act—

"the Agreement" means an agreement between the Commonwealth, the States and the Northern Territory in the form, or substantially in the form, set out in the schedule to this Act.

Authority to execute Agreement.

3. (1) The execution of the Agreement on behalf of this State is authorized.

(2) The Treasurer is, upon execution of the Agreement, authorized and required to carry out the terms of the Agreement on behalf of this State.

(3) The moneys required by the Treasurer for the purpose of exercising his powers or carrying out his obligations under subsection (2) are, to the necessary extent, appropriated.

(4) Any act done by the Treasurer in anticipation of the Agreement coming into force is ratified.

Loans made under the Agreement.

4. (1) Subject to the Agreement, any loan or grant made by the Treasurer in pursuance of the Agreement shall be made upon terms and conditions determined by the Treasurer and approved by the Minister.

(2) Notwithstanding any other Act or law, a body or authority to which a loan or grant is made in pursuance of the Agreement is authorized to accept the loan or grant, and to expend the moneys lent or granted, in accordance with the terms and conditions on which the loan or grant was made.

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

K. D. SEAMAN, Governor

THE SCHEDULE

Section 4

SCHEDULE 1

AN AGREEMENT made the day of One thousand nine hundred and eighty- between—

THE COMMONWEALTH OF AUSTRALIA of the first part,

THE STATE OF NEW SOUTH WALES of the second part,

THE STATE OF VICTORIA of the third part,

THE STATE OF QUEENSLAND of the fourth part,

THE STATE OF SOUTH AUSTRALIA of the fifth part,

THE STATE OF WESTERN AUSTRALIA of the sixth part,

THE STATE OF TASMANIA of the seventh part, and

THE NORTHERN TERRITORY OF AUSTRALIA of the eighth part.

WHEREAS:

(A) the Commonwealth and the States of Australia have from time to time entered into agreements for the purpose of the provision by the States with financial assistance from the Commonwealth of housing for persons who are in need of governmental assistance if their housing requirements are to be met;

(B) by an agreement dated the seventeenth day of October 1978, being the agreement authorised to be executed on behalf of the Commonwealth by the Housing Assistance Act 1978 of the Commonwealth Parliament and being the last of the agreements referred to in recital (A), provision was so made with respect to the three years commencing on the 1st July 1978;

(C) the Commonwealth and the Northern Territory of Australia entered into an agreement dated the eleventh day of March 1980 in relation to the funding of welfare housing in the Northern Territory with respect to the two years commencing on the 1st July, 1979;

(D) the Ministers of the respective governments throughout Australia who are responsible for housing have agreed upon the provision of rental housing assistance and home purchase assistance in the various States and in the Northern Territory during the five years commencing on the 1st July 1981;

(E) the Ministers have affirmed and augmented principles that apply to the provision of housing assistance under agreements of the nature aforesaid, namely—

(*a*) housing assistance will—

(i) facilitate home ownership for those able to afford it but not able to gain it through the private market;

(ii) provide adequate rental housing for those of the community who are deemed to be in need of governmental assistance at a price that is within their capacity to pay;

and

(iii) provide assistance for home ownership and assistance with rental accommodation in the most efficient way and thus to exclude from eligibility those not in need, to minimise continued availability of assistance to those no longer in need and to accord benefits which are designed so that assistance being provided is related to the particular family's or individual's current economic and social circumstances;

(*b*) benefits which are available are offset to the minimum extent practicable by poor location of dwellings, an inadequate range of choice of dwellings and stigmatization of those who are to receive benefits;

(*c*) clear recognition is accorded to the separate but complementary roles of—

(i) construction and acquisition of dwellings;

(ii) management of the rental operations;

and

(iii) sales of dwellings;

(*d*) maximum social benefit is sought from previous investment in housing;

(*e*) design, style and siting of public housing will to the maximum extent practicable—

(i) support the energy conservation policies of the governments;

and

(ii) reflect the need for accessibility and suitability for habitation by handicapped persons;

(*f*) tenant participation in public housing policies and estate management is encouraged;

and

(*g*) the States will be able to exercise maximum autonomy and flexibility in the administrative arrangements necessary to achieve these principles;

(F) it is proposed that in order to implement the agreement of the Ministers the Commonwealth will grant to the States financial assistance under section 96 of the Commonwealth of Australia Constitution and like assistance to the Northern Territory and that the terms and conditions on which the grant of financial assistance should be made are those set out in this agreement;

(G) the Commonwealth and the States and the Northern Territory wish to vary in certain respects the operation of the agreements which have been entered into as aforesaid;

and

(H) the Parliament of the Commonwealth has authorised the execution by and on behalf of the Commonwealth of this agreement and the provision of financial assistance to the States in accordance with its provisions:

NOW IT IS HEREBY AGREED as follows:

PART I
OPERATION OF AGREEMENT

1. (1) This agreement shall come into force in respect of the Commonwealth and of a State when it has been signed on behalf of the Commonwealth and has been signed on behalf of the State with the authority of the Parliament of the State or, having been signed on behalf of the State without the authority, is approved by the Parliament of the State.

(2) This agreement shall come into force in respect of the Commonwealth and the Northern Territory when it has been signed on behalf of the Commonwealth and has been signed on behalf of the Northern Territory.

(3) Notwithstanding that in this agreement all the States of New South Wales, Victoria, Queensland, South Australia, Western Australia and Tasmania and the Northern Territory are named as parties, this agreement shall operate as an agreement between the Commonwealth and the party or parties in respect of which it comes into force as fully and effectually as if the party or parties in respect of which it comes into force were the only party or parties so named other than the Commonwealth.

2. Acts and things provided for by this agreement which have been done or carried out by or with respect to a State or the Northern Territory in accordance with and in anticipation of its coming into force in respect of that State or Territory shall be deemed to have been done or carried out under this agreement as if it were in force at the relevant time or times in respect of that State, or that Territory, as the case may be.

PART II
PARTIES

3. (1) In this agreement, subject to this clause and except where the context otherwise indicates—

(*a*) "the Commonwealth" means the Commonwealth of Australia as the party to this agreement;

(*b*) each State named as a party in respect of which the agreement comes into force is referred to as a "State" and, except where the context otherwise indicates, "the States" means all of those States;

and

(*c*) "the Northern Territory" means the Northern Territory of Australia as the party to this agreement, being the body politic established by section 5 of the Northern Territory (Self-Government) Act 1978 of the Commonwealth Parliament.

(2) A reference to a State in this Part and in the succeeding clauses of this agreement shall, except where the contrary intention appears and according to the requirements of the context, be deemed to include a reference to the Northern Territory.

4. Where in an existing Housing Agreement included in the Schedule the word "State" or the expression "the States" means a State or the States in respect of which that Agreement is in force, that word and that expression shall mean respectively, for the purposes of the operation of that Agreement, a State or the States in respect of which this agreement has come into force.

PART III
INTERPRETATION

5. (1) In this agreement—

"the Minister" means the Minister of State of the Commonwealth for the time being responsible for the administration of this agreement for the Commonwealth;

and

"the State Minister" means the Minister of State of a State for the time being responsible for the administration of this agreement for the relevant State.

(2) A reference in this agreement to a Minister includes a Minister or other member of the Federal Executive Council or Minister of the relevant State, as the case may require, acting on behalf of or for the time being acting for the Minister referred to.

6. In this agreement, unless the contrary intention appears or the context otherwise requires—

"dwelling" means a dwelling-house or flat and includes such fences, outbuildings and other improvements and such connexions for sewerage, drainage, water, electricity, gas and other services as are provided or are reasonably required to be provided for the dwelling-house or flat;

"home purchaser" includes a purchaser of a dwelling under Part X of this agreement;

"housing" means residential housing including dwellings and other forms of residential accommodation;

"previous housing arrangements" means the provisions in relation to housing that were made by the existing Housing Agreements and by the States Grants (Housing) Act 1971, the Housing Assistance Act 1973 and the Housing Assistance Act 1973 of the Commonwealth Parliament;

"rental housing" means housing for rental which has been provided under the previous housing arrangements or is provided under this agreement and "rental dwelling" means a dwelling that is included in rental housing;

"the Commonwealth Act" means the legislation of the Commonwealth Parliament by which this agreement is authorised to be executed by or on behalf of the Commonwealth;

"the existing Housing Agreements" means the Agreements set out in the Schedule and where the singular is used means such one or other of those Agreements as the context requires;

and

"year" means a period of twelve months commencing on the first day of July.

7. In this agreement, unless the contrary intention appears—

(*a*) a reference to a Part or to a clause is to a Part or to a clause of this agreement, as the case may be;

(*b*) a reference to a subclause is, unless otherwise indicated, to the relevant subclause of the clause in which the reference appears;

(*c*) the Schedule referred to is the Schedule to this agreement;

(*d*) words importing the masculine gender also import the feminine and, where appropriate, the neuter;

and

(*e*) words in the singular number include the plural and vice versa.

PART IV
OBJECTIVE OF AGREEMENT

8. The objective of this agreement is the provision by the States and by the Northern Territory with financial assistance from the Commonwealth of housing assistance for rental housing and for home purchase in accordance with, and in fulfilment of, the principles set out in recital (E).

PART V
FINANCIAL ASSISTANCE

9. (1) In order to assist the States in the achievement of the objective of this agreement, the Commonwealth will, upon and subject to the provisions of this agreement, provide to the States during the years of this agreement financial assistance for housing purposes (hereinafter in this agreement referred to as "financial assistance") by way of interest bearing repayable advances ("loan assistance") and interest free non-repayable grants ("grants").

(2) The years of this agreement shall be the five years commencing on the first day of July in the years 1981, 1982, 1983, 1984 and 1985.

10. The Commonwealth will provide base financial assistance to the States in respect of each year of this agreement amounting to Two hundred million dollars ($200 000 000) and consisting of—

(*a*) Fifty-four million dollars ($54 000 000) by way of grants identified as being for rental housing assistance to disadvantaged categories of persons in accordance with Part XI;

and

(*b*) One hundred and forty-six million dollars ($146 000 000) by way of loan assistance for rental housing assistance and home purchase assistance in accordance with this agreement.

11. The Commonwealth may provide to the States, out of moneys appropriated by the Commonwealth Parliament for the purpose, in addition to base financial assistance, financial assistance for home purchase assistance and rental housing assistance, including rental housing assistance to disadvantaged categories of persons in accordance with Part XI, in such proportions by way of grants and loan assistance or in such combinations of those forms of assistance as are from time to time determined by the Minister.

12. In and for the purposes of this agreement—

(*a*) financial assistance to be provided under clause 10 is referred to and shall be known as "base financial assistance";

(*b*) financial assistance in addition to base financial assistance is referred to and shall be known as "additional financial assistance";

(*c*) grants of base financial assistance under paragraph (*a*) of clause 10 and of additional financial assistance that are identified as being for rental housing to disadvantaged categories of persons in accordance with Part XI are referred to and shall be known as "earmarked grants";

and

(*d*) financial assistance other than earmarked grants is referred to and shall be known as "untied assistance".

13. Financial assistance shall be allocated between the States in such manner as is provided by the Commonwealth Act and it shall be a condition with respect to the provision of untied assistance that a State will match the amount of that financial assistance from its own resources in accordance with Part VI.

PART VI

STATE MATCHING FUNDS

14. (1) A State will provide from its own resources during each year of this agreement and apply in accordance with this Part funds ("matching funds") equivalent in amount to the amount of untied assistance that is provided to the State during that year.

(2) Each State will by the fifteenth day of October in each year of this agreement furnish to the Commonwealth for the agreement of the Minister proposals for the provision and application of matching funds during that year.

(3) Matching funds in respect of a State may include—

(*a*) surpluses resulting from rental housing assistance activities by the State under Commonwealth-State housing arrangements;

(*b*) revolving funds resulting from home purchase assistance activities under previous housing arrangements and under this agreement;

(*c*) allocations from—

(i) consolidated revenue funds;

(ii) loan funds;

(iii) trust funds and other special accounts in the public account of the State to the extent that those funds have been financed from State resources, including deposits with the State Treasury;

(iv) borrowings by instrumentalities of the State under the terms of the Commonwealth-State arrangements associated with the Financial Agreement and known as the Gentlemen's Agreement;

and

(v) appropriation from surpluses of authorities and instrumentalities of the State other than those referred to in paragraphs (*a*) and (*b*) of this subclause;

and

(*d*) other sources at any time agreed upon between the Minister and the State Minister.

(4) Except as provided in subclause (3) matching funds shall not be derived from financial assistance under this agreement.

15. (1) Matching funds in respect of a State other than those referred to in paragraphs (*a*) and (*b*) of subclause 14 (3) shall be expended by the State on welfare housing programs of the State as from time to time agreed between the Minister and the State Minister.

(2) Matching funds other than those referred to in paragraphs (*a*) and (*b*) of subclause 14 (3) shall not be required to be expended by a State on welfare housing programs to which this agreement applies.

16. As soon as practicable after a year of this agreement a State will furnish to the Commonwealth a statement which shows particulars of the expenditure by the State of matching funds during the year on programs agreed upon by the Minister and the State Minister and which is certified as to its correctness by a person appointed by the State Minister for that purpose.

PART VII

FINANCIAL ASSISTANCE ARRANGEMENTS

17. (1) Each State will, not later than the thirtieth day of November preceding the beginning of a year of this agreement, inform the Minister of the amounts of financial assistance that the State wishes the Commonwealth to provide to it in respect of the year for home purchase assistance and rental housing assistance programs and at the same time will provide estimates of financial performance and planned programs for that year.

(2) The Minister and the State Minister will consult as appropriate concerning the provision of financial assistance to the State, including additional financial assistance, in respect of the year in accordance with Part V.

(3) In those consultations consideration shall be given to State requirements and practices but for the purposes of the provision of additional assistance regard shall not be had to any operating surpluses on rental housing assistance operations or on home purchase assistance operations under previous housing arrangements or under this agreement.

18. Financial assistance in respect of a year of this agreement shall be made available to a State during that year by equal monthly instalments unless otherwise agreed between the Minister and the Treasurer of the State.

19. The State Minister will determine the allocation between home purchase assistance and rental housing assistance of the total amount of loan assistance and of grants of untied assistance to be provided by the Commonwealth to a State in a year of this agreement and may at any time during a year vary the determination in respect of that year.

PART VIII

INTEREST AND REPAYMENTS OF LOAN ASSISTANCE

20. (1) Each payment of loan assistance to a State or so much of each payment as for the time being remains unrepaid to the Commonwealth will, until repayment as provided in clause 21, bear interest at the rate of 4½ per centum per annum computed from the date upon which the payment is made.

(2) A State will on the thirty-first day of December and the thirtieth day of June of a year during which payments of loan assistance are made to the State under this agreement pay to the Commonwealth the interest that has accrued on those payments up to the date of the payment of the interest.

21. Each State will repay to the Commonwealth the amount of each payment of loan assistance to the State and will pay interest thereon as provided in clause 20, other than that payable under subclause 20 (2), by equal annual instalments of principal and interest so that the amount of the payment, together with the interest, will be repaid in 53 years from the beginning of the year next succeeding the year of this agreement in respect of which the payment was made, the first such instalment being payable on or before the end of the year next succeeding the year of this agreement in respect of which the payment was made.

22. Accounting procedures in respect of the repayment by a State of loan assistance will be as agreed upon between the Minister for Finance of the Commonwealth and the Treasurer of the State or, in default of agreement, as determined by the Minister for Finance of the Commonwealth.

PART IX

HOME PURCHASE ASSISTANCE

23. (1) The Home Purchase Assistance Account established by each State in pursuance of the 1978 Housing Agreement with respect to the States and the 1980 Housing Agreement with respect to the Northern Territory shall continue to be operated by the State for the purpose of this agreement and shall be "the Account" referred to in this Part.

(2) The moneys in the Account shall be available for home purchase assistance in accordance with this Part.

24. (1) Each State—

(*a*) will pay into the Account payments of loan assistance and grants made to the State that are allocated for home purchase assistance in accordance with this agreement;

and

(*b*) may pay into the Account funds from any other source which the State decides to apply on home purchase assistance under this agreement.

(2) The Account shall also be credited with moneys received in the course of home purchase assistance operations provided for by this Part and shall be debited with management costs and other outgoings in respect of those operations.

(3) The excess of the amounts that are received into the Account over payments that are made from the Account in accordance with subclause (2) shall be separately identified by the State to the Commonwealth.

25. (1) A State may use moneys standing to the credit of the Account of the State for—

(*a*) making repayments of principal and payments of interest in respect of loan assistance under this agreement or, where accounts under previous housing arrangements have been combined into the Account, repayments of principal and payments of interest in respect of loan assistance by the Commonwealth to the State which have been allocated for home purchase assistance under those arrangements;

(*b*) making repayments of principal and payments of interest in respect of any State funds allocated for home purchase assistance in accordance with paragraph (*b*) of subclause 24 (1);

(*c*) meeting expenditure by the State in providing and administering loans to approved lending authorities;

(*d*) making loans to—

(i) terminating building societies or co-operative housing societies;

(ii) a lending authority of the State approved by the State Minister;

(iii) registered co-operative organizations approved by the State Minister, not including permanent building societies;

and

(iv) such other bodies or organizations, including permanent building societies, as are from time to time agreed upon between the Minister and the State Minister,

for on-lending to home purchasers;

(*e*) providing a subsidy to eligible home purchasers or such lending institutions as are from time to time agreed upon by the Minister and the State Minister to reduce the interest cost of loans to the end borrowers of the loans;

(*f*) financing the construction or purchase of dwellings for sale to persons who are eligible for home purchase assistance under this agreement;

and

(*g*) such other purposes as are from time to time agreed upon between the Minister and the State Minister.

(2) In this clause references to societies are to societies registered as societies referred to under the relevant legislation of the State.

26. The rate of interest that is charged by the State in respect of so much as is for the time being outstanding on a loan to an agency of the State for the purposes of paragraphs (*d*), (*f*) or (*g*) of clause 25 shall—

(*a*) be not less than 5 per centum per annum until the end of the first year that wholly occurs after the loan is made;

(*b*) be increased by ½ per centum per annum at the end of the first year that wholly occurs after the loan is made and by ½ per centum per annum at the end of each subsequent year of the loan until a rate equivalent to 1 per centum per annum below the then current Commonwealth Savings Bank rate for housing loans is reached;

and

(*c*) thereafter be varied for any year of the loan according to any variation for the time being of that Commonwealth Savings Bank rate.

27. (1) Subject to this clause, it shall be a matter for the State, as it sees fit, to determine the conditions of eligibility and the amounts and conditions that are to apply in respect of loans to persons who are to receive home purchase assistance under this agreement and under previous housing arrangements.

(2) The conditions of eligibility shall be such that assistance is provided to those persons who are not able to obtain mortgage finance assistance in the open market or from other sources.

(3) In determining the amount of a loan and of the repayments, regard shall be had to family income, assets of the borrower and size and standard of the dwelling.

28. The State will adopt policies and practices with regard to persons who receive home purchase assistance which are best suited to the achievement of the objective of this agreement with respect to the principles set out in recital (E) which relate to home purchase assistance and may, where practicable, have regard to flexible lending practices, including those known as—

(*a*) escalating interest loans with income geared starts;

(*b*) deferred interest repayment loans;

(*c*) income geared repayment loans;

(*d*) high start loans;

and

(*e*) second mortgage lending,

and provision for variation in repayment in the event of hardship.

29. Each State will in respect of each year furnish to the Commonwealth by the thirtieth day of November next occurring after that year a financial statement in respect of operations of the Account which shows the origin of funds received and the manner in which funds were applied and which is certified as to its correctness by a person appointed by the State Minister for that purpose.

PART X

RENTAL HOUSING ASSISTANCE

30. Funds available to a State during any year for its rental housing assistance program (for the purposes of this Part referred to as "rental housing assistance funds") shall consist of—

(*a*) in respect of a year of this agreement, payments of loan assistance and grants that are made under this agreement for rental housing assistance;

and

(*b*) in respect of any year—

(i) any surplus during the year of revenue, after allowing for rental rebates, over outgoings incurred or provided for, arising from rental housing operations of the State under this agreement or previous housing arrangements and to which this agreement applies;

(ii) subject to paragraph (*e*) of clause 36, net proceeds from sale of rental dwellings;

and

(iii) any other funds which the State allocates for rental housing assistance under this agreement.

31. Without by this clause conveying any implication that funds are to be made available by the Commonwealth for, or are to be applied by a State for, any particular purpose or in any order of priority, the purposes for which rental housing assistance funds may be used by the State include the following—

(*a*) to meet the costs of and associated with the acquisition, planning and development of land primarily for residential development;

(*b*) to pay for the construction or acquisition of housing;

(*c*) to repay the principal of and pay interest on loan assistance to the State for rental housing assistance;

(*d*) to provide funds to such voluntary, non-profit, charitable bodies and other housing management bodies or groups as are approved by the State Minister;

(*e*) to enable housing to be let to such charitable bodies and other organisations as are approved by the State Minister for the provision of assistance to disadvantaged persons;

(*f*) to engage in urban renewal activities related to public housing;

(*g*) to allocate funds to local government bodies for the provision of rental housing where the State Minister considers that it would be more appropriate for such rental housing assistance to be carried out by those bodies;

(*h*) to make payments for, or provide bridging finance for, the provision of open space, landscaping, community facilities and for costs associated with land development, including contributions to head works and reticulation of services;

(*i*) to undertake research and policy development in relation to matters not funded by the Australian Research Council;

(*j*) to undertake and participate in joint ventures, co-operative enterprises or similar arrangements in order that public housing developments may be integrated with private housing and to achieve a desirable socio-economic mixture of housing;

(*k*) to lease housing from the private housing sector;

(*l*) to provide housing advisory services related to public housing;

(*m*) to provide rental subsidy for eligible persons renting private housing;

and

(*n*) any other purposes agreed upon between the Minister and the State Minister.

32. The conditions of eligibility of persons for rental housing assistance shall be determined by the State and shall ensure that assistance is directed to those applicants most in need of such assistance.

33. The State will in respect of the rent for its rental dwellings apply a policy directed to the progressive movement during the term of this agreement of the rent for each dwelling to charging market rent and will review rents at least annually.

34. (1) Rental rebates are to be granted to tenants who are not able to afford to pay the rent determined in accordance with clause 33.

(2) A uniform rental rebate policy shall be developed by the Commonwealth and the States and shall be applied by each State for the calculation of rental rebates.

35. (1) Where in respect of any year the rental housing operations of the State result in a surplus of revenue after allowing for rental rebates over outgoings, that surplus shall be separately identified to the Commonwealth and shall be included in rental housing assistance funds as provided in paragraph (*b*) (i) clause 30 for application in accordance with clause 31.

(2) Outgoings for the purposes of this clause shall consist of those normally incurred or provided for in rental housing operations and shall include repayments of principal and interest, maintenance, dwelling improvements, municipal rates and administrative expenses.

36. Each State will determine a policy for the sale of rental dwellings that is consistent with the objective of facilitating home ownership and is upon and subject to the following conditions—

(*a*) all sales of dwellings shall be at market value or replacement cost, on the basis of a cash transaction, but not so as to preclude the State, if it so wishes, from providing a credit to the tenant in recognition of improvements that the tenant has made to the dwelling;

(*b*) home purchase assistance funds may be used to provide finance for the purchase of dwellings;

(*c*) all proceeds from sales of dwellings shall be separately identified to the Commonwealth;

(*d*) net proceeds from sales of dwellings shall generally be applied to construct or purchase replacement dwellings which can be included in rental dwellings for the purpose of this agreement;

and

(*e*) without prejudice to the generality of (*d*), net proceeds from sales of dwellings may also be applied for specific housing purposes provided for in this agreement.

37. Each State will in respect of each year furnish to the Commonwealth by the thirtieth day of November next occurring after that year a financial statement in respect of operations of its rental housing assistance program during that year which shows the origin of funds received and the manner in which those funds were applied and which is certified as to its correctness by a person appointed by the State Minister for that purpose.

PART XI
EARMARKED GRANTS

38. The Minister will, in writing under his hand, identify grants to a State as being for rental housing assistance to persons (referred to as "disadvantaged persons") of the following disadvantaged categories—

(*a*) those in receipt of any of the following pensions, benefits or allowances under the Social Services Act 1947—

(i) age or invalid pension under Part III;

(ii) widow's pension under Part IV;

(iii) supporting parent's benefit under Part IVAAA;

(iv) special benefit under Division 6 of Part VII;

(v) sheltered employment allowance under Part VIIA;

or

(vi) training allowance under section 135D payable in respect of a period during which any pension, benefit or allowance referred to in a preceding subparagraph payable to the person is suspended in accordance with that section;

(*b*) those in receipt of a service pension under section 84 or 85 of the Repatriation Act 1920 and, in the case of a person who is in receipt of a pension under section 85 of that Act, is qualified under subsection 85 (2) of that Act to receive that pension;

(*c*) Aboriginals in need of rental housing assistance;

or

(*d*) after consultation with the State Minister, any person included in a class of persons which is declared by the Minister in writing under his hand, to be persons in need of assistance to which this Part relates.

39. (1) Rental dwellings provided with earmarked grants may be sold by a State subject to and in accordance with the provisions of clause 36.

(2) The net proceeds of sale of a rental dwelling under this clause shall be applied only to provide rental housing assistance to persons of the same category as that of the persons to whom rental housing assistance for the provision of the dwelling was granted to the State by the Commonwealth.

(3) This clause shall apply to rental dwellings that have been provided from grants made by the Commonwealth to a State under Part III of the Housing Assistance Act 1978.

40. A State will furnish to the Commonwealth, as soon as practicable after the end of each financial year, a statement setting out the amounts of earmarked grants expended by the State during the financial year for a purpose referred to in clause 38 and which is certified as to its correctness by a person appointed by the State Minister for that purpose.

PART XII
SUPERSESSION OF PREVIOUS HOUSING ARRANGEMENTS

41. The provisions of this agreement with respect to rental housing and home purchase assistance shall, except as provided herein, supersede the provisions of the existing Housing Agreements to the intent that this agreement will provide the arrangements between the Commonwealth and each State in relation to the provision of rental housing, including the sale of housing so provided, and to the provision of assistance for home purchasers under the previous housing arrangements and this agreement.

PART XIII
OBSERVANCE OF AGREEMENT

42. The Commonwealth shall provide for or secure the performance by it and its authorities of the obligations of the Commonwealth under this agreement and each of the States shall provide for or secure the performance by the State and its authorities of the obligations of the State under this agreement.

43. A State shall determine an agency or agencies (including bodies or organisations that are not authorities of the State) for the performance of this agreement on behalf of the State and acts and things that are done by or with respect to the agency or agencies so determined shall, for the purposes of this agreement, be deemed to have been done by or with respect to the State.

44. If the Minister, in writing under his hand, informs the Treasurer of a State he is satisfied that the State has failed to ensure that an amount of financial assistance provided to the State has been applied for the purposes and in the manner provided for by this agreement with respect to that financial assistance, the State will repay that amount, or such part of that amount as the Minister thinks reasonable, to the Commonwealth.

45. If a State fails for any reason to meet the requirement for the provision by it of matching funds in accordance with Part VI with respect to any financial assistance that has been provided to it, the State will upon request by the Minister, in writing under his hand, repay to the Commonwealth the amount of that financial assistance or so much of that amount as is specified in the request.

PART XIV
SUPPLY OF INFORMATION

46. A State Minister will, upon request by the Minister, supply to the Minister such information relevant to the operation of this agreement in respect of the State as is reasonably so requested.

PART XV
VARIATION OF AGREEMENT

47. (1) The provisions of Parts VII, IX, X or XI of this agreement may be varied as between the Commonwealth and a State by agreement in writing between the Minister and the State Minister.

(2) A copy of an agreement or copies of the documents which constitute an agreement under subclause (1) shall be tabled in the Parliaments of the Commonwealth and of the State within 15 sitting days of respective Parliaments from the date upon which the agreement is made.

(3) An agreement under subclause (1) shall not affect the operation of this agreement as between the Commonwealth and the States other than that with which the agreement has been made.

PART XVI
REPRESENTATION AND COMMUNICATIONS

48. (1) The Commonwealth shall, subject to subclause (2), be represented for the purposes of this agreement by the Department of Housing and Construction and the Minister shall notify the State Minister of the address of that Department and of any change at any time of that address.

(2) In the event that the administration of this agreement for the Commonwealth is allocated to a Minister other than the Minister for Housing and Construction, the Commonwealth shall be represented by the Department administered by that other Minister and that Minister shall notify the State Minister of the address of that Department.

49. The State shall, be represented for the purposes of this agreement by the Department administered by the State Minister and the State Minister shall notify the Minister of the address of that Department and of any change at any time of the Department or of the address.

50. (1) A notice or other communication under or in connexion with this agreement shall be duly given if it is in writing signed by or on behalf of, or attributed to, the head of the Department by which it is given and addressed to or delivered at the address of the Department to which it is directed.

(2) For the purposes of this clause writing includes a teleprinter message and the address for such a message shall be the teleprinter address of the receiving Department.

(3) A notice or other communication shall be given under this clause when it is received in the appropriate form by the Department to which it is directed.

Clause 6

SCHEDULE

Existing Housing Agreements

1. The 1945 Agreement
   Agreement made 19 November 1945 between the Commonwealth and the States to which Tasmania is not now a party—Act No. 44 of 1945.
2. The 1955 Agreement
   Supplemental Agreement made 16 April 1955 between the Commonwealth and the States other than Tasmania—Act No. 12 of 1955.
3. The 1956 Agreement
   Agreement made 13 February 1957 between the Commonwealth and the States—Act No. 43 of 1956.
4. The 1961 Agreement
   Agreement made 4 October 1961 between the Commonwealth and the States—Act No. 31 of 1961.
5. The 1966 Agreement
   Agreement made 21 December 1966 between the Commonwealth and the States—Act No. 24 of 1966.
6. The 1973 Agreement
   Agreement made 17 October 1973 between the Commonwealth and the States—Act No. 43 of 1973.
7. The 1974 Agreement
   Supplemental Agreement made 20 December 1974 between the Commonwealth and the States—Act No. 102 of 1974.
8. The 1978 Agreement
   Agreement made 17 October 1978 between the Commonwealth and the States—Act No. 79 of 1978.
9. The 1980 Northern Territory Agreement
   Agreement made 11 March 1980 between the Commonwealth and the Northern Territory.

In WITNESS WHEREOF, etc.

Section 9

SCHEDULE 2

ALLOCATION AMONGST STATES OF AMOUNTS APPROPRIATED FOR LOANS IN RESPECT OF YEAR COMMENCING 1 JULY 1981

State	Percentage of total amount appropriated for loans
	%
New South Wales	31.14
Victoria	24.75
Queensland	9.69
South Australia	14.22
Western Australia	8.93
Tasmania	6.14
Northern Territory	5.13

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

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No. 111 of 1981

An Act to establish the Parks Community Centre; and to deal with other related matters.

[*Assented to* 23 *December* 1981]

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 "Parks Community Centre Act, 1981". Short title.

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

3. In this Act, unless the contrary intention appears: Interpretation.

"the board" means the board of management appointed under section 5:

"the Centre" means the Parks Community Centre established under this Act:

"the chairman" includes the deputy of the chairman:

"the Enfield Council" means the Corporation of the City of Enfield:

"Government authority" means a Department, instrumentality or agency of the Government:

"member of the staff" in relation to the Centre means—

(*a*) an officer or employee of the Centre;

or

(*b*) a person—

(i) who is an officer or employee of a Government authority, or local government authority, that provides facilities, amenities or services at the Centre;

and

(ii) who works at the Centre,

but does not include a person who is employed on a casual basis, or whose work is unremunerated:

"registered user" in relation to the Centre means a person whose name appears on the register maintained pursuant to this Act.

Establishment of the Centre.

4. (1) There shall be a community centre entitled the "Parks Community Centre".

(2) The Centre shall—

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

(*b*) be capable of suing and being sued;

(*c*) be capable of holding, acquiring, dealing with and disposing of real and personal property;

(*d*) be capable of acquiring or incurring any other rights and liabilities;

(*e*) have the powers, rights, functions and duties conferred or imposed by this Act;

and

(*f*) hold its property on behalf of the Crown.

(3) Where an apparently genuine document purports to bear the common seal of the Centre, it shall be presumed in any legal proceedings, in the absence of proof to the contrary, that the common seal of the Centre has been duly affixed to that document.

The board.

5. (1) The Centre shall be administered by a board of management.

(2) The board shall consist of twelve members, as follows:

(*a*) eight members shall be appointed by the Governor, of whom—

(i) four shall be persons nominated by the Minister;

(ii) one shall be a person nominated by the Minister of Education;

(iii) one shall be a person nominated by the Minister of Community Welfare;

(iv) one shall be a person nominated by the Minister of Health;

and

(v) one shall be a person nominated by the Enfield Council;

(*b*) three members shall be appointed or elected in accordance with subsection (3);

and

(*c*) one member shall be appointed or elected in accordance with subsection (5).

(3) For the purposes of subsection (2) (*b*), the Governor shall appoint three persons nominated by the Minister to be members of the board, and where a vacancy occurs in the office of any such member, the successor to that office, and all subsequent successors, shall, subject to this Act, be elected by the registered users of the Centre.

(4) A person is not eligible for election under subsection (3) unless he is a registered user of the Centre.

(5) For the purposes of subsection (2) (*c*), the Governor shall appoint a person nominated by the Minister after consultation with the staff of the Centre to be a member of the board, and where a vacancy occurs in the office of that member, the successor to that office, and all subsequent successors, shall be elected by the staff of the Centre in the prescribed manner.

(6) A person is not eligible for appointment or election under subsection (5) unless he is a member of the staff of the Centre.

(7) The Governor shall appoint one of the persons nominated by the Minister under subsection (2) (*a*) (i) to be the chairman of the board.

Election of board members by registered users of the Centre.

6. (1) The board shall establish and maintain a register of the persons who use the Centre and are eligible to be placed on the register.

(2) A person uses the Centre if—

(*a*) he uses any facility or amenity provided at the Centre;

or

(*b*) he avails himself of any service provided at the Centre.

(3) A person who uses the Centre is eligible to be placed on the register if—

(*a*) he is entitled to vote at elections for the House of Assembly;

and

(*b*) he enters his name on the register, or causes it to be so entered.

(4) A member of the staff of the Centre is not eligible to be placed on the register.

(5) The board shall cause the register to be revised from time to time, and upon any such revision, may remove from the register the name of any person—

(*a*) who has requested that his name be so removed;

(*b*) who has died, or resides in a place outside this State;

(*c*) whose name does not appear on a House of Assembly electoral roll;

(*d*) who no longer appears to reside at the address last known to the board;

(*e*) who has become a member of the staff of the Centre;

or

(*f*) who the board believes has not used the Centre for a period of at least three years.

(6) The Governor—

(*a*) may, by proclamation, declare that, upon a day specified in the proclamation, the register of users will be closed for the purposes of an election that is to be held under this section;

or

(*b*) may, by further proclamation, vary or revoke a proclamation under paragraph (*a*).

(7) The Electoral Commissioner shall conduct the election of board members by the registered users of the Centre.

(8) Subject to subsections (9) and (10), any such election shall be by ballot of the persons whose names appear on the register immediately prior to the closure of the register by the Governor for the purposes of that election.

(9) Where the number of candidates for election under this section is equal to or less than the number of vacant positions to be filled, the Electoral Commissioner shall, without conducting a ballot, declare those candidates duly elected to the board.

(10) Where there are no candidates or less than the required number of candidates for an election under this section, the Governor may appoint such number of persons to be members of the board as may be necessary to fill the vacant positions, and a person so appointed shall be deemed to have been duly elected to the board.

(11) A ballot under this section shall be conducted upon the basis of a system of preferential voting to be determined by the Electoral Commissioner.

(12) Subject to this section, an election of board members by the registered users of the Centre shall be conducted in accordance with the directions of the Electoral Commissioner.

Terms of office of board members.

7. (1) An appointed member of the board shall be appointed—

(*a*) in the case of a member appointed under section 5 (3) or 5 (5), for such term of office, not exceeding one year, as the Governor specifies in the instrument of appointment;

or

(*b*) in the case of any other appointed member, for such term of office, not exceeding three years, as the Governor specifies in the instrument of appointment;

and

(*c*) upon such conditions as the Governor may determine.

(2) A member elected by the registered users of the Centre shall be elected for a term of office determined in accordance with the regulations.

(3) The member elected by the staff of the Centre shall be elected for a term of office of one year.

(4) Upon the expiration of the term of office of a member of the board, he shall, subject to this Act, be eligible for re-appointment or re-election, as the case may require.

Deputies.

8. (1) The Governor may appoint a suitable person to be a deputy of an appointed member of the board.

(2) The staff of the Centre may elect, in the prescribed manner, a member of the staff to be the deputy of the member of the board elected to office by the staff of the Centre.

(3) If a member of the board is absent from the duties of his office, his deputy may act as a member of the board and, while so acting, shall have all the powers, functions and duties conferred or imposed upon the member of whom he is the deputy.

Allowances and expenses.

9. A member of the board is entitled to receive such allowances and expenses as the Governor may from time to time determine.

Removal from and vacancies of office.

10. (1) The Governor may remove a member of the board from office on the grounds of—

(*a*) in the case of an appointed member, any breach of, or non-compliance with, a condition of his appointment;

(*b*) mental or physical incapacity to carry out satisfactorily the duties of his office;

(*c*) dishonourable conduct;

or

(*d*) neglect of duty.

(2) The office of a member of the board becomes vacant if—

(*a*) he dies;

(*b*) his term of office expires;

(*c*) in the case of the member elected by the staff of the Centre, he ceases to be a member of the staff of the Centre;

(*d*) he resigns by notice in writing given to the Centre;

or

(*e*) he is removed from office by the Governor pursuant to subsection (1).

(3) Subject to subsection (4), upon the office of a member of the board becoming vacant, a person shall be appointed or elected, as the case may require, to that office in accordance with this Act.

(4) Where the office of a member of the board who was elected by the registered users of the Centre becomes vacant less than three months before the expiration of his term of office, the Governor shall appoint a registered user nominated by the Minister to that vacant office, and a person so appointed shall be deemed to have been duly elected to the board.

(5) Where the office of a member of the board becomes vacant before the expiration of the term of office for which he was appointed or elected, the person appointed or elected in his place shall be so appointed or elected only for the balance of that term.

Validity of acts of the board and immunity of members from liability.

11. (1) An act or proceeding of the board shall not be invalid by reason of a vacancy in its membership or any defect in the appointment or election of a person to the board.

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

Meetings of the board.

12. (1) The chairman of the board shall preside at all meetings of the board at which he is present.

(2) In the absence of the chairman from a meeting of the board, the members present at the meeting shall elect one of their number to preside at that meeting.

(3) Seven members of the board shall constitute a quorum of the board, and no business shall be transacted at any meeting unless a quorum is present.

(4) A decision carried by a majority of the votes cast by the members present at a meeting shall be a decision of the board.

(5) The person presiding at a meeting of the board shall, in the event of an equality of votes, have a casting vote in addition to a deliberative vote.

(6) The board shall cause accurate minutes to be kept of its meetings.

(7) Subject to this Act, the board may conduct its business in such manner as it thinks fit.

Board may delegate.

13. (1) The board may, by instrument in writing, delegate any of its powers, functions or duties to any committee appointed by the board, or to any member of the board or member of the staff of the Centre.

(2) A delegation under this section is revocable at will, and does not prevent the board from exercising or discharging any power, function or duty so delegated.

Disclosure of interests by board members.

14. (1) A member of the board who is in any way directly or indirectly interested in a contract made by the Centre, or a proposed contract in the contemplation of the Centre—

(*a*) shall, as soon as he becomes aware of his interest, disclose the nature and extent of his interest to the board;

and

(*b*) shall not take part in any deliberations or decision of the board with respect to the contract.

Penalty: Five hundred dollars.

(2) A disclosure made under subsection (1) (*a*) shall be recorded in the minutes of the board.

(3) Subsection (1) does not apply in relation to an interest that exists only by virtue of the fact that the member of the board is an employee of the Centre.

Functions and powers of the Centre.

15. (1) The functions of the Centre are—

(*a*) to manage and maintain the premises and property of the Centre;

(*b*) to make the premises of the Centre available for the provision of a wide range of facilities, amenities and services for the benefit of the community served by the Centre;

(*c*) to itself provide such facilities, amenities or services as it may think desirable;

(*d*) to promote and encourage the use of all the facilities, amenities and services of the Centre;

(*e*) to encourage and foster, wherever practicable, direct participation by members of the public in the provision of the facilities, amenities and services of the Centre;

(*f*) to conduct, or assist in conducting, investigations into the recreational, cultural, social and welfare needs of the community served by the Centre, and to work towards the fulfilment of those needs;

(*g*) to perform any other functions prescribed by this Act or assigned to the Centre by the Minister;

and

(*h*) to perform such other functions as may be necessary or incidental to the foregoing.

(2) The Centre shall not interfere with the operation of a facility, amenity or service provided on or from the premises of the Centre by any Government or local government authority, or by any person other than the Centre itself.

(3) The Centre may, with the approval of the Minister, apply for and hold any licence or permit under the Licensing Act, 1967-1980.

(4) The Centre may fix fees or charges for the use of any facility, amenity or service provided by the Centre itself, or for the leasing or hiring out of any part of the premises of the Centre.

16. The Centre is subject to the control and direction of the Minister. The Centre is subject to the control of the Minister.

17. (1) The Governor may, subject to and in accordance with the Public Service Act, 1967-1981, appoint officers to assist the Centre in the performance of its functions and discharge of its duties under this Act. Staff of the Centre.

(2) An officer so appointed shall hold office in accordance with the Public Service Act, 1967-1981.

(3) The Centre may appoint, upon terms and conditions fixed by the Centre with the approval of the Public Service Board and the Minister, such officers and employees as it thinks necessary or desirable for the proper carrying out of the functions and duties of the Centre.

(4) The Public Service Act, 1967-1981, shall not apply to officers or employees of the Centre appointed under subsection (3).

(5) The Centre may make use of the services of volunteers in carrying out its functions and duties.

(6) Any person who was, immediately prior to the commencement of this Act, performing any duties or work for the Parks Community Centre as an appointee of the Minister, shall, upon that commencement, become an officer or employee of the Centre without reduction of salary or status.

18. (1) The Centre is a public authority within the meaning of the Superannuation Act, 1974-1981, and— Superannuation and continuity of leave rights.

(*a*) an officer or employee of the Centre who was, immediately before becoming an officer or employee of the Centre, a contributor to the South Australian Superannuation Fund shall, subject to that Act, remain a contributor to the Fund;

and

(*b*) any other officer or employee of the Centre may, subject to that Act, become a contributor to the Fund.

(2) Subject to subsection (3), where a person becomes an officer or employee of the Centre within three months after ceasing to be employed—

(*a*) in the Public Service of the State;

or

(*b*) in prescribed employment,

his existing and accruing rights immediately before the cessation of that employment in respect of recreation leave, sick leave and long service leave shall continue to the extent directed by the Centre and subject to such conditions as may be imposed by the Centre as if that previous employment had been employment by the Centre.

(3) Where a person becomes an officer or employee of the Centre after ceasing to be employed in the Public Service of the State, and that employment with the Centre follows immediately upon the cessation of his employment in the Public Service, the following provisions shall apply:

(*a*) his existing and accruing rights immediately before the cessation of his employment in the Public Service in respect of recreation

leave, sick leave and long service leave shall continue in full force and effect as if that employment had been employment with the Centre;

and

(*b*) he shall not be entitled to payment in lieu of those rights.

Premises of the Centre.

19. (1) The premises of the Centre comprise—

(*a*) the lands comprised in Certificates of Title Register Book Volume 3925 Folio 70, Volume 4068 Folio 686 and Volume 3609 Folio 188;

and

(*b*) any lands conveyed to or vested in the Centre or placed under the care, control and management of the Centre.

(2) The Governor may, by instrument in writing—

(*a*) place any unalienated Crown land under the care, control and management of the Centre;

or

(*b*) resume any land placed under the care, control and management of the Centre pursuant to paragraph (*a*).

(3) The Centre shall not acquire an interest in any land, or dispose of, lease or in any other way deal with any land or interest in land vested in the Centre, except with the approval of the Minister.

Financial provisions.

20. (1) As soon as practicable after the commencement of this Act, the Centre shall submit to the Minister a budget showing its estimates of receipts and payments over the balance of the financial year within which the budget is presented, and thereafter the Centre shall, before the commencement of each succeeding financial year, submit to the Minister a budget showing its estimates of receipts and payments for that succeeding financial year.

(2) The Minister may approve, with or without amendment, a budget submitted to him under this section.

(3) The Centre shall not, without the consent of the Minister, make any expenditure that is not authorized by a budget approved under this section.

(4) The Centre may, with the consent of the Treasurer, borrow money for the purpose of enabling it to perform its functions and discharge its duties under this Act.

(5) A liability incurred with the consent of the Treasurer pursuant to subsection (4) is, by virtue of this section, guaranteed by the Treasurer.

(6) A liability of the Treasurer under a guarantee arising by virtue of subsection (5) shall be satisfied out of the General Revenue of the State, which is, by virtue of this section, appropriated to the necessary extent.

(7) The Centre may, with the approval of the Treasurer, invest any of its moneys that are not for the time being required for the purposes of the Centre, in such investments as may be approved by the Treasurer.

The fund.

21. (1) The Centre shall establish, maintain and administer a fund.

(2) The fund shall consist of—

(*a*) the moneys appropriated by Parliament for the purposes of the Centre;

(*b*) income from any investment of any moneys of the Centre;

(*c*) any moneys borrowed by the Centre;

(*d*) any fees or charges received by the Centre;

(*e*) any moneys granted, donated or bequeathed to the Centre;

and

(*f*) all other moneys paid to or received by the Centre that should properly be paid into the fund.

(3) The Centre shall apply the moneys in its fund (other than any moneys borrowed by the Centre) in defraying the administrative expenses incurred by the Centre and other costs and expenses incurred by it in the performance and discharge of its functions and duties.

Accounts and audit.

22. (1) The Centre shall cause proper accounts to be kept of its financial affairs.

(2) The Auditor-General may at any time, and shall at least once in every year, audit the accounts of the Centre.

(3) For the purpose of the audit, the Auditor-General shall have and may exercise, in relation to the accounts, officers and employees of the Centre, the same powers as are vested in him by virtue of the Audit Act, 1921-1975, in relation to public accounts and accounting officers.

Annual report.

23. (1) The board shall, not later than the thirtieth day of September in each year, present to the Minister a report on the administration and activities of the Centre during the previous financial year.

(2) The Minister shall, as soon as practicable after his receipt of a report submitted to him under subsection (1), cause a copy of the report to be laid before each House of Parliament.

By-laws.

24. (1) The board may make, alter or repeal by-laws for all or any of the following purposes:

(*a*) to prohibit persons from trespassing on the grounds of the Centre;

(*b*) to prevent damage to the property, buildings or grounds of the Centre;

(*c*) to regulate the speed at which vehicles may be driven in the grounds of the Centre;

(*d*) to prohibit dangerous or careless driving in the grounds of the Centre;

(*e*) to prescribe the routes to be followed by traffic within the grounds of the Centre;

(*f*) to regulate, restrict or prohibit the standing, parking or ranking of vehicles within the grounds of the Centre, and to provide for the removal of vehicles from the grounds;

(*g*) to require drivers of vehicles within the grounds of the Centre to comply with traffic directions;

(*h*) generally to regulate traffic of all kinds within the grounds of the Centre;

(*i*) to prohibit disorderly or offensive behaviour within the premises of the Centre, and to provide for the removal of persons guilty of disorderly or offensive behaviour;

(*j*) to regulate, restrict or prohibit the consumption of alcoholic liquor within the premises of the Centre;

(*k*) to prevent undue noise within the premises of the Centre;

(*l*) to prescribe any other matters necessary or expedient for the maintenance of good order, the protection of property, or the prevention of hindrance to, or interference with, any activities conducted within the premises of the Centre;

and

(*m*) to prescribe penalties not exceeding two hundred dollars for contravention of any by-law.

(2) Every by-law made under this section shall be sealed with the common seal of the Centre and submitted to the Minister for his approval.

(3) Where the Minister has approved a by-law made under this section, he shall cause the by-law to be laid before both Houses of Parliament in accordance with the Subordinate Legislation Act, 1978.

(4) In any proceedings for an offence against a by-law—

(*a*) an allegation in the complaint that any specified place is or was within the grounds of the Centre shall, in the absence of proof to the contrary, be deemed to be proved;

(*b*) an allegation in the complaint that a person named in the complaint was, at the time of the alleged offence, the owner of a vehicle referred to therein shall, in the absence of proof to the contrary, be deemed to be proved;

and

(*c*) where it is proved that a vehicle was parked in the grounds of the Centre in contravention of a by-law, it shall, in the absence of proof to the contrary, be presumed that the vehicle was so parked by the owner of the vehicle.

(5) Where it is alleged that a person has committed an offence against a by-law relating to vehicular traffic or the parking of vehicles on the grounds of the Centre, the board may cause to be served personally or by post upon that person a notice to the effect that he may expiate the offence by payment to the Centre of an amount specified in the notice (being an amount fixed by the by-law) within a time specified in the notice, and if the offence is so expiated, no proceedings shall be commenced in any court in respect of the alleged offence.

Summary proceedings.

25. Proceedings in respect of an offence against a by-law under this Act shall be disposed of summarily.

Regulations.

26. The Governor may make such regulations as are contemplated by this Act, or as are necessary or expedient for the purposes of this Act.

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

K. D. SEAMAN, Governor

ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

****

No. 112 of 1981

An Act to amend the Local Government Act, 1934-1981.

[*Assented to* 23 *December* 1981]

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 (No. 4), 1981".

(2) The Local Government Act, 1934-1981, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Local Government Act, 1934-1981".

Insertion of new s. 886ba.

Discharge of trusts affecting the Glenelg amusement park and validation of transactions entered into by the Council in relation to the park.

2. The following section is inserted after section 886b of the principal Act:

886ba. (1) In this section—

"the caveat" means the Caveat No. 570900 entered on Certificate of Title Register Book Volume 912 Folio 32:

"the Council" means the Corporation of the City of Glenelg:

"the Park" means the whole of the land comprised in Certificate of Title Register Book Volume 912 Folio 32:

"the trusts" means the trusts arising under or evidenced by the Deed Poll or Declaration of Trust executed by the Corporation of the Town of Glenelg and dated the 10th day of September, 1912 (which deed poll or declaration of trust is deposited in the General Registry Office at Adelaide and numbered No. 27 of 1912).

(2) The trusts are extinguished and the caveat is discharged.

(3) The Registrar-General shall, upon the application of the Council, make such entries or notations in the Register Book as are necessary to evidence the extinguishment of the trusts and the discharge of the caveat.

(4) No transaction entered into by the Council before the commencement of the Local Government Act Amendment Act (No. 4), 1981, and affecting land comprised in the Park is invalid by reason of a provision of the trusts.

(5) The Council—

(*a*) shall continue to maintain the Park as a public park;

and

(*b*) may—

(i) provide in the Park facilities or amenities for public refreshment, recreation or amusement;

(ii) grant, upon such terms and conditions as the Council thinks fit, leases or licences in respect of land comprised in the Park with a view to provision by the lessees or licensees of facilities or amenities for public refreshment, recreation or amusement;

(iii) otherwise deal with land comprised in the Park, as the Minister may approve.

(6) The provisions of section 44 of the Planning and Development Act, 1966-1981, do not apply to the grant of a lease or licence by the Council under this section.

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

K. D. SEAMAN, Governor

TABLE 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 1981 and which were not repealed as on 1st January, 1982.

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The table also includes cross references to subject matters dealt with by legislation.

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[1]As on 1st January, 1982, this Act had not come into operation.

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[1]As on 1st January, 1982, this Act had not come into operation.
[2]As on 1st January, 1982, this Act had not come into operation.

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[1]As on 1st January, 1982, the amendments made to the Age of Majority (Reduction) Act, 1970-1975, by the South Australian Health Commission Act, 1975-1980, had not come into operation.
[2]As on 1st January, 1982, this Act had not come into operation.
[3]As on 1st January, 1982, this Act had not come into operation.

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[1]As on 1st January, 1982, this Act had not come into operation.
[2]As on 1st January, 1982, this Act had not come into operation.

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[1]As on 1st January, 1982, certain provisions of this Act had not come into operation.

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[1]As on 1st January, 1982, this Act had not come into operation.
[2]As on 1st January, 1982, certain provisions of this Act had not come into operation.
[3]As on 1st January, 1982, this Act had not come into operation.

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[1]As on 1st January, 1982, certain provisions of this Act had not come into operation.

[2]As on 1st January, 1982, this Act had not come into operation.

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[1]As on 1st January, 1982, the amendments made to the Criminal Law Consolidation Act, 1935-1975, by the South Australian Health Commission Act, 1975-1980, had not come into operation.

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[1]As on 1st January, 1982, certain provisions of this Act had not come into operation.
[2]As on 1st January, 1982, this Act had not come into operation.
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[1]As on 1st January, 1982, this Act had not come into operation.
[2]As on 1st January, 1982, this Act had not come into operation.

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[1]As on 1st January, 1982, this Act had not come into operation.

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[1]For the reader's convenience the Financial Agreement, as varied and amended by all amendments to the operative parts thereof up to and including the amendments contained in the schedule to the Amending Financial Agreement Act, 1966, is reprinted in volume 4 of the South Australian Statutes 1837-1975 immediately following that Act.

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[1]As on 1st January, 1982, this Act had not come into operation.

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[1]As on 1st January, 1982, this Act had not come into operation.

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[1]As on 1st January, 1982, this Act had not come into operation.

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[1]As on 1st January, 1982, the amendments made to the Institute of Medical and Veterinary Science Act, 1937-1974, by the South Australian Health Commission Act, 1975-1980, had not come into operation.

[2]As on 1st January, 1982, this Act had not come into operation.

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[1]As on 1st January, 1982, this Act had not come into operation.

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[1]As on 1st January, 1982, this Act had not come into operation.

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[1] As on 1st January, 1982, this Act had not come into operation.

[2] This Act did not come into operation prior to 31st May, 1978, the date of expiry referred to in section 4.

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[1]As on 1st January, 1982, this Act had not come into operation.

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[1]As on 1st January, 1982, this Act had not come into operation.

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[1]As on 1st January, 1982, the amendments made to the Occupational Therapists Act, 1974, by the South Australian Health Commission Act, 1975-1980, had not come into operation.

[2]As on 1st January, 1982, this Act had not come into operation.

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[1]As on 1st January, 1982, this Act had not come into operation.

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[1]As on 1st January, 1982, this Act had not come into operation.

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[1]As on 1st January, 1982, this Act had not come into operation.

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[1]As on 1st January, 1982, this Act had not come into operation.

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[1]As on 1st January, 1982, this Act had not come into operation.

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[1]As on 1st January, 1982, certain provisions of this Act had not come into operation.
[2]As on 1st January, 1982, this Act had not come into operation.
[3]A deed executed on 3rd December, 1976, by the Returned Services' League (South Australian Branch) Incorporated, a copy of which has been deposited at the General Registry Office, Adelaide, and bears the number 208 of 1977 is relevant to the Indenture set out in the schedule to this Act.

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[1]As on 1st January, 1982, this Act had not come into operation.

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[1]As on 1st January, 1982, certain provisions of this Act had not come into operation.

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STATUTES AMENDMENT (GIFT DUTY AND STAMP DUTIES) ACT, 1976	1976	270
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[1]As on 1st January, 1982, this Act had not come into operation.
[2]As on 1st January, 1982, this Act had not come into operation.

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[1]As on 1st January, 1982, this Act had not come into operation.

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[1]As on 1st January, 1982, this Act had not come into operation.
[2]As on 1st January, 1982, this Act had not come into operation.

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[1]As on 1st January, 1982, certain provisions of this Act had not come into operation.

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UNIVERSITY OF ADELAIDE ACT AMENDMENT ACT, 1978	1978	229
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The Volunteer Fire Fighters Fund Act, 1949-1975, *has been amended by the Fire and Accident Underwriters' Association of South Australia (Change of Name) Act,* 1976		
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The Water Resources Act, 1976-1979, *has been amended by the Statutes Amendment (Administration of Courts and Tribunals) Act,* 1981		
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WORKERS COMPENSATION (INSURANCE) ACT, 1980	1980	487
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[1]As on 1st January, 1982, this Act had not come into operation.

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The following table contains a list of the public Acts of the Parliament of South Australia passed up to the end of 1981 which were unrepealed as on 1st January, 1982, and which were of a local or restricted application or of which the operation had been superseded by Commonwealth legislation or wholly or partially exhausted.

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The Adelaide Electric Supply Company Act, 1944	1944	17
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Adelaide Park Lands Act, 1928	1928	1 868
The Adelaide Park Lands Alteration Act, 1913	1913	1 140
Adelaide Park Lands Alteration Act, 1917	1917	1 275
Adelaide Park Lands Alteration Act, 1961	1961	5
Adelaide Park Lands Appropriation Act, 1880	1880	171
The Adelaide Show Grounds Act, 1913	1913	1 136
Adelaide Show Grounds Act Amendment Act, 1923	1923	1 590
Adelaide Show Grounds Act Amendment Act, 1925	1925	1 706
Adelaide Show Grounds Act Amendment Act, 1935	1935	2 202
Alberton Cemetery Act, 1938	1938	2 396
Angas Recreation Park Act, 1937	1937	2 347
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The Church of England in Australia Constitution Act, 1961	1961	43
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The Australian Boy Scouts Association, South Australian Branch, Act, 1969	1969	65
Bagot's Executor Company *see* Table of Private Acts: Statutes Amendment (Executor Companies) in this Table		
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The Banks Statutory Obligations Amendment Act, 1962, *has been amended by the Statute Law Revision Act,* 1973		
Business Franchises (Miscellaneous Provisions) Act, 1975	1975	61
Cellulose Australia Ltd. (Government Shares) Act, 1957	1957	6
Cellulose Australia Ltd. (Government Shares) Act, 1960	1960	18
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Churches of Christ, Scientist, Incorporation Act, 1963	1963	36
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The Church of England Trust Property Act, 1971	1971	44
Commonwealth Powers Act, 1943	1943	3
Commonwealth Water Agreement Ratification Act Repeal Act, 1954	1954	31
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Da Costa Samaritan Fund (Incorporation of Trustees) Act, 1953	1953	54
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D. & J. Fowler (Transfer of Incorporation) Act, 1970	1970	31
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District Council of Lacepede (Vesting of Land) Act, 1976	1976	42

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The Drought Relief Act, 1914	1914	1165
Drought Relief Act Amendment Act, 1920	1920	1433
Drought Relief Act, 1919	1919	1397
Drought Relief Act, 1923	1923	1557
Drought Relief Act, 1926	1926	1731
Drought Relief Act, 1927	1927	1832
Drought Relief Act, 1928	1928	1886
Drought Relief (Extension) Act, 1929	1929	1926
Drought Relief Act, 1940	1940	16
Drought and Frost Relief Act, 1944	1944	18
Drought Relief Act, 1945	1945	9
Drought Relief Act, 1946	1946	1
Elder's Executor Company *see* Table of Private Acts: Statutes Amendment (Executor Companies) in this Table		
Elder Smith and Co. Limited, Provident Funds Act, 1963	1963	58
Elders Trustee and Executor Company Limited Provident Funds Act, 1971	1971	28
Electoral Districts (Redivision) Act, 1954	1954	37
Electoral Districts (Redivision) Act, 1962	1962	34
Electoral Districts (Redivision) Act, 1968-1969	1969	2
Electoral Districts (Redivision) Act Amendment Act, 1969	1969	23
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Executors Company's Act Amendment Act, 1980[1]	1980	103
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Farmers Relief Act Extension Act, 1931	1931	2057
Farmers Relief Act, 1932	1932	2100
Federal Aid Roads Agreement Act, 1926	1926	1771
Federal Aid Roads Agreement Act, 1930	1930	1970
Amending Federal Aid Roads Agreement Act, 1931	1931	2014
Amending Federal Aid Roads Agreement Act, 1936	1936	2321
Federal Aid Roads Agreement Act, 1937	1937	2341
Financial Emergency Act, 1931-1936	—	—
Financial Emergency Act Extension Act, 1931	1931	2039
Financial Emergency Act Extension Act, 1934	1934	2162
Financial Emergency Act Amendment Act, 1937	1937	2342
Financial Emergency Act Extension Act, 1939	1939	39
Fire and Accident Underwriters' Association of South Australia (Change of Name) Act, 1976	1976	43
Frost Relief Act, 1927	1927	1829
Fruit Cases Act, 1949	1949	37
Fruit Fly (Compensation) Act, 1967	1967	24
Fruit Fly (Compensation) Act, 1968	1968	3
Fruit Fly (Compensation) Act, 1971	1971	5
Fruit Fly (Compensation) Act (No. 2), 1971	1971	18
Fruit Fly (Compensation) Act, 1972	1972	31
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Glenelg Soldiers' Memorial Site Act, 1921	1921	1468
Hailstorm Relief (Validation) Act, 1925	1925	1664
Henley and Grange Alignment Act, 1940	1940	8
Hummock Hill to Iron Knob Tramway Extension Act, 1927	1927	1821
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 Private Acts under Railway Acts) The Broken Hill Proprietary Company, Limited's Hummock Hill to Iron Knob Tramway and Jetties Act, 1900		
Income Tax Assessment Act, 1936	1936	2296

Title of Act	Year	Number
Income Tax Assessment Act Amendment Act, 1941	1941	37
Income Tax Assessment Act, 1936-1941 (*As reprinted pursuant to the Amendments Incorporation Act,* 1937)	—	—
Income Tax Assessment Act Amendment Act, 1946	1946	36
Income Tax Collection Act, 1940	1940	41
Income Tax (Rates) Act, 1936	1936	2307
Income Tax (Rates) Act, 1937	1937	2351
Income Tax (Rates) Act, 1938	1938	2401
Income Tax (Rates) Act, 1939	1939	12
Income Tax (Rates) Act, 1940	1940	19
Income Tax (Rates) Act, 1941	1941	26
Income Tax Suspension Act, 1942	1942	25
The Income Tax Suspension Act, 1942, *has been amended by the Income Tax Assessment Act Amendment Act,* 1946		
Industries Establishment Act, 1945	1945	17
The Insolvent Act, 1886	1886	385
The Insolvent Act Amendment Act, 1887	1887	404
The Insolvent Act Amendment Act, 1896	1896	655
The Insolvent Act Further Amendment Act, 1914	1914	1162
Insolvent Act Further Amendment Act, 1915	1915	1191
Insolvent Act Further Amendment Act, 1918	1918	1340
Insolvent Act Amendment Act, 1925	1925	1709
Insolvent Act Amendment Act, 1942	1942	18
Institute of Medical and Veterinary Science Grant Act, 1948	1948	48
Institute of Medical and Veterinary Science (Subsidy) Act, 1942	1942	26
John Miller Park Act, 1954	1954	54
Jubilee Exhibition Act, 1885	1885	351
Kangarilla Temperance Hall (Discharge of Trusts) Act, 1981	1981	38
Kensington Gardens Reserve Act, 1980	1980	86
Kingswood Recreation Ground (Vesting) Act, 1970	1970	48
Lady Kintore Cottages Act, 1920	1920	1430
Landlord and Tenant (Control of Rents) Act, 1942	1942	33
Landlord and Tenant (Control of Rents) Act Amendment Act, 1946	1946	38
Landlord and Tenant (Control of Rents) Act Amendment Act, 1947	1947	30
Landlord and Tenant (Control of Rents) Act Amendment Act, 1948	1948	5
Landlord and Tenant (Control of Rents) Act, 1942-1948 (*As reprinted pursuant to the Amendments Incorporation Act,* 1937)	—	—
Landlord and Tenant (Control of Rents) Act Amendment Act, 1949	1949	9
Landlord and Tenant (Control of Rents) Act Amendment Act (No. 2), 1949	1949	63
Landlord and Tenant (Control of Rents) Act, 1942-1949 (*As reprinted pursuant to the Amendments Incorporation Act,* 1937)	—	—
Landlord and Tenant (Control of Rents) Act Amendment Act, 1950	1950	50
Landlord and Tenant (Control of Rents) Act Amendment Act, 1951	1951	51
Landlord and Tenant (Control of Rents) Act, 1942-1951 (*As reprinted pursuant to the Amendments Incorporation Act,* 1937)	—	—
Landlord and Tenant (Control of Rents) Act Amendment Act, 1952	1952	39
Landlord and Tenant (Control of Rents) Act Amendment Act, 1953	1953	25
Landlord and Tenant (Control of Rents) Act Amendment Act, 1954	1954	41
Landlord and Tenant (Control of Rents) Act Amendment Act, 1955	1955	20
Landlord and Tenant (Control of Rents) Act, 1942-1955 (*As reprinted pursuant to the Amendments Incorporation Act,* 1937)	—	—
Landlord and Tenant (Control of Rents) Act Amendment Act, 1956	1956	118
Landlord and Tenant (Control of Rents) Act Amendment Act, 1957	1957	2
Landlord and Tenant (Control of Rents) Act Amendment Act (No. 2), 1957	1957	53
Landlord and Tenant (Control of Rents) Act Amendment Act, 1958	1958	49
Landlord and Tenant (Control of Rents) Act Amendment Act, 1959	1959	42
Landlord and Tenant (Control of Rents) Act Amendment Act, 1960	1960	70
Landlord and Tenant (Control of Rents) Act Amendment Act, 1961	1961	29
Largs Fort Encroachment *see* Table of Acts Repealed		
Legislative Council Vacancy Act, 1943	1943	40
Life Assurance Companies Act, 1936	1936	2283
Life Assurance Companies Act Amendment Act, 1939	1939	42
Life Assurance Companies Act Amendment Act, 1941	1941	40
Liquid Fuel Act, 1949	1949	28

Title of Act	Year	Number
Loan Money Appropriation (Working Accounts) Act, 1956	1956	14
Lottery and Gaming (Charitable Purposes) *see* Table of Acts Repealed		
Main Roads Fund Act, 1920	1920	1424
Main Roads Fund Act, 1922	1922	1535
Manningham Recreation Ground Act, 1936	1936	2297
Manningham Recreation Ground Act Amendment Act, 1963	1963	27
Mareeba Babies Hospital Lease Act, 1951	1951	31
The Married Woman's Property Amendment Act, 1898	1898	701
Matrimonial Causes Act, 1929	1929	1946
Matrimonial Causes Act Amendment Act, 1935	1935	2259
Matrimonial Causes Act Amendment Act, 1938	1938	2428
Matrimonial Causes Act Amendment Act, 1941	1941	51
Matrimonial Causes Act, 1929-1941 (*As reprinted pursuant to the Amendments Incorporation Act,* 1937)	—	—
Methodist Church *see* Table of Private Acts: Table of Acts Repealed		
Metropolitan Drainage Works (Investigation) Act, 1957	1957	14
Metropolitan Drainage Works (Investigation) Act, 1962	1962	16
Mile End Overway Bridge Act, 1925	1925	1713
Mile End Overway Bridge Act Amendment Act, 1960	1960	23
Morphett Street Bridge *see* Table of Acts Repealed		
Motor Fuel Rationing Act, 1980[1]	1980	1
Motor Fuel (Temporary Restriction) Act, 1980[2]	1980	64
Motor Spirit Vendors' Agreement (Validation) Act, 1927	1927	1791
Mount Bold Water Works Act, 1931	1931	2050
North Terrace and Railway Lands Act, 1926	1926	1742
North Terrace Alignment Act, 1925	1925	1715
North Terrace (Alignment) Act, 1929	1929	1928
Nurses' Memorial Centre of South Australia, Incorporated (Guarantee) Act, 1973	1973	39
Nurses' Memorial Centre of South Australia, Incorporated (Guarantee) Act Amendment Act, 1974	1974	108
Oil Refinery (Hundred of Noarlunga) Indenture *see* Table of Public General Acts		
Old Angaston Cemetery (Vesting) Act, 1978	1978	75
Parliamentary Buildings Act, 1877	1877	87
Parliament House Act, 1934	1934	2170
Police Pensions Act, 1930	1930	1952
The Poonindie Exchange Act, 1895	1895	631
The Poppy Day Trust Deed Act, 1962	1962	50
Port Adelaide Canal Supplementary Act, 1889	1889	473
See also (in the Table of Private Acts) The Port Adelaide Canal Act		
Port Adelaide Public Recreation Ground Act, 1878	1878	91
Port Adelaide Reserves Act, 1871	1871	6
Port Augusta Park Lands Act, 1882	1882	258
Port Augusta Sub-Branch R.S.S. and A.I.L.A. (Purchase of Land) Act, 1952	1952	11
The Port Lincoln Catholic Church Property Act	1879	134
Port Pirie Drill Hall Site Act, 1921	1921	1470
Port Pirie Laboratory Site Act, 1922	1922	1537
Port Pirie Racecourse Land Revestment Act, 1960	1960	28
Port Pirie Racecourse Land Revestment Act, 1965	1965	11
Port Pirie Racecourse Land Revestment Act, 1981	1981	7
Port Pirie Racecourse Site Act, 1946	1946	45
Presbyterian Trusts Act, 1971	1971	60
Public Purposes Loan Act, 1980	1980	74
Public Service Superannuation Fund (Arrangement) Act, 1960	1960	63
Pulp and Paper Mill (Hundred of Gambier) Indenture Act, 1961	1961	36
Pulp and Paper Mill (Hundred of Gambier) Indenture Act Amendment Act, 1963	1963	3
Pulp and Paper Mill (Hundreds of Mayurra and Hindmarsh) Act, 1964	1964	23
Pulp and Paper Mill (Hundreds of Mayurra and Hindmarsh) Act Amendment Act, 1976[1]	1976	107
Pulp and Paper Mills Agreement Act, 1958	1958	54
Pyap Irrigation Trust Act Amendment Act, 1926	1926	1772
Pyap Irrigation Trust Act Amendment Act, 1974	1974	83

[1]This Act was not proclaimed to come into operation prior to 28th March, 1980, the date of expiry referred to in section 18.
[2]See section 20 of this Act for date of expiry.

Title of Act	Year	Number
Pyap Irrigation Trust Act Amendment Act, 1979	1979	73
The Pyap Irrigation Trust Act, 1923-1974, *has been amended by the Statutes Amendment (Irrigation Acts) Act,* 1978		
See also (in the Table of Private Acts) The Pyap Irrigation Trust Act, 1923		
The Railway and Corporation Lands Act, 1904	1904	853
Railway Acts—		
See also Table of Public General Acts: Railway Acts (in the Table of Private Acts)		
Adelaide and Gawler Town Railway Act, 1854	1854	18
The Adelaide and Gawler Town Railway Extension Act	1857-8	10
The Adelaide and Gawler Town Railway Further Extension Act	1858	2
Adelaide to Gawler Railway (Alteration to Dry Creek Terminus) Act, 1968	1968	14
Adelaide City and Port Railway Act, 1851	1851	1
Adelaide and Port Railway Loan Act, 1852	1852	12
Adelaide and Port Railway Loan Act, 1853	1853	18
The Adelaide and Port Adelaide Railway Extended Accommodation Act, 1873	1873	2
The Adelaide Loop-Line Railway Act, 1908	1908	966
The Adelaide Loop-Line Railway Act Amendment Act, 1909	1909	995
Adelaide to Nairne Railway Act, 1878	1878	117
Angle Pole Railway Act, 1887	1887	413
Balhannah and Mount Pleasant Railway (Discontinuance) Act, 1963	1963	34
Barunga Gap Railway, 1877	1877	72
Blyth to Gladstone Railway Act, 1891	1891	522
Brachina to Leigh Creek North Coalfield Railway Agreement Act, 1950	1950	48
Branch from Sandergrove to Milang Railway (Discontinuance) Act, 1970	1970	25
Brighton to Christie Downs Railway Duplication and Extension Act, 1974	1974	46
The Brinkworth to Port Broughton Railway Act, 1910	1910	1015
Broadening of Gauge (Brinkworth to Gladstone) Act, 1925	1925	1667
Broadening of Gauge (South-Eastern Railways) Act, 1944	1944	15
Bumbunga to Lochiel Railway Act, 1923	1923	1595
Burra and Hallett Railway Act, 1876	1876	31
Cambrai and Sedan Railway Discontinuance Act, 1966	1966	61
The Darke's Peak Railway Act, 1909	1909	982
The Darke's Peak Railway Act Amendment Act, 1911	1911	1042
The District Railways Act, 1911	1911	1067
Dry Creek and Port Adelaide Railway Act, 1866	1866-7	15
The Dry Creek and Port Adelaide Deviation Act, 1911	1911	1051
Eudunda and Morgan Railway (Discontinuance) Act, 1970	1970	9
Farina Town and Hergott Springs Railway Act, 1881	1881	226
Forrester's to Burra Railway Act, 1867	1867	20
The Gawler to Angaston Railway Act, 1907	1907	942
The Gawler to Angaston Railway Act Amendment Act, 1909	1909	984
The Gawler to Angaston Railway Act Amendment Act, 1910	1910	1016
The Gawler Town Railway Further Extension Act to Section 1403	1859	20
The Gladstone and James Town Railway Act, 1876	1876	28
Gladstone and Laura Railway Act, 1882	1882	253
Glanville to Semaphore Railway (Discontinuance) Act, 1978	1978	106
The Glenelg Railways Purchase Act, 1899	1899	726
The Goodwood to Willunga Railway Act, 1909	1909	993
The Goodwood to Willunga Railway Act, 1910	1910	1017
Goodwood to Willunga Railway (Alteration of Terminus) Act, 1970	1970	18
The Goolwa Loop-Line Railway Act, 1913	1913	1145
The Grange and Henley Beach Railway Act, 1898	1898	698
The Grange and Henley Beach Railway Alteration Act, 1911	1911	1041
The Guaranteed Railways Act Amendment Act, 1913	1913	1113
Hallett to Terowie Railway Act, 1878	1878	97
Hamley Bridge and Balaklava Railway Act, 1877	1877	62
The Harbor and Railway Act, 1901	1901	765
The Harbor and Railway Extension Act, 1910	1910	1011
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

Title of Act	Year	Number
Railway Acts—*continued*		
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
Kingston and Naracoorte Railway Alteration Act, 1958	1958	9
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
Leigh Creek North Coalfield to Marree Railway Agreement Act, 1954	1954	42
Millicent and Beachport Railway Discontinuance Act, 1959	1959	22
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
Northern Railway (Alteration of Route) Act, 1950	1950	54
North-South Railway Agreement Act, 1926	1926	1725
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
The Petersburg and Border Railway Act, 1884	1884	328
The Petersburg and Border Railway Amendment Act, 1886	1886	377
Pinnaroo Railway Act	1903	831
Pinnaroo Railway Act Amendment Act, 1970	1970	34
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
Port Augusta to Whyalla Railway Agreement Act, 1970	1970	3
The Port Broughton Railway Act	1873	7
Port Broughton Railway (Discontinuance) Act, 1953	1953	26
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
Port Pirie to Cockburn Railway Deviation Act, 1964	1964	48
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	1 524
The Railway Deviations Act, 1896	1896	661
Railways Guarantees Abolition Act, 1917	1917	1 288
Railways Guarantees Abolition Act Amendment Act, 1918	1918	1 328
Railways Transfer Act, 1927	1927	1 840
Redhill to Port Augusta Railway Agreement Act, 1935	1935	2 242
Renmark to Barmera Railway Act, 1925	1925	1 675
The Riverton to Spalding Railway Act, 1913	1913	1 129
Rivoli Bay North and Mount Gambier Railway Act, 1876	1876	30
The Robertstown Railway Act, 1911	1911	1 070
The Robertstown Railway Act Amendment Act, 1912	1912	1 081
Roseworthy to Forrester's Railway Act, 1866-7	1866-7	24

Title of Act	Year	Number
Railway Acts—*continued*		
Roseworthy to Forrester's Railway Amendment Act, 1867	1867	18
The Salisbury to Long Plains Railway Act, 1913	1913	1 139
The South-Eastern Railway Act, 1871	1871	7
Stirling North to Brachina Railway (Land and Materials) Act, 1952	1952	36
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
Thevenard to Kevin Railway Act, 1963	1963	9
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	1 586
Wanbi to Yinkanie Railway (Discontinuance) Act, 1980	1980	92
Wandana to Penong Railway Act, 1917	1917	1 292
The Wandilo and Glencoe Railway Act, 1903	1903	843
The Wandilo and Glencoe Railway Act Amendment Act, 1909	1909	990
Wandilo and Glencoe Railway (Discontinuance) Act, 1959	1959	27
The Wilmington Railway Act, 1913	1913	1 137
Woodlands Park to Tonsley Railway Act, 1955	1955	47
Referendum (Metropolitan Area Shop Trading Hours) Act, 1970	1970	11
Road Charges (Refunds) Act, 1958	1958	6
Road (Hundred of MacDonnell) Acquisition Act, 1923	1923	1 578
Road (Thebarton State School) Acquisition Act, 1918	1918	1 345
Road (Wirrabara Forest) Acquisition Act, 1917	1917	1 315
Roads Loan Act, 1923	1923	1 579
Roads (Magill Home and Yatala Quarry) Acquisition Act, 1915	1915	1 219
Rowland Flat War Memorial Hall Incorporated Act, 1966	1966	68
Royal Society for the Blind of South Australia Act, 1934-1974—		
Royal Institution for the Blind Act, 1934 (in the Table of Private Acts)	1934	—
Royal Institution for the Blind Act Amendment Act, 1974	1974	73
Scientology (Prohibition) Act, 1968, Repeal Act, 1973-1974	1974	159
The Semaphore Community Centre Trust Deed Act, 1964	1964	5
South Australian Gas Company Act, 1861-1980—		
The South Australian Gas Company's Act, 1861 and amending Acts (in the Table of Private Acts)	—	—
South Australian Gas Company's Act Amendment Act, 1952	1952	12
South Australian Gas Company's Act Amendment Act, 1964	1964	34
South Australian Gas Company's Act Amendment Act, 1979	1979	35
South Australian Gas Company's Act Amendment Act, 1980	1980	61
South-Eastern Lands Contract Annulment Act, 1917	1917	1 300
Spicer Cottages Trust Act, 1978	1978	88
State Bank (Riverland Fruit Products Co-operative Assistance) Act, 1980	1980	96
Statute Law Revision Act, 1934[1]	1934	2 168
Statute Law Revision Act, 1935[1]	1935	2 246
Statute Law Revision Act, 1936[1]	1936	2 293
Statute Law Revision Act (No. 2), 1936	1936	2 316
Statute Law Revision Act, 1937[1]	1937	2 346
Statute Law Revision Act, 1952[1]	1952	42
Statute Law Revision Act, 1957[1]	1957	42
Statute Law Revision Act, 1965[1]	1965	39
Statute Law Revision Act, 1973[1]	1973	77
Statute Law Revision Act, 1974[2]	1974	42
Statute Law Revision Act (No. 2), 1974	1974	84
Statute Law Revision Act, 1975	1975	24
Statute Law Revision Act (No. 3), 1975	1975	88
Statute Law Revision Act (No. 2), 1975	1975	118
Statutes Amendment (Administration of Acts and Acts Interpretation) Act, 1971[3]	1971	74
Statutes Amendment (Executor Companies) Act, 1971-1972	1972	9
Statutes Amendment (Executor Companies) Act, 1978	1978	81
Statutes Amendment (Miscellaneous Metric Conversions) Act, 1975	1975	32

[1]This Act has been amended by various other Acts by the repeal of provisions of this Act which amended Acts that have since been repealed.
[2]This Act has been amended by the Statute Law Revision Act (No. 2), 1975, and by the Subordinate Legislation Act, 1978.
[3]This Act has been amended by the Statute Law Revision Act, 1973.

Title of Act	Year	Number
The Statutes Amendment (Miscellaneous Metric Conversions) Act, 1975, *has been amended by the Statute Law Revision Act (No. 2),* 1975		
Strathalbyn Soldiers' Memorial Gardens Act, 1940	1940	51
Subdivided Land Debts Act, 1932-1934	—	—
Succession Duties (Peter Waite Benefactions) Act, 1920	1920	1 422
Supply Act (No. 1), 1981	1981	50
Supply Act (No. 2), 1981	1981	62
The Trades Hall Act, 1964	1964	6
The Transcontinental Railway Grant Act, 1911	1911	1069
The Transcontinental Railway Land Grant Act Amendment Act, 1912	1912	1079
Transcontinental Railway Land Grant Act Amendment Act, 1924	1924	1608
Trustee Act (No. 2), 1931	1931	2030
The Uniting Church in Australia Act, 1976-1977	1977	8
The University Land Act, 1929	1929	1944
Victor Harbor Foreshore Act, 1917	1917	1281
Victor Harbor Foreshore Act, 1926	1926	1750
Victoria Square (International Hotel) Act, 1980	1980	13
Voluntary Wheat Pool Agreement Ratification Act, 1924	1924	1620
Voluntary Wheat Pool Agreement Ratification Act, 1925	1925	1690
Waite Agriculture Research Institute Grant Act, 1948	1948	35
Wallaroo Distillery Act, 1948	1948	56
Wallaroo Park Lands Resumption Act, 1924	1924	1626
The Wallaroo Railway Lands Act, 1912	1912	1085
War Service Homes Agreement Act, 1934	1934	2184
The West Terrace Cemetery Extension Act, 1904	1904	852
West Terrace Cemetery (Soldiers' Section) Extension Act, 1944	1944	11
Wheat Price Stabilization Scheme Ballot Act, 1953	1953	50
Wheat Price Stabilization Scheme Ballot Act Amendment Act, 1954	1954	7
Wheat Stabilization Scheme Ballot Act, 1948	1948	13
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
Young Men's Christian Association of Port Pirie Act Amendment Act, 1973	1973	4
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 1981 and which were unrepealed as on 1st January, 1982. These Acts are not included in Volumes 1 to 11 of the South Australian Statutes 1837-1975.

Title of Act	Year	Number
The Adelaide Electric Supply Company's Act, 1922	1922	—
The Adelaide Electric Supply Company's Act, 1922, *has been amended by the Electricity Trust of South Australia Act Amendment Act (No.* 2), 1973		
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		
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	—
Adelaide Workmen's Homes Incorporated Act Amendment Act, 1966	1966	69
Angas College Trusts Act, 1921	1921	—
Annesley College Act, 1920-1976—		
Methodist Ladies College Incorporation Act, 1920	—	—
The Methodist Ladies College Incorporation Act, 1920, *has been amended by The Uniting Church in Australia Act,* 1976-1977		
Australian Mutual Provident Society Act, 1874	1874	—
Australian Trust Company Act, 1861	1861	—
Bagot's Executor Company Act	1910	—
The Bagot's Executor Company Act has been amended by the Statutes Amendment (Executor Companies) Act, 1971-1972 *and by the Statutes Amendment (Executor Companies) Act,* 1978 *(see Table of Public Acts of Restricted Application)*		
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	—
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	—	—
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	—
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	—

Title of Act	Year	Number
Elders Executor Company's Amendment Act, 1915	1915	—
The Elders Executor Company's Act, 1910, *as amended, has also been amended by the Statutes Amendment (Executor Companies) Act,* 1971-1972 *and by the Statutes Amendment (Executor Companies) Act,* 1978 *(see Table of Public Acts of Restricted Application)*		
Executors Company's Act, 1885	1885	—
Executors Company's Amendment Act, 1900	1900	—
Executors Company's Amendment Act, 1915	1915	—
The Executors Company's Act, 1885, *as amended, and the Executors Company's Amendment Act,* 1900, *as amended, have been amended by the Statutes Amendment (Executor Companies) Act,* 1971-1972, *by the Statutes Amendment (Executor Companies) Act,* 1978, *and by the Executors Company's Act Amendment Act,* 1980 *(see Table of Public Acts of Restricted Application)*		
Farmers' Co-operative Executors Act, 1919	1919	—
The Farmers' Co-operative Executors Act, 1919, has been amended by the Statutes Amendment (Executor Companies) Act, 1971-1972 *and by the Statutes Amendment (Executor Companies) Act,* 1978 *(see Table of Public Acts of Restricted Application)*		
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 *see* Table of Acts Repealed		
Methodist Ladies College Incorporation *see* Annesley College		
The Methodist Union *see* Table of Acts Repealed		
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 Mission of South Australia Incorporated Act, 1968-1976—		
The Parkin Congregational Mission of South Australia Incorporated Act, 1968	1968	59
The Parkin Congregational Mission of South Australia Incorporated Act, 1968, *has been amended by The Uniting Church in Australia Act,* 1976-1977		
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
The Parkin Trust Incorporated Act, 1926-1967, *has been amended by The Uniting Church in Australia Act,* 1976-1977		
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 Prince Alfred College Incorporation Act, 1878-1900, *has been amended by The Uniting Church in Australia Act,* 1976-1977. *See also The Methodist Union Act,* 1900		
The Provincial Gas Company's Act	1868-9	—
Pyap Irrigation Trust Act, 1923	1923	—
The Pyap Irrigation Trust Act, 1923-1974 *has been amended by the Statutes Amendment (Irrigation Acts) Act,* 1978		
See also (in the Table of Public Acts of Restricted Application) The Pyap Irrigation Trust Act Amendment Act, 1926, the Pyap Irrigation Trust Act Amendment Act, 1974, and the Pyap Irrigation Trust Act Amendment Act, 1979		

Title of Act	Year	Number
Railway Acts—		
see also Railway Acts (in the Table of Public Acts of Restricted Application)		
Adelaide City and Port Railway Act, 1850	1850	—
Adelaide City and Port Railway Guarantee Act, 1850	1850	4
The Broken Hill Propietary 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	—
Roman Catholic Archdiocese of Adelaide Charitable Trust Act, 1981	1981	
Royal Institution for the Blind Act, 1934	1934	—
see also (in the Table of Public Acts of Restriced Application) the Royal Society for the Blind of South Australia Act, 1934-1974		
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	—
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	—
The South Australian Electric Light and Motive Power Company's Act, 1897, *has been amended by the Electricity Trust of South Australian Act Amendment Act (No.* 2), 1973		
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	—
The South Australian Gas Company's Act, 1861, *has also been amended by the Statutes Amendment (Miscellaneous Metric Conversions) Act,* 1975 *and by the South Australian Gas Company's Act Amendment Act,* 1979		
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 Act, 1861-1980		
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 Methodist *see* Table of Acts Repealed		
South Australian Widows' Fund and General Annuity Endowment Society Act, 1850	1850	13
Spicer Cottages Trust *see* Table of Public Acts of Restricted Application		
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
Stirling Trust Estate Act, 1857-8	1857-8	—
The Thorngate Estate Act	1911	—
The Town and Country Bank Act, 1881	1881	—
Union Bank of Australia Act, 1850	1850	11
Way College Incorporation *see* Table of Acts Repealed		
The Wyatt Benevolent Institution Incorporated Act	1935	—

TABLE OF REPEALED OR EXPIRED ACTS

The following table contains a list of all Acts which have been repealed between 3rd February, 1976, and 1st January, 1982.

Title of Act Repealed/Expired	Repealed by/Expired on
Adelaide College of the Arts and Education Act, 1978	South Australian College of Advanced Education Act, 1982
Adelaide to Crystal Brook Standard Gauge Railway Agreement Act, 1974	Railway Agreement (Adelaide to Crystal Brook Railway) Act, 1980
Adulteration of Wine and Brandy (Repeal) Act, 1941	
Advances for Homes Act, 1928-1970	State Bank Act Amendment Act, 1978
Amusements Duty (Suspension) Act, 1942, and Further Suspension Acts, 1954, 1957, 1960 and 1963	3 years from date of proclamation
Apprentices Act, 1950-1974	Industrial and Commercial Training Act, 1981
Apprentices Act Amendment Act, 1978	Industrial and Commercial Training Act, 1981
Appropriation Acts, 1936-1937, and 1939-1980	30.6. of financial year to which it applies
Appropriation (Grasshopper Destruction) Act, 1955	30.6.1956
Book Purchasers Protection Act, 1963-1972	Book Purchasers Protection Act Repeal Act,1979
Botanic Garden Act, 1935	Botanic Gardens Act, 1978
Botanic Garden Act Amendment Act, 1940	Botanic Gardens Act, 1978
Botanic Garden Act Amendment Act, 1960	Botanic Gardens Act, 1978
Botanic Garden Act Amendment Act, 1961	Botanic Gardens Act, 1978
Bus and Tramways Act, 1935-1975	State Transport Authority Act Amendment Act (No. 2), 1981
Bus and Tramways Act Amendment Act, 1978	State Transport Authority Act Amendment Act (No. 2), 1981
Bush Fires Act, 1960	Country Fires Act, 1976
Bush Fires Act Amendment Act, 1968	Country Fires Act, 1976
Bush Fires Act Amendment Act, 1972	Country Fires Act, 1976
Colleges of Advanced Education Act, 1972-1979	South Australian College of Advanced Education Act, 1982
Consolidation of Regulations Act, 1937	Subordinate Legislation Act, 1978
Constitutional Museum Act, 1978	History of South Australia Act, 1981
Control of Advertisements Act, 1916-1935	Planning Act, 1982
Control of Waters Act, 1919	Water Resources Act, 1976
Control of Waters Act Amendment Act, 1925	Water Resources Act, 1976
Control of Waters Act Amendment Act, 1975	Water Resources Act, 1976
Criminal Injuries Compensation Act, 1969	Criminal Injuries Compensation Act, 1977-1978
Criminal Injuries Compensation Act Amendment Act, 1972	Criminal Injuries Compensation Act, 1977-1978
Criminal Injuries Compensation Act Amendment Act, 1974	Criminal Injuries Compensation Act, 1977-1978
Economic Stability Act, 1946	1.2.1947
Excessive Rents Act, 1962	Residential Tenancies Act, 1978
Excessive Rents Act (Amendment) Act, 1965-1966	Residential Tenancies Act, 1978
Fair Prices Act Repeal Act, 1973	
Firearms Act, 1958-1975	Firearms Act, 1977
Garden Suburb Act, 1919-1973	Local Government Act Amendment Act (No. 2), 1975
Garden Suburb Act, 1919	Local Government Act Amendment Act (No. 2), 1975
Garden Suburb Act Amendment Act, 1921	Local Government Act Amendment Act (No. 2), 1975

Title of Act Repealed	Repealed by
Garden Suburb Act, 1925	Local Government Act Amendment Act (No. 2), 1975
Garden Suburb Act Amendment Act, 1960	Local Government Act Amendment Act (No. 2), 1975
Gold Buyers Act, 1916	Gold Buyers Act Repeal Act, 1976
Gold Buyers Act Amendment Act, 1935	Gold Buyers Act Repeal Act, 1976
Gold Buyers Act Amendment Act, 1967	Gold Buyers Act Repeal Act, 1976
Gold Buyers Act Repeal Act, 1976	
Hartley College of Advanced Education Act, 1978	South Australian College of Advanced Education Act, 1982
Health and Medical Services Act, 1949-1974	South Australian Health Commission Act, 1975-1976
Health and Medical Services Act, 1949	South Australian Health Commission Act, 1975-1976
Health and Medical Services Act, 1974	South Australian Health Commission Act, 1975-1976
Hide and Leather Industries Legislation Repeal Act, 1956	
Imprint Act, 1951	Imprint Act (Repeal) Act, 1982
Income Tax (War Time Concessions) Act, 1940	1946
Institute of Medical and Veterinary Science Act, 1937-1978	Institute of Medical and Veterinary Science Act, 1982
Juvenile Courts Act, 1971	Children's Protection and Young Offenders Act, 1979
Juvenile Courts Act Amendment Act, 1972	Children's Protection and Young Offenders Act, 1979
Juvenile Courts Act Amendment Act, 1974	Children's Protection and Young Offenders Act, 1979
Kingston College of Advanced Education Act, 1974	Hartley College of Advanced Education Act, 1978
Land Commission Act, 1973	Urban Land Trust Act, 1981
Land Commission Act Amendment Act (No. 1), 1977	Urban Land Trust Act, 1981
Land Settlement Act, 1944-1978	Land Settlement Act Repeal Act, 1982
Legal Practitioners Act, 1936-1972	Legal Practitioners Act, 1981
Legal Practitioners Act Amendment Act, 1977	Legal Practitioners Act, 1981
Legal Practitioners Act Amendment Act, 1979	Legal Practitioners Act, 1981
Levi Park Act, 1948-1976	Local Government Act Amendment Act, 1982
Lottery and Gaming (Flood Relief) Act, 1956	1957
Methodist Church (S.A.) Property Trust Act, 1972	The Uniting Church in Australia Act, 1976-1977
The Methodist Church Act, 1911	The Uniting Church in Australia Act, 1976-1977
Mining Act Amendment Act, 1978	Mining Act Amendment Act (No. 2), 1978
Ministers' Titles Act, 1944	Administration of Acts Act Amendment Act, 1979
Monarto Development Commission Act, 1973-1974	Monarto Legislation Repeal Act, 1980
Monarto Development Commission (Additional Powers) Act, 1975	31.12.1978
Monarto (Land Acquisition) Act, 1972-1973	Monarto Legislation Repeal Act, 1980
Mortgagors Relief Acts, 1931-1936, 1940, 1941, 1943	The postponement of mortgage payments which these Acts enabled could be obtained up to 30.6.45 only
Motor Fuel Rationing (Temporary Provisions) Act, 1977	Not proclaimed due date for expiry: 31.10.1977
Museum Act, 1939	South Australian Museum Act, 1976
Oats Marketing Act, 1972	Barley Marketing Act Amendment Act, 1977
Oriental Fruit Moth Control Act, 1962-1978	Statute Revision (Fruit Pests) Act, 1981
Petroleum (Submerged Lands) Act, 1967-1974	Petroleum (Submerged Lands) Act, 1982
Pistol Licence Act, 1929	Firearms Act, 1977
Pistol Licence Act Amendment Act, 1965	Firearms Act, 1977
Pistol Licence Act Amendment Act, 1971	Firearms Act, 1977
Pistol Licence Act Amendment Act (No. 2), 1971	Firearms Act, 1977

Title of Act Repealed	Repealed by
Planning and Development Act, 1966-1981	Planning Act, 1982
Police Act Repeal Act, 1973	
Poor Persons Legal Assistance Act, 1925	Legal Services Commission Act, 1977
Poor Persons Legal Assistance Act Amendment Act, 1968	Legal Services Commission Act, 1977
Poor Persons Legal Assistance Act Amendment Act, 1969	Legal Services Commission Act, 1977
Port Lincoln Abattoirs Act, 1937	South Australian Meat Corporation Act Amendment Act, 1976
Port Pirie Park Lands Act Repeal Act, 1951	
Prisons Act, 1936-1981	Correctional Services Act, 1982
Prohibition of Discrimination Act, 1966	Racial Discrimination Act, 1976
Prohibition of Discrimination Act Amendment Act, 1970	Racial Discrimination Act, 1976
Public Finance (Special Provisions) Act, 1975	14.12.1978
Public Finance (Special Provisions) Act Amendment Act, 1976	14.12.1978
Public Purpose Loans Acts, 1933-1979	End of financial year after the one in which the Act was introduced
Public Salaries Act Repeal Act, 1946	Date by which all affected salaries had been altered
Railways Act, 1936-1975	State Transport Authority Act Amendment Act (No. 2), 1981
Railways Act Amendment Act, 1976	State Transport Authority Act Amendment Act (No. 2), 1981
Railways Act Amendment Act, 1979	State Transport Authority Act Amendment Act (No. 2), 1981
Recreation Grounds Taxation Exemption Act, 1910	Recreation Grounds Rates and Taxes Exemption Act, 1981
Red Scale Control Act, 1962-1978	Statute Revision (Fruit Pests) Act, 1981
Registration of Dogs Act, 1924-1975	Dog Control Act, 1979
Road and Railway Transport Act, 1930	State Transport Authority Act, 1974-1975, s. 15a
Road and Railway Transport Act, 1931	State Transport Authority Act, 1974-1975, s. 15a
Road and Railway Transport Act Amendment Act, 1939	State Transport Authority Act, 1974-1975, s. 15a
Road and Railway Transport Act Amendment Act, 1956	State Transport Authority Act, 1974-1975, s. 15a
Road and Railway Transport Act Amendment Act, 1957	State Transport Authority Act, 1974-1975, s. 15a
Road and Railway Transport Act Amendment Act, 1964	State Transport Authority Act, 1974-1975, s. 15a
Road and Railway Transport Act Amendment Act, 1971	State Transport Authority Act, 1974-1975, s. 15a
Salaries Adjustment (Public Service and Teachers) Act, 1960	Salaries Adjustment (Public Offices) Act, 1976
Salaries Adjustment (Public Service and Teachers) Act Amendment Act, 1975	Salaries Adjustment (Public Offices) Act, 1976
San Jose Scale Control Act, 1962-1978	Statute Revision (Fruit Pests) Act, 1981
Sharebrokers Act, 1945-1975	Securities Industry Act, 1979
Shearers Accommodation Act, 1922	Shearers Accommodation Act, 1975
Shearers Accommodation Act Amendment Act, 1925	Shearers Accommodation Act, 1975
Shearers Accommodation Act Amendment Act, 1942	Shearers Accommodation Act, 1975
Shearers Accommodation Act Amendment Act, 1947	Shearers Accommodation Act, 1975
Shearers Accommodation Act Amendment Act, 1958	Shearers Accommodation Act, 1975
Shearers Accommodation Act Amendment Act, 1967	Shearers Accommodation Act, 1975
South Australian Board of Advanced Education Act, 1972	Tertiary Education Authority Act, 1979
South Australian Council for Planning and Research Act, 1974	South Australian Council for Educational Planning and Research Act Repeal Act, 1981

Title of Act Repealed	Repealed by
The Spicer Cottages Trust Act, 1934-1938	Spicer Cottages Trust Act, 1978
Statutes Amendment (Remuneration of Parliamentary Committees) Act, 1978	Statutes Amendment (Remuneration of Parliamentary Committees) Act (No. 2), 1978
Stock Exchange Plaza (Special Provisions) Act, 1970	Stock Exchange Plaza (Repeal of Special Provisions) Act, 1980
Supply Acts, 1936-1980	30th June of financial year to which each Act applies
Surveyors Act, 1935-1975	Surveyors Act, 1975
Surveyors Act, 1935	Surveyors Act, 1975
Surveyors Act Amendment Act, 1948	Surveyors Act, 1975
Surveyors Act Amendment Act, 1949	Surveyors Act, 1975
Surveyors Act Amendment Act, 1956	Surveyors Act, 1975
Surveyors Act Amendment Act, 1961	Surveyors Act, 1975
Torrens College of Advanced Education Act, 1972	Adelaide College of The Arts and Education Act, 1978
Underground Waters Preservation Act, 1969	Water Resources Act, 1976
Underground Waters Preservation Act Amendment Act, 1970	Water Resources Act, 1976
Underground Waters Preservation Act Amendment Act, 1973	Water Resources Act, 1976
Underground Waters Preservation Act Amendment Act, 1975	Water Resources Act, 1976
Unemployed Relief Council Act Repeal Act, 1973	31.12.1978
Urban Land (Price Control) Act, 1973	31.12.1978
Urban Land (Price Control) Act Amendment Act, 1976	War Funds Regulation Act Repeal Act, 1976
War Funds Regulation Act, 1916-1935	War Funds Regulation Act Repeal Act, 1976
War Funds Regulation Act, 1916	War Funds Regulation Act Repeal Act, 1976
War Funds Regulation Act, 1917	29.10.1976
War Funds Regulation Act Repeal Act, 1976	The Uniting Church in Australia Act, 1976-1977
Water Frontages Repeal Act, 1960	Pest Plants Act, 1975
Way College Incorporation Act, 1899	Pest Plants Act, 1975
Weeds Act, 1956	Pest Plants Act, 1975
Weeds Act Amendment Act, 1963	Wheat Marketing Act, 1980
Weeds Act Amendment Act, 1969	Workers Compensation Act Amendment Act, 1982
Wheat Industry Stabilization Act, 1974-1979	Workers Compensation Act Amendment Act, 1982
Workers Compensation (Insurance) Act, 1980-1981	
Workers Compensation (Special Provisions) Act, 1977-1980	

TABLE OF ACTS AFFECTED BY AMENDMENT OR JUDICIAL DECISION

TABLE OF PUBLIC GENERAL ACTS AFFECTED BY AMENDMENT OR JUDICIAL DECISION

The Acts contained in this Table are those published in the new edition of the South Australian Statutes, 1837-1975, and Acts which have come into force since the publication of the new edition, which have been amended by Acts passed since the 3rd February, 1976, but before the 1st January, 1982.

Acts which have been repealed since April, 1937, are shown in the Table of Acts Repealed. Acts repealed by Acts that had not come into operation before the 1st January, 1982, have not been deleted from this Table of Amendments and Cases. The amendment or repeal of individual provisions is shown, whether or not the amending or repealing Act had come into operation at that date. Acts listed in the Table of Public General Acts had come into operation at 1st January, 1982, unless that Table indicates otherwise.

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 1977 Appeal Cases, up to the end of 143 Commonwealth Law Reports, up to the end of 26 South Australian State Reports, and up to the end of 46 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. Where a reprinted Act was published in one of the Annual Volumes from 1937 to 1961, a reference to the 1937 relevant reports that were available at that time appeared in footnotes to that reprint, and those references are not included in this Table.

Table of Amendments and Cases

Act Affected	How Affected
Abattoirs Act, 1911-1973 (Vol. 1, p. 1)	*See* Local Public Abattoirs Act, 1911-1980
Acts Interpretation Act, 1915-1981 (Vol. 1, p. 55)	s. 4. Amended by No. 107, 1981, s. 27 s. 12. *Samuels v. Songaila* 16 S.A.S.R. 397 s. 15. *Spiller v. Webb and another* (1940) S.A.S.R. 102 s. 16. *Dowler v. Princes Securities Pty. Ltd.* 1 S.A.S.R. 578 *Wilkins Servis Pty. Ltd. v. Zrinsky* 41 S.A.I.R. 1369 *Collett v. Minister of Health* 43 S.A.I.R. 1163 *Hucks v. Slann* 24 S.A.S.R. 535 s. 22. *International Hotel Limited v. McNally* (1940) 64 C.L.R. 24; 14 A.L.J. 276 s. 22a. *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 *Australian Builders Labourers Federation—Application for Registration* 39 S.A.I.R. 1247 *Buck v. Bavone* 135 C.L.R. 110 *Perre v. Pollitt* 135 C.L.R. 139 *H. C. Sleigh Ltd. v. South Australia* 136 C.L.R. 475 s. 30. *Cobiac v. Liddy* 119 C.L.R. 257 s. 32. *Heffernan v. Richardson* (1946) S.A.S.R. 201 *The Queen v. Kruger* 17 S.A.S.R. 214 s. 36. *Palais Parking Station Pty. Ltd. v. Shea* 16 S.A.S.R. 350 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 *Palais Parking Station Pty. Ltd. v. Shea* 16 S.A.S.R. 350 s. 38. Repealed by No. 3, 1978, s. 7 *Myer Queenstown Garden Plaza Pty. Ltd. and others v. Corporation of the City of Port Adelaide and the Attorney-General* 11 S.A.S.R. 504

Act Affected	How Affected
Acts Interpretation Act, 1915-1981 (Vol. 1, p. 55)—*continued*	s. 42. *Willing v. Watson* 8 S.A.S.R. 487 *The Queen v. Stewart-Crompton* 15 S.A.S.R. 370 s. 43. *The Queen v. Stewart-Crompton* 15 S.A.S.R. 370 s. 48. *State Government Insurance Commission v. Trigwell* 142 C.L.R. 617 s. 50. *O'Sullivan v. Friebe* (1956) S.A.S.R. 89
Adelaide Festival Centre Trust Act, 1971-1974 (Vol. 1, p. 79)	s. 4. Amended by No. 95, 1976, s. 3 s. 20. Amended by No. 95, 1976, s. 4 s. 29c. Enacted by No. 95, 1976, s. 5 s. 35. Amended by No. 95, 1976, s. 6 ss. 36-37. Enacted by No. 95, 1976, s. 7 Third schedule. Enacted by No. 95, 1976, s. 8
Administration and Probate Act, 1919-1975 (Vol. 1, p. 121)	s. 4. Amended by No. 80, 1978, s. 3 and by No. 15, 1980, s. 3 s. 18. Amended by No. 80, 1978, s. 4 s. 21. *In re Knabenschuh* (1938) S.A.S.R. 136 *In re Swale* (1940) S.A.S.R. 391 *In re Bathern* (1941) S.A.S.R. 266 s. 31. Substituted by No. 80, 1978, s. 5 s. 52. *In re Hawker* (1939) S.A.S.R. 426 s. 56a. Enacted by No. 80, 1978, s. 6 s. 58. Amended by No. 80, 1978, s. 7 s. 69. *In re Jackson,* (1944) S.A.S.R. 82 *In re Scott, deceased* (1948) S.A.S.R. 193 *In re Grose, deceased* (1949) S.A.S.R. 55 *In re Symons, deceased* (1949) S.A.S.R. 289 *In the estate of Hunter, deceased* (1957) S.A.S.R. 194 *In the estate of Martin, deceased* (1958) S.A.S.R. 365 *In the estate of Kenny, deceased* (1965) S.A.S.R. 300 s. 70. *In re Babbage. Cave v. Babbage* (1936) S.A.S.R. 356 *In the estate of Hughes, deceased* (1947) S.A.S.R. 325; 22 A.L.J. 89 *In the estate of Taylor, deceased* (1965) S.A.S.R. 136 s. 71. Amended by No. 80, 1978, s. 8 ss. 73 and 74. Substituted by No. 80, 1978, s. 9 and by No. 15, 1980, s. 4 ss. 75 and 76. Substituted by No. 80, 1978, s. 9 s. 77. Substituted by No. 80, 1978, s. 10 s. 77a. Enacted by No. 80, 1978, s. 10 s. 79. Amended by No. 80, 1978, s. 11 s. 81. *In the Trusts of the Will of James McEwin, deceased* (1968) S.A.S.R. 55 s. 82. *In the Trusts of the Will of James McEwin, deceased* (1968) S.A.S.R. 55 s. 87. *In the Trusts of the Will of James McEwin, deceased* (1968) S.A.S.R. 55 s. 88. *In the Trusts of the Will of James McEwin, deceased* (1968) S.A.S.R. 55 s. 88a. *Slape v. Tigman* 1 S.A.S.R. 589 s. 106. Repealed by No. 80, 1978, s. 12 s. 111a. Enacted by No. 80, 1978, s. 13 s. 112. Amended by No. 80, 1978, s. 14 s. 118a. Amended by No. 80, 1978, s. 15 Div. IV of Part IV and heading. Enacted by No. 80, 1978, s. 16 ss. 118b-118k. Enacted by No. 80, 1978, s. 16 Part IVA and heading. Enacted by No. 80, 1978, s. 17 ss. 1181-118r. Enacted by No. 80, 1978, s. 17 s. 119a. Substituted by No. 80, 1978, s. 18 s. 120a. Enacted by No. 86, 1981, s. 3 s. 127. Enacted by No. 80, 1978, s. 19 s. 128. Enacted by No. 80, 1978, s. 19 s. 130. Enacted by No. 86, 1981, s. 4
Administration of Acts Act, 1910-1973 (Vol. 1, p. 171)	s. 3. Substituted by No. 62, 1978, s. 2 *G. H. Michell and Sons (Australia) Pty Ltd. v. Minister of Works* 8 S.A.S.R. 7 s. 5. Amended by No. 56, 1979, s. 3 s. 6. Amended by No. 62, 1978, s. 3 s. 7. Enacted by No. 62, 1978, s. 4 s. 8. Enacted by No. 62, 1978, s. 4
Adoption of Children Act, 1966-1975 (Vol. 1, p. 173)	s. 2. Amended by No. 65, 1976, s. 2 s. 4. Amended by No. 65, 1976, s. 3 s. 5. Substituted by No. 29, 1978, s. 3 s. 10. Amended by No. 65, 1976, s. 4 s. 11. Amended by No. 65, 1976, s. 5 s. 13. Amended by No. 65, 1976, s. 6 s. 14. Amended by No. 65, 1976, s. 7 s. 15. Amended by No. 65, 1976, s. 8 s. 16. Amended by No. 65, 1976, s. 9 s. 19. Amended by No. 65, 1976, s. 10 s. 20. Amended by No. 65, 1976, s. 11 and by No. 79, 1980, s. 3 *In re Moffa* (1969) S.A.S.R. 457 s. 24. Amended by No. 65, 1976, s. 12 s. 25. Amended by No. 65, 1976, s. 13 s. 27. Amended by No. 65, 1976, s. 14 s. 28. Amended by No. 65, 1976, s. 15

Act Affected	How Affected
Adoption of Children Act, 1966-1975 (Vol. 1, p. 173)—*continued*	s. 29. Amended by No. 65, 1976, s. 16 *Colmer v. O'Brien* 9 S.A.S.R. 378 s. 30. Amended by No. 65, 1976, s. 17 and by No. 29, 1978, s. 4 s. 32. Amended by No. 65, 1976, s. 18 and by No. 69, 1980, s. 42 s. 33. Repealed by No. 79, 1980, s. 4 ss. 35-37 and heading. Repealed by No. 65, 1976, s. 19 s. 39. *Rowden v. Kaine* (1973) S.A.S.R. 434 s. 40. Amended by No. 65, 1976, s. 20 s. 44. Amended by No. 65, 1976, s. 21 s. 45. Amended by No. 65, 1976, s. 22 s. 47. Amended by No. 65, 1976, s. 23 s. 58. Amended by No. 65, 1976, s. 24 s. 59. Amended by No. 65, 1976, s. 25 s. 60. Amended by No. 65, 1976, s. 26 s. 61. Amended by No. 65, 1976, s. 27 s. 62. Amended by No. 65, 1976, s. 28 s. 63. Amended by No. 65, 1976, s. 29 s. 64. Amended by No. 65, 1976, s. 30 s. 68a. Enacted by No. 65, 1976, s. 31 s. 70. Amended by No. 65, 1976, s. 32 s. 71a. Enacted by No. 29, 1978, s. 5 s. 71b. Enacted by No. 29, 1978, s. 5 s. 72. Amended by No. 65, 1976, s. 33 and by No. 29, 1978, s. 6
Advances to Settlers Act, 1930-1972 (Vol. 1, p. 230)	s. 18. *Goodridge v. Jenkins* (1973) 5 S.A.S.R. 288
Age of Majority (Reduction) Act, 1970-1974 (Vol. 1, p. 261)	s. 3. *Lodge v. Lodge* 1 S.A.S.R. 407 *King v. Jones* 128 C. L. R. 221 s. 4. *Lodge v. Lodge* 1 S.A.S.R. 407 Schedule, Part XVII. Repealed by No. 76, 1976, first schedule
Agriculture Chemicals Act, 1955-1975 (Vol. 1, p. 276)	s. 4. Amended by No. 96, 1978, s. 4 s. 27. Amended by No. 96, 1978, s. 5
Agriculture Graduates Land Settlement Act, 1922-1971 (Vol. 1, p. 288)	s. 17. Amended by No. 28, 1978, s. 31
Alcohol and Drug Addicts (Treatment) Act, 1961-1971 (Vol. 1, p. 327)	s. 2. Amended by No. 96, 1976, s. 3 s. 4. Amended by No. 96, 1976, s. 4 and by No. 97, 1978, s. 3 s. 5. Amended by No. 96, 1976, s. 5 and by No. 97, 1978, s. 4 s. 6. Amended by No. 97, 1978, s. 5 s. 7. Amended by No. 97, 1978, s. 6 s. 8. Amended by No. 96, 1976, s. 6 and by No. 97, 1978, s. 7 ss. 17-22. Repealed by No. 96, 1976, s. 7 Part IIIA and heading. Enacted by No. 96, 1976, s. 8 s. 29a. Enacted by No. 96, 1976, s. 8 and amended by No. 97, 1978, s. 8 s. 29b. Enacted by No. 96, 1976, s. 8 and amended by No. 97, 1978, s. 9 s. 29c. Enacted by No. 96, 1976, s. 8 s. 29d. Enacted by No. 96, 1976, s. 8 s. 32a. Enacted by No. 96, 1976, s. 9 and amended by No. 97, 1978, s. 10 s. 32b. Enacted by No. 96, 1976, s. 9 s. 32c. Enacted by No. 96, 1976, s. 9 and amended by No. 97, 1978, s. 11 s. 32d. Enacted by No. 96, 1976, s. 9 s. 32e. Enacted by No. 96, 1976, s. 9 s. 40. Amended by No. 97, 1978, s. 12
Alsatian Dogs Act, 1934-1965 (Vol. 1, p. 347)	s. 2. Amended by No. 35, 1980, s. 2 s. 3. Amended by No. 27, 1979, s. 2 and by No. 35, 1980, s. 3 s. 5. Repealed by No. 48, 1979, s. 4 s. 6. Amended by No. 27, 1979, s. 3
Anglican Church of Australia Constitution Act, 1961-1980 (Formerly Church of England in Australia Constitution Act, 1961) (1961, p. 145).	Long title. Amended by No. 6, 1980, s. 3 Preamble. Amended by No. 6, 1980, s. 4 s. 1. Substituted by No. 6, 1980, s. 5 s. 3. Amended by No. 6, 1980, s. 6 s. 5. Substituted by No. 6, 1980, s. 7 s. 6. Amended by No. 6, 1980, s. 8 s. 8. Amended by No. 6, 1980, s. 9 s. 9. Enacted by No. 6, 1980, s. 10 Schedule. Amended by No. 6, 1980, s. 11
Apprentices Act, 1950-1974 (Vol. 1, p. 368)	s. 5. Amended by No. 9, 1978, s. 3 s. 6. Amended by No. 9, 1978, s. 4 s. 13. Amended by No. 9, 1978, s. 5 *Hatton v. Busch* 39 S.A.I.R. 1214 s. 14. Amended by No. 9, 1978, s. 6 s. 17. Repealed by No. 9, 1978, s. 7 s. 18. Amended by No. 9, 1978, s. 8 s. 19. *Ryszawa v. Samuels* (1969) S.A.S.R. 158

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Apprentices Act, 1950-1974 (Vol. 1, p. 368)—*continued*	s. 19a. Amended by No. 9, 1978, s. 9 s. 19b. Repealed by No. 9, 1978, s. 10 s. 20. Repealed by No. 9, 1978, s. 11 s. 22. Repealed by No. 9, 1978, s. 12 s. 23. Amended by No. 9, 1978, s. 13 s. 24. Amended by No. 9, 1978, s. 14 s. 25. Amended by No. 9, 1978, s. 15 s. 25a. Amended by No. 9, 1978, s. 16 s. 26. Amended by No. 9, 1978, s. 17 *Hatton v. Busch* 39 S.A.I.R. 1214 s. 26aa. Enacted by No. 9, 1978, s. 18 s. 26a. Amended by No. 9, 1978, s. 19 s. 26b. Amended by No. 9, 1978, s. 20 s. 26c. Enacted by No. 9, 1978, s. 21 s. 27. Amended by No. 9, 1978, s. 22 *Lehmann Ceilings Pty. Ltd. v. Bryars* (1966) 33 S.A.I.R. 146 *Hatton v. Busch* 39 S.A.I.R. 1214 s. 28. Repealed by No. 9, 1978, s. 23 s. 29. Amended by No. 9, 1978, s. 24 s. 33. Amended by No. 9, 1978, s. 25 *Lehmann Ceilings Pty. Ltd. v. Bryars* (1966) 33 S.A.I.R. 146 *Hatton v. Busch* 39 S.A.I.R. 1214 s. 35. Amended by No. 9, 1978, s. 26 s. 36. Substituted by No. 9, 1978, s. 27 s. 37. Amended by No. 9, 1978, s. 28 s. 38. Amended by No. 9, 1978, s. 29
Arbitration Act, 1891-1974 (Vol. 1, p. 384)	s. 3. *Anderson v. G. H. Michell & Sons Ltd.* (1941) 65 C.L.R. 543; 15 A.L.J. 255, reversing *Anderson v. G. H. Michell & Sons Ltd.* (1940) S.A.S.R. 285 *Adelaide Steamship Industries Pty. Ltd. v. Commonwealth of Australia,* 8 S.A.S.R. 425 and 10 S.A.S.R. 203 *O'Neill & Clayton Pty. Ltd. v. Ellis & Clark Pty. Ltd.* 20 S.A.S.R. 132 s. 7. *Ridge v. Taylor and Larner Construction Pty. Ltd.* 9 S.A.S.R. 428 s. 8. *Dinter v. Cunningham Bros. Pty. Ltd.* 13 S.A.S.R. 342 s. 9. *Morro v. Crowle* (1967) S.A.S.R. 165 s. 20. *Main Electrical Pty. Ltd. v. Civil & Civic Pty. Ltd.* 19 S.A.S.R. 34
Architects Act, 1939-1973 (Vol. 1, p. 394)	s. 3. Amended by No. 121, 1975, s. 3 s. 5. Repealed by No. 121, 1975, s. 4 s. 6. Substituted by No. 121, 1975, s. 5 s. 7. Amended by No. 121, 1975, s. 6 s. 9. Amended by No. 121, 1975, s. 7 s. 20. Substituted by No. 121, 1975, s. 8 s. 23. Amended by No. 121, 1975, s. 9 s. 28. Substituted by No. 121, 1975, s. 10 and amended by No. 94, 1976, s. 3 and by No. 47, 1981, s. 2 *Thompson v. Ewens* (1958) S.A.S.R. 193 *John S. Chappel Pty. Ltd. v. D. K. Pett Pty. Ltd.* 1 S.A.S.R. 188 s. 29. Amended by No. 121, 1975, s. 11 s. 32. Substituted by No. 121, 1975, s. 12 s. 32a. Enacted by No. 121, 1975, s. 12 and amended by No. 94, 1976, s. 4 and by No. 47, 1981, s. 3 s. 35. Amended by No. 121, 1975, s. 13 s. 38. Amended by No. 94, 1975, s. 5 s. 40. Amended by No. 121, 1975, s. 14 s. 42. Amended by No. 121, 1975, s. 15 s. 43. Amended by No. 121, 1975, s. 16 s. 44. Amended by No. 121, 1975, s. 17 ss. 45a-45e. Enacted by No. 121, 1975, s. 18
Art Gallery Act, 1939-1975 (Vol. 1, p. 414)	s. 5. Substituted by No. 51, 1980, s. 3 s. 10. Amended by No. 51, 1980, s. 4 s. 11. Amended by No. 70, 1979, s. 2 s. 12. Amended by No. 70, 1979, s. 3 s. 15. Repealed by No. 101, 1980, s. 2 s. 16. Amended by No. 30, 1978, s. 3 s. 16a. Enacted by No. 35, 1976, s. 2 s. 18. Amended by No. 111, 1978, s. 2 s. 23. Amended by No. 30, 1978, s. 4
Artificial Breeding Act, 1961-1974 (Vol. 1, p. 422)	s. 3. Amended by No. 96, 1978, s. 7 s. 24. Amended by No. 96, 1978, s. 8
Audit Act, 1921-1975 (Vol. 1, p. 446)	s. 25. Substituted by No. 9, 1981, s. 3 s. 26. Repealed by No. 9, 1981, s. 3 s. 27. Amended by No. 9, 1981, s. 4 s. 30. Substituted by No. 9, 1981, s. 5 s. 32. Amended by No. 9, 1981, s. 6 s. 36. Amended by No. 9, 1981, s. 7 s. 38. Substituted by No. 9, 1981, s. 8

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Australian Mineral Development Laboratories Act, 1959-1973 (Vol. 1, p. 460)	s. 2. Amended by No. 113, 1978, s. 3 s. 3. Amended by No. 113, 1978, s. 4 s. 4. Amended by No. 113, 1978, s. 5 s. 5. Amended by No. 113, 1978, s. 6 s. 6. Substituted by No. 113, 1978, s. 7 s. 7. Repealed by No. 113, 1978, s. 8 s. 8. Amended by No. 113, 1978, s. 9 s. 10. Substituted by No. 113, 1978, s. 10 s. 11. Amended by No. 113, 1978, s. 11 s. 13. Substituted by No. 113, 1978, s. 12 s. 13a. Enacted by No. 113, 1978, s. 12 s. 15. Substituted by No. 113, 1978, s. 13 Part IIIA and heading. Enacted by No. 113, 1978, s. 14 s. 15a. Enacted by No. 113, 1978, s. 14 s. 15b. Enacted by No. 113, 1978, s. 14 s. 15c. Enacted by No. 113, 1978, s. 14 s. 15d. Enacted by No. 113, 1978, s. 14 s. 15e. Enacted by No. 113, 1978, s. 14 Heading preceding s. 16. Amended by No. 113, 1978, s. 15 s. 16. Substituted by No. 113, 1978, s. 16 s. 17. Amended by No. 113, 1978, s. 17 s. 17a. Repealed by No. 113, 1978, s. 18 s. 18. Substituted by No. 113, 1978, s. 19 s. 19. Repealed by No. 113, 1978, s. 20 s. 20. Substituted by No. 113, 1978, s. 21 Part VA (s. 21a). Repealed by No. 113, 1978, s. 22 s. 22. Substituted by No. 113, 1978, s. 23 s. 23. Repealed by No. 113, 1978, s. 24
Barley Marketing Act, 1947-1973 (Vol. 1, p. 483)	Long title. Substituted by No. 39, 1977, s. 3 s. 2a. Enacted by No. 39, 1977, s. 4 s. 3. Amended by No. 39, 1977, s. 5 s. 8a. Enacted by No. 39, 1977, s. 6 s. 9. Amended by No. 39, 1977, s. 7 s. 10. Amended by No. 39, 1977, s. 8 s. 12. Amended by No. 39, 1977, s. 9 Heading to s. 14. Amended by No. 39, 1977, s. 10 s. 14. Amended by No. 2, 1980, s. 2 s. 14aa. Enacted by No. 39, 1977, s. 11 and amended by No. 2, 1980, s. 3 s. 14a. Amended by No. 39, 1977, s. 12 s. 15. Amended by No. 39, 1977, s. 13 s. 16. Amended by No. 39, 1977, s. 14 s. 17a. Enacted by No. 39, 1977, s. 15 s. 18a. Enacted by No. 39, 1977, s. 16 s. 19. Amended by No. 57, 1978, s. 2 s. 19a. Enacted by No. 39, 1977, s. 17 and amended by No. 57, 1978, s. 3 s. 20. Amended by No. 39, 1977, s. 18 s. 20a. Amended by No. 39, 1977, s. 19 s. 21. Amended by No. 39, 1977, s. 20 and substituted by No. 57, 1978, s. 4 s. 22. Amended by No. 39, 1977, s. 21
Beverage Container Act, 1975 (Vol. 1, p. 502)	s. 2. Amended by No. 98, 1976, s. 2 s. 13. Amended by No. 8, 1976, s. 3 s. 13a. Enacted by No. 8, 1976, s. 4
The Bills of Sale Act, 1886-1972 (Vol. 1, p. 509)	s. 9. *Burns v. McFarlane* (1940) 64 C.L.R. 108; 14 A.L.J. 264 s. 11 (2). *Riedel v. Freeman Motors* (1938) S.A.S.R. 261, affirmed by *Riedel v. Freeman Motors Limited* (1938) S.A.S.R. 364 s. 37. *Miller v. O'Sullivan* (1947) S.A.S.R. 148
Births, Deaths and Marriages Registration Act, 1966-1975 (Vol. 1, p. 525)	Long title. Amended by No. 69, 1980, s. 5 s. 4. Substituted by No. 69, 1980, s. 6 s. 5. Amended by No. 69, 1980, s. 7 s. 7. Substituted by No. 69, 1980, s. 8 s. 11. Repealed by No. 69, 1980, s. 9 s. 13. Repealed by No. 69, 1980, s. 10 s. 14. Amended by No. 69, 1980, s. 11 s. 15. Amended by No. 69, 1980, s. 12 s. 16. Amended by No. 69, 1980, s. 13 s. 17. Amended by No. 69, 1980, s. 14 s. 20. Amended by No. 69, 1980, s. 15 s. 21. Amended by No. 69, 1980, s. 16 ss. 22-24. Repealed by No. 69, 1980, s. 17 s. 25. Amended by No. 69, 1980, s. 18 s. 27. Repealed by No. 69, 1980, s. 19 s. 29. Amended by No. 69, 1980, s. 20 s. 31. Amended by No. 69, 1980, s. 21 s. 39. Amended by No. 69, 1980, s. 22 s. 40. Amended by No. 69, 1980, s. 23 s. 44. Amended by No. 69, 1980, s. 24 s. 47. Amended by No. 69, 1980, s. 25

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Births, Deaths and Marriages Registration Act, 1966-1975 (Vol. 1, p. 525)—*continued*	s. 51. Amended by No. 69, 1980, s. 26 Part IX (ss. 53-55). Enacted by No. 69, 1980, s. 27 s. 66. Amended by No. 69, 1980, s. 28 s. 67. Amended by No. 69, 1980, s. 29 s. 68. Amended by No. 69, 1980, s. 30 s. 68a. Enacted by No. 69, 1980, s. 31 s. 71. Amended by No. 69, 1980, s. 32 s. 74. Amended by No. 69, 1980, s. 33 s. 75. Amended by No. 69, 1980, s. 34 s. 76. Amended by No. 69, 1980, s. 35 All schedules (except first). Repealed by No. 69, 1980, s. 36
Boating Act, 1974 (Vol. 1, p. 560)	s. 5. Amended by No. 108, 1978, s. 3 *Schultz v. Pettitt* 25 S.A.S.R. 427 s. 9. Amended by No. 22, 1980, s. 3 s. 11. Amended by No. 78, 1975, s. 3 s. 12. Amended by No. 108, 1978, s. 4 s. 14. Amended by No. 108, 1978, s. 5 s. 15. Amended by No. 108, 1978, s. 6 s. 23. Amended by No. 108, 1978, s. 7 s. 25. Amended by No. 108, 1978, s. 8 s. 26. *Schultz v. Pettitt* 25 S.A.S.R. 427 s. 31. Substituted by No. 108, 1978, s. 9 s. 32. Amended by No. 108, 1978, s. 10 s. 35a. Enacted by No. 108, 1978, s. 11 s. 36. Amended by No. 22, 1980, s. 4 s. 38. Amended by No. 22, 1980, s. 5
Boilers and Pressure Vessels Act, 1968-1971 (Vol. 1, p. 577)	s. 3. Amended by No. 85, 1978, s. 3 s. 4. Amended by No. 85, 1978, s. 4 s. 7. Amended by No. 85, 1978, s. 5 s. 8. Substituted by No. 85, 1978, s. 6 Div. 3 of Part II. Enacted by No. 85, 1978, s. 7 s. 15a. Enacted by No. 85, 1978, s. 7 s. 16. Amended by No. 85, 1978, s. 18 s. 17. Amended by No. 85, 1978, s. 18 s. 18. Substituted by No. 85, 1978, s. 8 s. 19. Substituted by No. 85, 1978, s. 8 ss. 20-23. Repealed by No. 85, 1978, s. 8 s. 25. Amended by No. 85, 1978, s. 18 s. 26. Amended by No. 85, 1978, s. 18 s. 27. Amended by No. 85, 1978, s. 9 s. 28. Amended by No. 85, 1978, ss. 10, 18 s. 29. Amended by No. 85, 1978, ss. 11, 18 ss. 30-31. Repealed by No. 85, 1978, s. 12 s. 32. Amended by No. 85, 1978, s. 13 s. 33. Amended by No. 85, 1978, s. 14 s. 34. Amended by No. 85, 1978, ss. 15, 18 s. 40. Amended by No. 85, 1978, s. 18 s. 41. Amended by No. 85, 1978, s. 18 s. 44. Amended by No. 85, 1978, s. 16 s. 45. Amended by No. 85, 1978, s. 18 s. 46. Amended by No. 85, 1978, s. 18 s. 48. Amended by No. 85, 1978, s. 17 s. 49. Amended by No. 85, 1978, s. 18 s. 51. Amended by No. 85, 1978, s. 18
Brands Act, 1933-1975 (Vol. 1, p. 611)	s. 4. Amended by No. 60, 1976, s. 3 s. 17. Substituted by No. 60, 1976, s. 4 s. 18. Repealed by No. 60, 1976, s. 4 s. 53. Amended by No. 60, 1976, s. 5 s. 54. Amended by No. 60, 1976, s. 6 s. 62. Substituted by No. 60, 1976, s. 7 s. 63. Amended by No. 60, 1976, s. 8 s. 70. *Samuels v. Centofanti* (1967) S.A.S.R. 251 Third schedule. Amended by No. 60, 1976, s. 9 Seventh schedule. Repealed by No. 60, 1976, s. 10 Twenty-third schedule. Amended by No. 60, 1976, s. 11 Twenty-fourth schedule. Varied by regulation *Gazette,* 24th March, 1977, p. 894
Builders Licensing Act, 1967-1974 (Vol. Crosby (No. 2) 21 1, p. 689)	s. 3. Amended by No. 99, 1976, s. 3 s. 4. Amended by No. 99, 1976, s. 4 and by No. 44, 1980, s. 3 s. 5. Amended by No. 99, 1976, s. 5 and by No. 44, 1980, s. 4 s. 7. Amended by No. 44, 1980, s. 5 s. 14. Amended by No. 99, 1976, s. 6 and by No. 44, 1980, s. 6 s. 15. Amended by No. 99, 1976, s. 7 and by No. 44, 1980, s. 7 s. 15a. Amended by No. 44, 1980, s. 8 s. 16. Amended by No. 99, 1976, s. 8 and by No. 44, 1980, s. 9 s. 18. Amended by No. 44, 1980, s. 10 s. 18a. Amended by No. 44, 1980, s. 11

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Builders Licensing Act, 1967-1974 (Vol. Crosby (No. 2) 21 1, p. 689)—*continued*	s. 18b. Amended by No. 44, 1980, s. 12 s. 19. Amended by No. 34, 1981, s. 52 s. 19a. Repealed by No. 34, 1981, s. 53 s. 19e. Amended by No. 34, 1981, s. 54 s. 19i. Amended by No. 44, 1980, s. 13 s. 19j. Amended by No. 99, 1976, s. 9 and by No. 44, 1980, s. 14 s. 19m and heading. Enacted by No. 99, 1976, s. 10 s. 21. Amended by No. 99, 1976, s. 11 and by No. 44, 1980, s. 15 *Andrew v. Cox* (1974) S.A.S.R. 596 *Hall v. Baronian* 1 S.A.S.R. 280 *Dimella Constructions Pty. Ltd. v. Stocker and Stocker* 14 S.A.S.R. 215 *Jackson v. Crosby* 16 S.A.S.R. 1 *Jackson v. S.A.S.R. 280* *Baronian v. Potter Constructions Pty. Ltd.* 22 S.A.S.R. 215 s. 24. Substituted by No. 99, 1976, s. 12 s. 26a. Enacted by No. 44, 1980, s. 16 s. 27a. Enacted by No. 99, 1976, s. 13
Building Act, 1970-1971 (Vol. 1, p. 721)	s. 3. Substituted by No. 2, 1976, s. 3 s. 6. Amended by No. 2, 1976, s. 4 s. 7. Amended by No. 2, 1976, s. 5 s. 8. *Skaventos v. Vander-Lee,* 8 S.A.S.R. 33 *Honan v. Hammer* 9 S.A.S.R. 154 s. 9. Amended by No. 2, 1976, s. 6 s. 10. Amended by No. 2, 1976, s. 7 *Bob's Place Sales Pty. Ltd. v. Barrington* 12 S.A.S.R. 566 s. 11. Amended by No. 2, 1976, s. 8 s. 13. Amended by No. 2, 1976, s. 9 s. 24. Amended by No. 2, 1976, s. 10 s. 35. Amended by No. 2, 1976, s. 11 s. 38. Amended by No. 2, 1976, s. 12 Part VA (ss. 39a-39j). Enacted by No. 2, 1976, s. 13 s. 54. Amended by No. 2, 1976, s. 14 s. 56. Amended by No. 2, 1976, s. 15 s. 59. Amended by No. 2, 1976, s. 16 s. 59a. Enacted by No. 2, 1976, s. 17 s. 59b. Enacted by No. 2, 1976, s. 17 s. 60. Amended by No. 2, 1976, s. 18 s. 61. Amended by No. 2, 1976, s. 19
Building Contracts (Deposits) Act, 1953-1954 (Vol. 1, p. 747)	s. 3 *Peters v. Lawson* 24 S.A.S.R. 257
Building Societies Act, 1975 (p. 750)	s. 3. Amended by No. 103, 1981, s. 3 s. 5. Amended by No. 41, 1981, s. 3 s. 6. Amended by No. 41, 1981, s. 4 s. 12. Amended by No. 41, 1981, s. 5 s. 21. Substituted by No. 41, 1981, s. 6 s. 22. Substituted by No. 41, 1981, s. 6 s. 23. Substituted by No. 41, 1981, s. 6 s. 23a. Enacted by No. 41, 1981, s. 6 s. 27. Substituted by No. 41, 1981, s. 7 s. 33. Amended by No. 103, 1981, s. 4 s. 36. Amended by No. 103, 1981, s. 5 s. 40. Amended by No. 103, 1981, s. 6 s. 41. Amended by No. 41, 1981, s. 8 and by No. 103, 1981, s. 7 s. 47. Amended by No. 41, 1981, s. 9 s. 50. Substituted by No. 41, 1981, s. 10 s. 58. Amended by No. 103, 1981, s. 8 Division V and heading. Enacted by No. 41, 1981, s.11 s. 67. Amended by No. 103, 1981, s. 9 s. 74. Amended by No. 41, 1981, s. 12 s. 86a. Enacted by No. 3, 1976, s. 3 s. 90. Enacted by No. 41, 1981, s. 13
Bulk Handling of Grain Act, 1955-1969 (Vol. 1, p. 787)	s. 2. Amended by No. 40, 1977, s. 3 s. 12. Amended by No. 40, 1977, s. 4 s. 14. Amended by No. 40, 1977, s. 5 s. 19. Amended by No. 40, 1977, s. 6 s. 30. Amended by No. 40, 1977, s. 7 Heading to s. 33. Amended by No. 40, 1977, s. 8 s. 33. Amended by No. 40, 1977, s. 9 s. 34. Amended by No. 40, 1977, s. 10
Bus and Tramways Act, 1935-1975 (Vol. 2, p. 1)	s. 43. Repealed by No. 15, 1978, s. 2 s. 49. Amended by No. 15, 1978, s. 3 s. 54. Amended by No. 15, 1978, s. 3 s. 55. Amended by No. 15, 1978, s. 3 s. 66. *Transway Services Pty. Ltd. (In Liquidation) v. The Corporation of the City of Elizabeth* 13 S.A.S.R. 537

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Bus and Tramways Act, 1935-1975 (Vol. 2, p. 1)—*continued*	s. 66. *State Transport Authority v. Corporation of the City of Adelaide* 24. S.A.S.R. 481 s. 68. *Henwood and another v. The Municipal Tramways Trust* (1938) 60 C.L.R. 438; 12 A.L.J. 101, reversing *Henwood and another v. The Municipal Tramways Trust* (1937) S.A.S.R. 390 s. 79. Amended by No. 15, 1978, s. 3
Bush Fires Act, 1960-1972 (Vol. 2, p. 26)	s. 14. Amended by No. 43, 1976, schedule s. 21. Amended by No. 43, 1976, schedule
Business Franchise (Tobacco) Act, 1974-1975 (Vol. 2, p. 62)	s. 4. Amended by No. 52, 1978 s. 2 s. 4a. Enacted by No. 52, 1978, s. 3 s. 4b. Enacted by No. 52, 1978, s. 3 s. 4c. Enacted by No. 52, 1978, s. 3 s. 4d. Enacted by No. 52, 1978, s. 3 s. 4e. Enacted by No. 52, 1978, s. 3 s. 4f. Enacted by No. 52, 1978, s. 3 s. 5a. Enacted by No. 52, 1978, s. 4 s. 8. Amended by No. 52, 1978, s. 5 s. 9. Amended by No. 52, 1978, s. 6 s. 11. Amended by No. 52, 1978, s. 7 and by No. 52, 1981, s.2 *State of South Australia v A.T.S.A. Pty Ltd.* 24 S.A.S.R. 66 s. 13. Substituted by No. 52, 1978, s. 8 s. 15. Amended by No. 52, 1978, s. 9 *State of South Australia v. A.T.S.A. Pty Ltd.* 24 S.A.S.R. 66 s. 16. Amended by No. 52, 1978, s. 10 s. 17. Amended by No. 52, 1978, s. 11 *State of South Australia v. A.T.S.A. Pty Ltd.* 24 S.A.S.R. 66 s. 18. Amended by No. 52, 1978, s. 12 *State of South Australia v. A.T.S.A. Pty. Ltd.* 24. S.A.S.R. 66 s. 19. Amended by No. 52, 1978, s. 13 s. 20. Repealed by No. 52, 1978, s. 14 s. 22. Amended by No. 52, 1978, s. 15 s. 23. Amended by No. 52, 1978, s. 16 s. 24. Amended by No. 52, 1978, s. 17 s. 27a. Enacted by No. 52, 1978, s. 18 s. 27b. Enacted by No. 52, 1978, s. 18 s. 27c. Enacted by No. 52, 1978, s. 18 s. 29. Amended by No. 52, 1978, s. 19 First schedule. Enacted by No. 52, 1978, s. 20
Business Names Act, 1963 (Vol. 2, p. 80)	s. 26. *Lee v. Evans* (1964) 112 C.L.R. 277; 38 A.L.J.R. 273 reversing *Evans v. Lee* (1964) S.A.S.R. 210 s. 34. Amended by No. 105, 1981, s. 2
Cattle Compensation Act, 1939-1974 (Vol. 2, p. 108)	s. 4. Amended by No. 61, 1976, s. 3 and by No. 71, 1979, s. 3 s. 4a. Amended by No. 61, 1976, s. 4 s. 4b. Enacted by No. 61, 1976, s. 5 s. 5. Amended by No. 61, 1976, s. 6 and by No. 71, 1979, s. 4 s. 6. Amended by No. 61, 1976, s. 7 and by No. 71, 1979, s. 5 s. 7. Amended by No. 71, 1979, s. 6 s. 8. Amended by No. 71, 1979, s. 7 s. 8a. Enacted by No. 71, 1979, s. 8 s. 10. Amended by No. 71, 1979, s. 9 s. 11. Amended by No. 61, 1976, s. 8 s. 12a. Amended by No. 61, 1976, s. 9 s. 13. Amended by No. 61, 1976, s. 10 s. 15a. Amended by No. 71, 1979, s. 10 s. 16. Amended by No. 61, 1976, s. 11 and by No. 71, 1979, s. 11 s. 17. Amended by No. 71, 1979, s. 12
Children's Protection and Young Offenders Act, 1979 (1979, p. 253)	s. 4. Amended by No. 50, 1980, s. 3 *The Queen v. Sander* 22 S.A.S.R. 361 s. 5. *Hallam v. O'Dea* 22 S.A.S.R. 133 s. 7. *Hallam v. O'Dea* 22 S.A.S.R. 133 s. 9. Amended by No. 50, 1980, s. 4 *Walsh v. Kaminski* 26 S.A.S.R. 188 s. 42. Amended by No. 50, 1980, s. 5 s. 44. Amended by No. 50, 1980, s. 6 s. 47. *In re Szekely* 25 S.A.S.R. 112 s. 50. Amended by No. 50, 1980, s. 7 s. 51. Amended by No. 50, 1980, s. 8 *The Queen v. Sander* 22 S.A.S.R. 361 s. 54. Amended by No. 50, 1980, s. 9 s. 57. *The Queen v. Sander* 22 S.A.S.R. 361 s. 61. *Higgins v. Goldfinch* 26 S.A.S.R. 364 s. 65. Amended by No. 50, 1980, s. 10 s. 77. *Walsh v. Kaminski* 26 S.A.S.R. 188 *Higgins v. Goldfinch* 26 S.A.S.R. 364 s. 89. Amended by No. 50, 1980, s. 11 s. 98. Substituted by No. 50, 1980, s. 12

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Children's Protection and Young Offenders Act, 1979 (1979 p. 253)—*continued*	s. 99. Amended by No. 50, 1980, s. 13 s. 99a. Enacted by No. 50, 1980, s. 14 s. 100. Amended by No. 50, 1980, s. 15 Schedule. Amended by No. 50, 1980, s. 16
Church of England in Australia Constitution Act, 1961 (1961, p. 145)	*See* Anglican Church of Australia Constitution Act, 1961-1980
Cigarettes (Labelling) Act, 1971-1972 (Vol. 2, p. 145)	Long title. Amended by No. 81, 1975, s. 3 s. 3. Amended by No. 81, 1975, s. 4 s. 4a. Enacted by No. 81, 1975, s. 5 s. 5. Amended by No. 81, 1975, s. 3
Citrus Industry Organisation Act, 1965-1972 (Vol. 2, p. 150)	s. 20. *Kalliontzis and another v. The Citrus Industry Organization Committee of S.A.* (1966) S.A.S.R. 294 *Perre Brothers v. Citrus Industry Organization Committee* 10 S.A.S.R. 555 *Perre v. Pollitt* 135 C.L.R. 139 s. 21. *Kalliontzis and another v. The Citrus Industry Organization Committee of S.A.* (1966) S.A.S.R. 294 s. 30. *Perre v. Pollitt* 135 C.L.R. 139
City of Adelaide Development Control Act, 1976 (1976, p. 594)	s. 6. Amended by No. 42, 1978, s. 25 s. 19. Amended by No. 12, 1981, s. 3 s. 20. Amended by No. 12, 1981, s. 4 s. 23. Amended by No. 12, 1981, s. 5 s. 24. Amended by No. 12, 1981, s. 6 s. 25. Amended by No. 12, 1981, s. 7 s. 25a. Enacted by No. 12, 1981, s. 8 s. 25b. Enacted by No. 12, 1981, s. 8 s. 28. Amended by No. 12, 1981, s. 9 s. 29. Amended by No. 12, 1981, s. 10 s. 32. Amended by No. 12, 1981, s. 11 s. 43. Amended by No. 12, 1981, s. 12 s. 50. Amended by No. 34, 1981, s. 50
Classification of Publications Act, 1973-1974 (Vol. 2, p. 179)	s. 4. Amended by No. 91, 1978, s. 2 s. 14. Amended by No. 41, 1977, s. 2 s. 15. Amended by No. 41, 1977, s. 3 s. 17. Amended by No. 41, 1977, s. 4 s. 18. Amended by No. 91, 1978, s. 3 s. 18a. Enacted by No. 91, 1978, s. 4 s. 18b. Enacted by No. 91, 1978, s. 4 s. 20. *Dunsmore v. Tiley* 18 S.A.S.R. 259 s. 20a. Enacted by No. 41, 1977, s. 5 s. 21. Substituted by No. 91, 1978, s. 5
Coast Protection Act, 1972-1975 (Vol. 2, p. 188)	s. 14. Amended by No. 109, 1978, s. 39
Colleges of Advanced Education Act, 1972 (Vol. 2, p. 210)	s. 4. Amended by No. 117, 1978, s. 28 (2) and by No. 188, 1978, s. 28 (2)
Commercial and Private Agents Act, 1972 (Vol. 2, p. 223)	s. 5. Amended by No. 1, 1978, s. 3 s. 6. Amended by No. 1, 1978, s. 4 s. 7. Amended by No. 43, 1976, schedule s. 14. Amended by No. 1, 1978, s. 5 *The Queen v. Stewart-Crompton* 15. S.A.S.R. 370 s. 16. *Sobey v. Commercial & Private Agents Board* 22 S.A.S.R. 70 s. 16a. Enacted by No. 1, 1978, s. 6 s. 27. Amended by No. 1, 1978, s. 7 s. 28. Repealed by No. 1, 1978, s. 8 s. 40. *Sobey v. Commercial & Private Agents Board* 22 S.A.S.R. 70 s. 43. Amended by No. 1, 1978, s. 9 s. 47a. Enacted by No. 1, 1978, s. 10 s. 47b. Enacted by No. 1, 1978, s. 10 s. 50a. Enacted by No. 1, 1978, s. 11
Commercial Motor Vehicles (Hours of Driving) Act, 1973 (Vol. 2, p. 242)	s. 3. Amended by No. 3, 1979, s. 2 s. 5. Amended by No. 3, 1979, s. 3 s. 7. Amended by No. 43, 1979, s. 36
Community Welfare Act, 1972-1975 (Vol. 2, p. 275)	s. 4. Amended by No. 111, 1976, s. 3, by No. 43, 1979, s. 3 and by No. 67, 1981, s. 3 s. 5. Amended by No. 43, 1979, s. 4 s. 5a. Enacted by No. 67, 1981, s. 4 s. 6. Amended by No. 111, 1976, s. 4, by No. 43, 1979, s. 5 and by No. 67, 1981, s. 5 Part II (ss. 7-23). Repealed by No. 67, 1981, s. 6 Part III (ss. 24-36). Repealed by No. 67, 1981, s. 6 Part II (ss. 7-21). Enacted by No. 67, 1981, s. 6 Part III (ss. 22-24). Enacted by No. 67, 1981, s. 6

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Community Welfare Act, 1972-1975 (Vol. 2, p. 275)—*continued*	Part IV (ss. 37-82). Repealed by No. 67, 1981, s. 6 Part IV (ss. 25-94). Enacted by No. 67, 1981, s. 6 ss. 82a-82f and heading. Enacted by No. 111, 1976, s. 16 Part V. Repealed by No. 67, 1981, s. 7 s. 90. Enacted by No. 111, 1976, s. 17 Headings preceding s. 92. Substituted by No. 67, 1981, s. 8 ss. 92-97. Repealed by No. 67, 1981, s. 9 s. 98. Amended by No. 43, 1979, s. 31 and substituted by No. 67, 1981, s. 9 s. 99. Amended by No. 43, 1979, s. 32 s. 100. Amended by No. 67, 1981, s.10 s. 102. *Mackie v. Bassing* 18 S.A.S.R. 292 s. 110. Amended by No. 67, 1981, s. 11 s. 112. Amended by No. 67, 1981, s. 12 Heading preceding s. 114. Amended by No. 67, 1981, s. 13 ss. 114-116. Repealed by No. 67, 1981, s. 14 Division II of Part VI (ss. 118-129) and heading. Repealed by No. 67, 1981, s. 15 s. 123. Amended by No. 43, 1979, s. 33 s. 131. Amended by No. 67, 1981, s. 16 s. 132. Repealed by No. 67, 1981, s. 17 s. 133. Amended by No. 67, 1981, s. 18 s. 134. Amended by No. 67, 1981, s. 19 s. 135. Substituted by No. 67, 1981, s. 20 s. 137. Repealed by No. 67, 1981, s. 21 s. 139. Repealed by No. 67, 1981, s. 22 s. 140. Amended by No. 67, 1981, s. 23 *Mackie v. Bassing* 18 S.A.S.R. 292 s. 142. Amended by No. 43, 1979, s. 34 s. 154. Amended by No. 67, 1981, s. 24 s. 155. Amended by No. 67, 1981, s. 25 s. 168. Substituted by No. 67, 1981, s. 26 s. 169. Amended by No. 67, 1981, s. 27 *R. v. Humby Ex p. Rooney* 8 S.A.S.R. 66 s. 170. Amended by No. 67, 1981, s. 28 s. 175. Amended by No. 67, 1981, s. 29 s. 196. Amended by No. 67, 1981, s. 30 s. 235a. Enacted by No. 67, 1981, s. 31 s. 236. Amended by No. 43, 1979, s. 35 and by No. 67, 1981, s. 32 s. 239. Amended by No. 43, 1979, s. 36 s. 240. Amended by No. 43, 1979, s. 37 s. 241. Repealed by No. 43, 1979, s. 38 s. 242. Amended by No. 67, 1981, s. 33 s. 250a. Enacted by No. 67, 1981, s. 34 s. 250b. Enacted by No. 67, 1981, s. 34 s. 251. Amended by No. 43, 1979, s. 39 and by No. 67, 1981, s. 35 s. 252. Amended by No. 67, 1981, s. 36
Companies Act, 1962-1974 (Vol. 2, p. 374)	s. 3. Amended by No. 54, 1979, s. 3 and by No. 26, 1980, s. 3 s. 4. Amended by No. 54, 1979, s. 4 s. 5. Amended by No. 54, 1979, s. 5, by No. 26, 1980, s. 4, by No. 60, 1980, s. 4, and by No. 44, 1981, s. 18 (1)*(a)* s. 6a. Substituted by No. 54, 1979, s. 6 s. 7. Substituted by No. 54, 1979, s. 7 s. 8. Amended by No. 54, 1979, s. 8 s. 9. Substituted by No. 54, 1979, s. 9 and amended by No. 26, 1980, s. 5 *Laycock v. Companies Auditors Board* 21 S.A.S.R. 262 *Shepherd v. Companies Auditors Board* 26 S.A.S.R. 335 s. 10. Repealed by No. 54, 1979, s. 10 s. 11. Repealed by No. 54, 1979, s. 11 s. 12. Substituted by No. 54, 1979, s. 12 and amended by No. 26, 1980, s. 6 s. 13. Substituted by No. 54, 1979, s. 12 s. 14. Amended by No. 54, 1979, s. 13 s. 15. Amended by No. 54, 1979, s. 14 s. 16. Amended by No. 54, 1979, s. 15 s. 20. Amended by No. 54, 1979, s. 16 s. 21. Amended by No. 54, 1979, s. 17 and by No. 26, 1980, s. 7 s. 22. Amended by No. 54, 1979, s. 18 s. 23. Amended by No. 54, 1979, s. 19 s. 24. Amended by No. 54, 1979, s. 20 s. 25. Amended by No. 54, 1979, s. 21 s. 26. Amended by No. 54, 1979, s. 22 and by No. 26, 1980, s. 8 s. 27. Amended by No. 54, 1979, s. 23 s. 28. Amended by No. 54, 1979, s. 24 s. 28a. Amended by No. 54, 1979, s. 25 s. 29. Amended by No. 54, 1979, s. 26 s. 34. Amended by No. 54, 1979, s. 27 s. 36. Amended by No. 54, 1979, s. 28 s. 37. Amended by No. 54, 1979, s. 29 s. 38. Amended by No. 54, 1979, s. 30 s. 39. Amended by No. 54, 1979, s. 31 s. 40 Substituted by No. 54, 1979, s. 32

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Companies Act, 1962-1974 (Vol. 2, p. 374)—*continued*	ss. 40a-40b. Enacted by No. 54, 1979, s. 32 s. 42. Amended by No. 54, 1979, s. 33 s. 46. Amended by No. 54, 1979, s. 34 s. 50. Substituted by No. 54, 1979, s. 35 s. 51. Amended by No. 54, 1979, s. 36 s. 52. Amended by No. 54, 1979, s. 37 s. 54. Amended by No. 54, 1979, s. 38 and by No. 26, 1980, s. 9 s. 57. Substituted by No. 54, 1979, s. 39 s. 58. Amended by No. 54, 1979, s. 40 s. 60. Amended by No. 54, 1979, s. 41 *South Australian Barytes Limited v. Wood* 12 S.A.S.R. 527 s. 61. Amended by No. 54, 1979, s. 42 s. 62. Amended by No. 54, 1979, s. 43 s. 63. Amended by No. 54, 1979, s. 44 s. 64. Amended by No. 54, 1979, s. 45 *In re Birkenshaw Holdings Pty. Ltd.* 10 S.A.S.R. 577 s. 64a. Enacted by No. 54, 1979, s. 46 s. 65. Amended by No. 54, 1979, s. 47 s. 67. Amended by No. 54, 1979, s. 48 s. 69a. Amended by No. 54, 1979, s. 49 s. 69b. Amended by No. 54, 1979, s. 50 s. 69c. Amended by No. 54, 1979, s. 51 s. 69d. Amended by No. 54, 1979, s. 52 and by No. 60, 1980, s. 4 s. 69e. Substituted by No. 54, 1979, s. 53 and amended by No. 60, 1980, s. 4 s. 69f. Amended by No. 54, 1979, s. 54 and by No. 60, 1980, s. 4 s. 69g. Amended by No. 54, 1979, s. 55 s. 69h. Repealed by No. 54, 1979, s. 56 s. 69j. Amended by No. 54, 1979, s. 57 s. 69k. Amended by No. 54, 1979, s. 58 s. 69m. Substituted by No. 54, 1979, s. 59 s. 69n. Amended by No. 54, 1979, s. 60 s. 70. Amended by No. 54, 1979, s. 61 s. 74. Amended by No. 54, 1979, s. 62 s. 74a. Amended by No. 54, 1979, s. 63 s. 74b. Amended by No. 54, 1979, s. 64 s. 74d. Amended by No. 54, 1979, s. 65 s. 74f. Amended by No. 54, 1979, s. 66 s. 74h. Amended by No. 54, 1979, s. 67 s. 76. Amended by No. 54, 1979, s. 68 s. 77. Amended by No. 54, 1979, s. 69 and by No. 26, 1980, s. 10 s. 78. Amended by No. 54, 1979, s. 70 s. 79. Amended by No. 26, 1980, s. 11 s. 80. Amended by No. 54, 1979, s. 71 s. 82. Amended by No. 54, 1979, s. 72 s. 84. Amended by No. 54, 1979, s. 73 s. 85. Substituted by No. 54, 1979, s. 74 s. 95. Substituted by No. 54, 1979, s. 75 s. 96. Substituted by No. 54, 1979, s. 76 s. 97. Amended by No. 54, 1979, s. 77 s. 98. Amended by No. 54, 1979, s. 78 s. 99. Substituted by No. 54, 1979, s. 79 s. 100. Amended by No. 54, 1979, s. 80 s. 102. Amended by No. 54, 1979, s. 81 s. 103. Amended by No. 54, 1979, s. 82 s. 105. Amended by No. 54, 1979, s. 83 s. 106. *In re Flinders Trading Co. Pty. Ltd.* 20 S.A.S.R. 14 s. 108. Amended by No. 54, 1979, s. 84 s. 109. Repealed by No. 54, 1979, s. 85 s. 111. Amended by No. 54, 1979, s. 86 s. 112. Amended by No. 54, 1979, s. 87 s. 114. Substituted by No. 54, 1979, s. 88 s. 115. Amended by No. 54, 1979, s. 89 s. 117. Amended by No. 54, 1979, s. 90 s. 120. Amended by No. 54, 1979, s. 91 s. 121. Substituted by No. 54, 1979, s. 92 s. 122. Amended by No. 54, 1979, s. 93, by No. 60, 1980, s. 4, s. 122 and by No. 44, 1981, s. 18 (1) *(b)* *In re Van Reesema* 11 S.A.S.R. 322 s. 123. Amended by No. 54, 1979, s. 94 s. 124. Amended by No. 54, 1979, s. 95 s. 124a. Repealed by No. 54, 1979, s. 96 s. 126. Amended by No. 54, 1979, s. 97 s. 127. Amended by No. 54, 1979, s. 98, by No. 26, 1980, s. 12, by No. 60, 1980, s. 4 and by No. 44, 1981, s. 18 (1) *(c)* s. 129. Amended by No. 54, 1979, s. 99, by No. 60, 1980, s. 4 and by No. 44, 1981, s. 18 (1) *(d)* s. 132. Amended by No. 54, 1979, s. 100 s. 134. Amended by No. 54, 1979, s. 101 s. 135. Amended by No. 54, 1979, s. 102 s. 136. Amended by No. 54, 1979, s. 103

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Companies Act, 1962-1974 (Vol. 2, p. 374)—*continued*	s. 137. Amended by No. 54, 1979, s. 104 s. 138. Amended by No. 54, 1979, s. 105 s. 140. Amended by No. 54, 1979, s. 106 s. 141. Amended by No. 54, 1979, s. 107 s. 142. Amended by No. 54, 1979, s. 108 s. 144. Amended by No. 54, 1979, s. 109 s. 146. Amended by No. 54, 1979, s. 110 s. 149. Amended by No. 54, 1979, s. 111 s. 151. Amended by No. 54, 1979, s. 112 s. 152. Amended by No. 54, 1979, s. 113 s. 153. Amended by No. 54, 1979, s. 114 s. 155. Amended by No. 54, 1979, s. 115 s. 156. Amended by No. 54, 1979, s. 116 s. 157. Amended by No. 54, 1979, s. 117 and by No. 26, 1980, s. 13 s. 158. Amended by No. 54, 1979, s. 118 *Leydon v. Palm Green Pty. Ltd. and others* 20 S.A.S.R. 304 s. 159. Amended by No. 54, 1979, s. 119 s. 159a. Amended by No. 54, 1979, s. 120 s. 160. Amended by No. 54, 1979, s. 121 s. 161. Amended by No. 54, 1979, s. 122 s. 161aa. Repealed by No. 54, 1979, s. 123 s. 161a. Amended by No. 54, 1979, s. 124 s. 161b. Amended by No. 54, 1979, s. 125 s. 162. Amended by No. 54, 1979, s. 126 s. 162a. Amended by No. 54, 1979, s. 127 s. 162c. Amended by No. 54, 1979, s. 128 s. 165. Amended by No. 54, 1979, s. 129 s. 165a. Substituted by No. 54, 1979, s. 130 s. 165ab. Repealed by No. 54, 1979, s. 131 s. 165b. Substituted by No. 54, 1979, s. 131 s. 166. Substituted by No. 54, 1979, s. 132 s. 166b. Amended by No. 54, 1979, s. 133 s. 167. Amended by No. 54, 1979, s. 134 s. 167b. Substituted by No. 54, 1979, s. 135 s. 167c. Amended by No. 54, 1979, s. 136 s. 168. Amended by No. 54, 1979, s. 137 s. 169. Amended by No. 54, 1979, s. 138 s. 170. Substituted by No. 54, 1979, s. 139 s. 171. Substituted by No. 54, 1979, s. 140 s. 171a. Enacted by No. 54, 1979, s. 141 s. 172. Amended by No. 54, 1979, s. 142 s. 175. Amended by No. 54, 1979, s. 143 s. 176. Amended by No. 54, 1979, s. 144 s. 178. Substituted by No. 54, 1979, s. 145 s. 179. Amended by No. 54, 1979, s. 146 s. 179b. Amended by No. 54, 1979, s. 147 s. 180. Substituted by No. 54, 1979, s. 148 s. 180aa. Repealed by No. 54, 1979, s. 149 s. 180a. Amended by No. 54, 1979, s. 150 s. 180b. Amended by No. 54, 1979, s. 151 s. 180c. Amended by No. 54, 1979, s. 152 s. 180d. Amended by No. 54, 1979, s. 153 s.180e. *In the Matter of the Northern Territory Land Company Limited* (1974) 6 S.A.S.R. 611 s. 180g. Amended by No. 54, 1979, s. 154 s. 180h. Amended by No. 54, 1979, s. 155 s. 180j. Amended by No. 54, 1979, s. 156 s. 180l. Amended by No. 54, 1979, s. 157 s. 180n. *In the Matter of the Northern Territory Land Company Limited* (1974) 6 S.A.S.R. 611 s. 180r. Amended by No. 54, 1979, s. 158 s. 180s. *In the Matter of the Northern Territory Land Company Limited* (1974) 6 S.A.S.R. 611 s. 180u. Amended by No. 54, 1979, s. 159 s. 180w. Amended by No. 54, 1979, s. 160 s. 180x. Amended by No. 54, 1979, s. 161 ss. 180z. 180za. Repealed by No. 54, 1979, s. 162 s. 181. Amended by No. 54, 1979, s. 163 *In re H. Stanke & Sons Pty. Ltd.* (1968) S.A.S.R. 156 *In re Slade Constructions Pty. Ltd.* (1970) S.A.S.R. 561 *In re A. and C. Constructions Pty. Limited* (1970) S.A.S.R. 565 *In re Forklift Sales (S.A.) Pty. Ltd.* 3 S.A.S.R. 21 *Trocko v. Renlita Products Pty. Ltd.; The Commonwealth Trading Bank and Shepherd (Claimants)* (1973) 5 S.A.S.R. 207 *In re Adelaide Air-conditioning and Domestic Engineers Ltd. (In Liquidation)* 6 S.A.S.R. 603 *In re South Pacific Transport Pty. Ltd.* (1974) 6 S.A.S.R. 603 *In re Waymouth Guarantee and Discount Co. Ltd.* 10 S.A.S.R. 407 *In re Kailis Groote Eylandt Fisheries Pty. Ltd. (Receivers and Managers Appointed)* 17 S.A.S.R. 35 *In re The Bank of Adelaide* 22 S.A.S.R. 481

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Companies Act, 1962-1974 (Vol. 2, p. 374)—*continued*	s. 183. Amended by No. 54, 1979, s. 164 s. 185. Amended by No. 60, 1980, s. 4 and by No. 44, 1981, s. 18 (1) *(e)-(g)* s. 186. Amended by No. 54, 1979, s. 165 s. 189. Amended by No. 54, 1979, s. 166 s. 191. Amended by No. 54, 1979, s. 167 s. 193. Amended by No. 54, 1979, s. 168 s. 194. Amended by No. 54, 1979, s. 169 s. 195. Substituted by No. 54, 1979, s. 170 s. 196. Amended by No. 54, 1979, s. 171 *In the Matter of John Wiper Limited (Receiver Appointed) (In Liquidation)* (1973) 5 S.A.S.R. 360 s. 198a. Repealed by No. 54, 1979, s. 172 s. 199. Amended by No. 54, 1979, s. 173 s. 202. Amended by No. 54, 1979, s. 174 s. 202b. Amended by No. 54, 1979, s. 175 s. 203a. Amended by No. 54, 1979, s. 176 s. 203b. Amended by No. 54, 1979, s. 177 s. 203c. Amended by No. 54, 1979, s. 178 s. 204. Amended by No. 54, 1979, s. 179 s. 206. Amended by No. 54, 1979, s. 180 s. 208. Amended by No. 54, 1979, s. 181 s. 211a. Amended by No. 54, 1979, s. 182 s. 212. Amended by No. 54, 1979, s. 183 s. 213. Amended by No. 54, 1979, s. 184 s. 214. Amended by No. 54, 1979, s. 185 s. 218. Amended by No. 54, 1979, s. 186 and by No. 26, 1980, s. 14 *Australian Distributors v. Winter and others* 38 A.L.J. 330 *In the Matter of the Adelaide Co-operative Society Limited (In Liquidation)* (1964) S.A.S.R. 266 s. 221. Amended by No. 54, 1979, s. 187 *In re Murray Citrus Marketing Co. Pty. Ltd.* 1 S.A.S.R. 490 *In re Exclusive Master Book-Binding and Manufacturing Co. Pty. Ltd.* 17 S.A.S.R. 522 s. 222. Amended by No. 54, 1979, s. 188 *In re W. Swan and Sons Limited* (1962) S.A.S.R. 310 *In re Mannum Haulage Pty. Ltd.* 8 S.A.S.R. 451 *In re Exclusive Master Book-Binding and Manufacturing Co. Pty. Ltd.* 17 S.A.S.R. 522 *In re Alpina Pty. Ltd.* 17 S.A.S.R. 528 s. 223. Substituted by No. 54, 1979, s. 189 and amended by No. 26, 1980, s. 15 s. 224. Substituted by No. 54, 1979, s. 190 s. 225. Substituted by No. 54, 1979, s. 191 *In re Golden Breed Pty. Ltd.* 22 S.A.S.R. 392 s. 226. Substituted by No. 54, 1979, s. 192 s. 227. Substituted by No. 54, 1979, s. 192 *Albion Reed (S.A.) Pty. Ltd. v. Baron Holdings Pty. Ltd.* 7 S.A.S.R. 564 s. 229. Amended by No. 54, 1979, s. 193 s. 230. Amended by No. 54, 1979, s. 194 s. 231. Substituted by No. 54, 1979, s. 195 *In re Club Mediterranean Pty. Ltd.* 11 S.A.S.R. 481 s. 231. Enacted by No. 54, 1979, s. 195 s. 232. Amended by No. 54, 1979, s. 196 s. 233. Amended by No. 54, 1979, s. 197 s. 234. Amended by No. 54, 1979, s. 198 *Leydon v. Forrest* 23 S.A.S.R. 364 s. 240. Amended by No. 54, 1979, s. 199 s. 243. Amended by No. 54, 1979, s. 200 s. 249. *In re M.F.G. Boat Company Limited* 4 S.A.S.R. 584 *In re John Arnold's Surf Shop Pty. Ltd. (In Liquidation)* 23 S.A.S.R. 222 s. 250. Amended by No. 54, 1979, s. 201 s. 254. Amended by No. 54, 1979, s. 202 s. 257. Amended by No. 54, 1979, s. 203 s. 259. Amended by No. 54, 1979, s. 204 s. 263. *R. A. Ringwood Pty. Ltd. v. Lower* (1968) S.A.S.R. 454 s. 272. Amended by No. 54, 1979, s. 205 s. 276. Substituted by No. 54, 1979, s. 206 *In re South Australian Air-Conditioning Centre Pty. Ltd.* 17 S.A.S.R. 31 s. 277a. Enacted by No. 54, 1979, s. 207 s. 278. Amended by No. 54, 1979, s. 208 s. 280. Amended by No. 54, 1979, s. 209 s. 281. Amended by No. 54, 1979, s. 210 s. 282. Amended by No. 54, 1979, s. 211 s. 284. Amended by No. 54, 1979, s. 212 s. 286. Amended by No. 54, 1979, s. 213 s. 287. Amended by No. 54, 1979, s. 214 s. 290. Repealed by No. 54, 1979, s. 215 s. 291. Amended by No. 54, 1979, s. 216 s. 292. Amended by No. 54, 1979, s. 217 *In the Matter of John Wiper Limited (Receiver Appointed) (In Liquidation)* (1973) 5 S.A.S.R. 360

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Coroners Act, 1975 (Vol. 3, p. 92)	s. 6. Amended by No. 102, 1981, s. 2 s. 7. Amended by No. 102, 1981, s. 3 s. 12. Amended by No. 102, 1981, s. 4 s. 13. Amended by No. 102, 1981, s. 5 s. 14. Amended by No. 102, 1981, s. 6 s. 26. Amended by No. 102, 1981, s. 7 s. 28. Amended by No. 102, 1981, s. 8
Cottage Flats Act, 1966-1971 (Vol. 3, p. 107)	s. 3. Substituted by No. 67, 1976, s. 2
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Credit Unions Act, 1976 (1976, p. 665)	s. 5. Amended by No. 56, 1980, s. 3 s. 9. Amended by No. 56, 1980, s. 4 s. 19. Amended by No. 56, 1980, s. 5 s. 27. Amended by No. 56, 1980, s. 6 s. 30. Amended by No. 56, 1980, s. 7 s. 31. Amended by No. 56, 1980, s. 8 s. 34. Amended by No. 56, 1980, s. 9 s. 39. Amended by No. 56, 1980, s. 10 s. 41. Amended by No. 56, 1980, s. 11 s. 42. Amended by No. 56, 1980, s. 12 s. 43. Amended by No. 56, 1980, s. 13 s. 46. Amended by No. 56, 1980, s. 14 s. 52. Amended by No. 56, 1980, s. 15 s. 54. Amended by No. 56, 1980, s. 16 s. 65. Amended by No. 56, 1980, s. 17 s. 67. Amended by No. 56, 1980, s. 18 s. 68. Amended by No. 56, 1980, s. 19 s. 74. Amended by No. 56, 1980, s. 20 s. 77. Amended by No. 56, 1980, s. 21 s. 79. Amended by No. 56, 1980, s. 22 s. 82. Amended by No. 56, 1980, s. 23 s. 99. Amended by No. 56, 1980, s. 24 s. 102. Amended by No. 56, 1980, s. 25

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Criminal Law Consolidation Act, 1935-1975 (Vol. 3, p. 125)—*continued*	*The Queen v. Tamblyn* (1967) S.A.S.R. 140 *Harris v. The Queen* (1967) S.A.S.R. 316 *The Queen v. Leak* (1969) S.A.S.R. 172 *The Queen v. Hayes* (1973) 5 S.A.S.R. 278 *R. v. Emery* 11 S.A.S.R. 169 *The Queen v. Johnson* 22 S.A.S.R. 161 *The Queen v. Miller* 25 S.A.S.R. 170 s. 354. *R. v. Lindner* (1938) S.A.S.R. 412 s. 357. Amended by No. 115, 1976, s. 12 *Rex v. Pullman* (1942) S.A.S.R. 262 s. 359. *The Queen v. Liosatos* (1964) S.A.S.R. 40 *R. v. Van Beelen* (No. 2) 7 S.A.S.R. 117 *In the matter of a petition by Frits Van Beelen* 9 S.A.S.R. 163 s. 364. *The Queen v. Fabry* 18 S.A.S.R. 479 *The Queen v. Lavery* (No. 3) 20 S.A.S.R. 472 *The Queen v. Thompson* 22 S.A.S.R. 12 s. 367. Amended by No. 67, 1980, s. 11 *Rex v. Tregaskis* (1937) S.A.S.R. 358 *The Queen v. White* (1966) S.A.S.R. 69 s. 369. Amended by No. 115, 1976, s. 13 *R. v. McPherson* (1939) S.A.S.R. 181 *In the matter of a petition by Frits Van Beelen* 9 S.A.S.R. 163 Schedules 8 and 9. Repealed by No. 115, 1976, s. 14
Crown Lands Act, 1929-1975 (Vol. 3, p. 246)	s. 5. Amended by No. 109, 1978, s. 38 s. 9. Amended by No. 46, 1978, s. 3 s. 52. Amended by No. 32, 1980, s. 15 s. 53. Amended by No. 46, 1978, s. 4 *Lincoln Park Pastoral Co. Pty. Ltd. v. Minister of Lands* 24 S.A.S.R. 518 s. 66a. Amended by No. 32, 1980, s. 16 s. 82. Amended by No. 6, 1977, s. 3 s. 85. Amended by No. 46, 1978, s. 5 s. 87. Amended by No. 46, 1978, s. 6 s. 88a. Amended by No. 6, 1977, s. 4 and by No. 46, 1978, s. 7 Div. III of Part VIII (ss. 90-93) and heading. Repealed by No. 46, 1978, s. 8 s. 94. Amended by No. 6, 1977, s. 5 and by No. 46, 1978, s. 9 s. 95. Repealed by No. 46, 1978, s. 10 s. 96. Amended by No. 46, 1978, s. 11 ss. 97-98. Repealed by No. 46, 1978, s. 12 s. 99. Amended by No. 46, 1978, s. 13 s. 100. Repealed by No. 46, 1978, s. 14 s. 101. Amended by No. 6, 1977, s. 6 and by No. 46, 1978, s. 15 s. 102. Amended by No. 6, 1977, s. 7 s. 104. Substituted by No. 6, 1977, s. 8 and amended by No. 46, 1978, s. 16 s. 105. Substituted by No. 6, 1977, s. 9 s. 106. Repealed by No. 6, 1977, s. 9 and re-enacted by No. 46, 1978, s. 17 s. 107a. Amended by No. 46, 1978, s. 18 and by No. 77, 1980, s. 2 s. 108. Repealed by No. 6, 1977, s. 10 s. 109. Repealed by No. 6, 1977, s. 10 s. 110. Amended by No. 6, 1977, s. 11 s. 111. Substituted by No. 6, 1977, s. 12 s. 112. Substituted by No. 6, 1977, s. 12 s. 115. Substituted by No. 6, 1977, s. 13 s. 116. Substituted by No. 6, 1977, s. 13 s. 150. *Lincoln Park Pastoral Co. Pty. Ltd. v. Minister of Lands* 24 S.A.S.R. 518 s. 210. Amended by No. 43, 1980, s. 2 s. 212. Amended by No. 443, 1980, s. 3 s. 225. *In re Symon: Public Trustee v. Symon and others* (1944) S.A.S.R. 102 s. 226. *Badenoch v. Nuske* (1940) S.A.S.R. 160 *In re Symon: Public Trustee v. Symon and others* (1944) S.A.S.R. 102 *Harrington v. Keene* 11 S.A.S.R. 361 s. 227. *Badenoch v. Nuske* (1940) S.A.S.R. 160 *In re Symon: Public Trustee v. Symon and others* (1944) S.A.S.R. 102 *Harrington v. Keene* 11 S.A.S.R. 361 s. 228aa. Enacted by No. 46, 1978, s. 19 s. 260. Substituted by No. 46, 1978, s. 20 s. 271d. Amended by No. 46, 1978, s. 21 s. 271e. Enacted by No. 46, 1978, s. 22 s. 288. Amended by No. 46, 1978, s. 23
Crown Proceedings Act, 1972-1975 (Vol. 3, p. 378)	s. 4. *Commercial Oil Refinery Pty. Ltd. v. State of South Australia* 9 S.A.S.R. 88 s. 7. Amended by No. 4, 1977, s. 2 and by No. 47, 1980, s. 3 s. 8. Amended by No. 4, 1977, s. 3 s. 11. *Commercial Oil Refinery Pty. Ltd. v. State of South Australia* 9 S.A.S.R. 88 s. 12a. Amended by No. 4, 1977, s. 4 and by No. 47, 1980, s. 4
Crown Rates and Taxes Recovery Act, 1945 (Vol. 3, p. 384)	s. 2. Amended by No. 42, 1977, s. 10
Dairy Industry Act, 1928-1973 (Vol. 3, p. 402)	s. 28. *Kinross Transport v. Hannaford* (1966) S.A.S.R. 100

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Dangerous Substances Act, 1979 (1979, p. 305)	s. 30. Amended by No. 7, 1980, s. 3
Debtors Act, 1936 (Vol. 3, p. 431)	s. 3. Amended by No. 84, 1978, s. 39 (2) *R. v. Keen* 7 S.A.S.R. 13 *In re Weetra* 18 S.A.S.R. 321
Dentists Act, 1931-1974 (Vol. 3, p. 443)	s. 21. *Taylor v. The Dental Board of South Australia* (1940) S.A.S.R. 306 *Willoughby v. The Dental Board of South Australia* (1963) S.A.S.R. 205 s. 40. *McGrath v. Syme. Schonfeldt v. Syme* (1950) S.A.S.R. 14 s. 45. *In re the Dentists Act,* 1931-1939. *Ex parte Schonfeldt* (1939) S.A.S.R. 380 s. 48. *McGrath v. Syme. Schonfeldt v. Syme* (1950) S.A.S.R. 14 s. 56. *Syme v. McFarling* (1953) S.A.S.R. 207 s. 60. *The Queen v. The Statutory Committee Constituted under the Dentists Act; Ex parte Fisken* 22 S.A.S.R. 117
Discharged Soldiers Settlement Act, 1934-1940 (Vol. 3, p. 463)	s. 24a. Amended by No. 94, 1981, s. 3 s. 24b. Amended by No. 94, 1981, s. 4 s. 25. Repealed by No. 94, 1981, s. 5 s. 37. Amended by No. 28, 1978, s. 33
Dog Control Act, 1979 (1979, p. 316)	s. 3. Amended by No. 58, 1981, s. 3 s. 5. Amended by No. 58, 1981, s. 4 s. 6. Amended by No. 58, 1981, s. 5 s. 7. Substituted by No. 58, 1981, s. 6 s. 10. Amended by No. 58, 1981, s. 7 s. 11. Substituted by No. 58, 1981, s. 8 s. 12. Amended by No. 58, 1981, s. 9 Heading preceding s. 13. Substituted by No. 58, 1981, s. 10 s. 13. Substituted by No. 58, 1981, s. 11 s. 14. Amended by No. 58, 1981, s. 12 s. 15. Substituted by No. 58, 1981, s. 13 Heading to s. 16. Enacted by No. 58, 1981, s. 13 s. 16. Substituted by No. 58, 1981, s. 13 ss. 17-25. Repealed by No. 58, 1981, s. 13 s. 26. Amended by No. 58, 1981, s. 14 s. 27. Amended by No. 58, 1981, s. 15 s. 28. Substituted by No. 58, 1981, s. 16 s. 29. Substituted by No. 58, 1981, s. 17 s. 30. Substituted by No. 58, 1981, s. 18 s. 32. Amended by No. 58, 1981, s. 19 s. 33. Amended by No. 58, 1981, s. 20 s. 36. Amended by No. 58, 1981, s. 21 s. 37. Amended by No. 58, 1981, s. 22 s. 39. Amended by No. 58, 1981, s. 23 s. 40. Amended by No. 58, 1981, s. 24 s. 43. Amended by No. 58, 1981, s. 25 s. 47. Amended by No. 58, 1981, s. 26 s. 49. Amended by No. 58, 1981, s. 27 *Close v. Dimond* 26 S.A.S.R. 551 s. 50a. Enacted by No. 58, 1981, s. 28 s. 54. Substituted by No. 58, 1981, s. 29 s. 57. Amended by No. 58, 1981, s. 30 s. 58. Amended by No. 57, 1980, s. 2 and by No. 58, 1981, s. 31 s. 64. Amended by No. 58, 1981, s. 32 s. 65a. Enacted by No. 57, 1980, s. 3 s. 66. Amended by No. 58, 1981, s. 33
Dog Fence Act, 1946-1975 (Vol. 3, p. 487)	s. 4. Amended by No. 105, 1978, s. 3 s. 27. Re-enacted by No. 105, 1978, s. 4 ss. 29-30. Repealed by No. 105, 1978, s. 5 s. 34. Amended by No. 105, 1978, s. 6
Door to Door Sales Act, 1971 (Vol. 3, p. 510)	s. 4. Repealed by No. 41, 1979, s. 3 s. 5. Amended by No. 41, 1979, s. 4 s. 6. Amended by No. 41, 1979, s. 5 ss. 7-8. Substituted by No. 41, 1979, s. 6 ss. 8a-8c. Enacted by No. 41, 1979, s. 6 s. 9. Amended by No. 41, 1979, s. 7 s. 9a. Enacted by No. 41, 1979, s. 8 s. 11. Amended by No. 41, 1979, s. 9 ss. 11a-11b. Enacted by No. 41, 1979, s. 10 ss. 14a-14b. Enacted by No. 41, 1979, s. 11 s. 15. Amended by No. 41, 1979, s. 12 Schedule substituted by No. 41, 1979, s. 13 Second schedule. Enacted by No. 41, 1979, s. 13
Dried Fruits Act, 1934-1972 (Vol. 3, p. 520)	s. 33. *Warnecke v. Pope* (1950) S.A.S.R. 113

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Education Act, 1972-1974 (Vol. 3, p. 535)	s. 3. Amended by No. 4, 1976, s. 3 and by No. 108, 1980, s. 3 s. 5. Amended by No. 113, 1976, s. 3, by No. 25, 1979, ss. 4 and 9 and by No. 108, 1980, s. 4 s. 9. Amended by No. 113, 1976, s. 4 and by No. 25, 1979, s. 10 s. 10. Amended by No. 25, 1979, s. 11 s. 15. Amended by No. 25, 1979, s. 12 and by No. 31, 1980, s. 2 s. 18. Repealed by No. 25, 1979, s. 5 s. 19. Amended by No. 25, 1979, s. 6 s. 20. Substituted by No. 25, 1979, s. 7 s. 21. Amended by No. 25, 1979, s. 8 s. 22. Amended by No. 113, 1976, s. 5 s. 24. Amended by No. 113, 1976, s. 6 s. 25. Amended by No. 113, 1976, s. 7 and by No. 31, 1980, s. 3 s. 26. Amended by No. 25, 1979, s. 13 s. 37. Amended by No. 4, 1976, s. 4 s. 39. Amended by No. 25, 1979, s. 14 s. 44. *Teachers (Non-Metropolitan) Award Reference Case* 41 S.A.I.R. 110 *Teachers (Recreation Leave Loading Award) (Referral of Question of Law) Case* 43 S.A.I.R. 741 s. 45. Amended by No. 4, 1976, s. 5 s. 49. Amended by No. 4, 1976, s. 6 s. 55. Amended by No. 113, 1976, s. 8, by No. 25, 1979, s. 15 and by No. 108, 1980, s. 5 s. 57. Amended by No. 113, 1976, s. 9 s. 58. Amended by No. 108, 1980, s. 6 s. 60. Amended by No. 113, 1976, s. 10 s. 61. Amended by No. 113, 1976, s. 11 s. 63. Amended by No. 113, 1976, s. 12, by No. 25, 1979, s. 16 and by No. 108, 1980, s. 7 s. 67. Amended by No. 113, 1976, s. 13 s. 72. Amended by No. 25, 1979, s. 17 and by No. 13, 1981, s. 3, and repealed by No. 108, 1980, s. 8 s. 72b. Amended by No. 13, 1981, s. 4 s. 72g. Amended by No. 13, 1981, s. 5 s. 72i. Repealed by No. 13, 1981, s. 6 s. 72o. Amended by No. 13, 1981, s. 7 s. 72p. Amended by No. 13, 1981, s. 8 s. 73. Amended by No. 25, 1979, s. 18 and repealed by No. 108, 1980, s. 8 Part V (ss. 72 and 73). Repealed by No. 108, 1980, s. 8 Part V (ss. 72-72p). Substituted by No. 108, 1980, s. 8 s. 74. Amended by No. 25, 1979, s. 19 and by No. 108, 1980. s. 9 s. 75. Amended by No. 113, 1976, s. 14 s. 79. Substituted by No. 44, 1979, schedule s. 80. Amended by No. 113, 1976, s. 15 s. 81. Amended by No. 25, 1979, s. 20 s. 82. Amended by No. 25, 1979, s. 21 and by No. 108, 1980, s. 10 s. 85. Amended by No. 113, 1976, s. 16 and by No. 25, 1979, s. 22 Part IX (ss. 91-101). Repealed by No. 4, 1976, s. 7 s. 107. Amended by No. 25, 1979, s. 23 and by No. 108, 1980, s. 11 *Teachers (Recreation Leave Loading Award) (Referral to Question of Law) Case* 43 S.A.I.R. 741
Egg Industry Stabilization Act, 1973-1974 (Vol. 3, p. 579)	s. 4. Amended by No. 8, 1980, s. 3 s. 15. Amended by No. 8, 1980, s. 4 s. 17. Amended by No. 8, 1980, s. 5 s. 23. Substituted by No. 8, 1980, s. 6 s. 24. Amended by No. 8, 1980, s. 7 s. 42. Amended by No. 8, 1980, s. 8
Eight Mile Creek Settlement (Drainage Maintenance) Act, 1959 (Vol. 3, p. 604)	s. 2. Amended by No. 31, 1976, s. 2 and by No. 42, 1977, s. 3 s. 3. Amended by No. 31, 1976, s. 3 and by No. 42, 1977, s. 4 ss. 4-12. Repealed and s. 4 substituted by No. 42, 1977, s. 5 s. 13. Amended by No. 66, 1970, s. 9 and by No. 42, 1977, s. 6 s. 14. Substituted by No. 42, 1977, s. 7 ss. 15-16. Repealed by No. 42, 1977, s. 8 s. 17. Amended by No. 42, 1977, s. 9 and by No. 8, 1979, s. 2
The Election of Senators Act, 1903 (Vol. 3, p. 613)	s. 2. Amended by No. 4, 1978, s. 2. Substituted by No. 37, 1981, s. 2 s. 3. Enacted by No. 37, 1981, s. 2
Electoral Act, 1929-1975 (Vol. 3, p. 615)	s. 3. Amended by No. 35, 1981, s. 3 s. 4. Amended by No. 114, 1976, s. 3 s. 5. Amended by No. 114, 1976, s. 4 and by No. 35, 1981, s. 4. s. 6. Amended by No. 114, 1976, s. 5 and by No. 35, 1981, s. 5 s. 6a. Amended by No. 114, 1976, s. 6. Substituted by No. 35, 1981, s. 6 s. 6b. Amended by No. 114, 1976, s. 7 s. 6c. Amended by No. 35, 1981, s. 7 s. 6d. Amended by No. 114, 1976, s. 8 s. 6e. Amended by No. 114, 1976, s. 9 s. 6f. Substituted by No. 35, s. 8 s. 6g. Substituted by No. 114, 1976, s. 10. Repealed by No. 35, 1981, s. 8 s. 7. Amended by No. 35, 1981, s. 9

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Electoral Act, 1929-1975 (Vol. 3, p. 615)— *continued*	s. 8. Amended by No. 35, 1981, s. 10 s. 8a. Enacted by No. 35, 1981, s. 11 s. 14. Substituted by No. 35, 1981, s. 12 s. 15. Repealed by No. 35, 1981, s. 13 s. 17. Amended by No. 35, 1981, s. 14 s. 19. Substituted by No. 35, 1981, s. 15 s. 22. Amended by No. 35, 1981, s. 16 s. 28. Amended by No. 35, 1981, s. 17 s. 29. Substituted by No. 35, 1981, s. 18 s. 38. Amended by No. 35, 1981, s. 19 s. 40. Amended by No. 69, 1980, s. 40 s. 41. Repealed by No. 114, 1976, s. 11 s. 42. Amended by No. 114, 1976, s. 12 s. 44. Amended by No. 35, 1981, s. 20 s. 46. Amended by No. 35, 1981, s. 21 s. 50. Amended by No. 35, 1981, s. 22 s. 53. Amended by No. 35, 1981, s. 23 s. 61. Amended by No. 35, 1981, s. 24 and s. 60 s. 65. Amended by No. 52, 1973, s. 25 s. 68. Amended by No. 49, 1973, s. 6 s. 69. Substituted by No. 35, 1981, s. 25 s. 71. Amended by No. 2379, 1937, s. 3, by No. 49, 1973, s. 5 by No. 52, 1973 s. 24, and by No. 35, 1981, s. 26 s. 73. Amended by No. 114, 1976, s. 13 and by No. 35, 1981, s. 27 s. 73a. Enacted by No. 114, 1976, s. 14. Amended by No. 35, 1981, s. 28 s. 74. Amended by No. 114, 1976, s. 15. Repealed by No. 35, 1981, s. 29 s. 75. Amended by No. 114, 1976, s. 16 and by No. 35, 1981, s. 30 s. 76a. Enacted by No. 114, 1976, s. 17. Amended by No. 35, 1981, s. 31 s. 79. Amended by No. 114, 1976, s. 18 s. 80. Amended by No. 114, 1976, s. 19 and by No. 35, 1981, s. 32 s. 81. Amended by No. 114, 1976, s. 20 and by No. 35, 1981, s. 33 s. 82. Amended by No. 35, 1981, s. 60 s. 83. Amended by No. 35, 1981, s. 60 s. 84. Amended by No. 35, 1981, s. 60 s. 84. Amended by No. 114, 1976, s. 21 s. 85. Amended by No. 35, 1981, s. 60 s. 86. Amended by No. 114, 1976, s. 22 s. 87e. Amended by No. 35, 1981, s. 60 s. 87h. Amended by No. 35, 1981, s. 60 s. 87i. Amended by No. 35, 1981, s. 60 Part XA (ss. 87a-87k). Enacted by No. 114, 1976, s. 23 s. 88. Amended by No. 35, 1981, s. 34 s. 94. Repealed by No. 35, 1981, s. 35 s. 96. Amended by No. 35, 1981, s. 36 s. 99. Amended by No. 35, 1981, s. 60 s. 101. Amended by No. 35, 1981, s. 37 s. 105. Amended by No. 35, 1981, s. 38 s. 106. Amended by No. 35, 1981, s. 39 s. 107. Amended by No. 35, 1981, s. 40 s. 108. Amended by No. 35, 1981, s. 41 s. 109. Amended by No. 35, 1981, s. 42 *Crafter v. Webster and Guscott (No. 2)* 23 S.A.S.R. 321 s. 110. Substituted by No. 35, 1981, s. 43 s. 110a. Amended by No. 33, 1976, s. 2 and by No. 35, 1981, s. 44 s. 111. Amended by No. 35, 1981, s. 45 s. 113. Amended by No. 114, 1976, s. 24 and by No. 35, 1981, s. 46 s. 114. Substituted by No. 35, 1981, s. 47 s. 115. Repealed by No. 35, 1981, s. 47 s.118a. Amended by No. 114, 1976, s. 25 and by No. 35, 1981, s. 48 and s. 60 *Douglass v. Ninnes* 14 S.A.S.R. 377 s. 123. Amended by No. 114, 1976, s. 26 and by No. 35, 1981, s. 49 s. 124. Amended by No. 35, 1981, s. 60 s. 125. Amended by No. 32, 1976, s. 2, by No. 114, 1976, s. 27 and by No. 35, 1981, s. 50 s. 127. Amended by No. 35, 1981, s. 51 s. 129. Substituted by No. 35, 1981, s. 52 s. 132. Amended by No. 114, 1976, s. 28 s. 145. Amended by No. 35, 1981, s. 60 s. 148. *Crafter v. Webster and Guscott (No. 2)* 23 S.A.S.R. 321 s. 152. Amended by No. 35, 1981, s. 60 s. 154. Amended by No. 35, 1981, s. 60 s. 155a. Amended by No. 35, 1981, s. 60 s. 155b. Amended by No. 35, 1981, s. 60 s. 156. Amended by No. 35, 1981, s. 60 s. 162. Repealed by No. 35, 1981, s. 53 s. 170. Amended by No. 35, 1981, s. 54 s. 181. Substituted by No. 35, 1981, s. 55 s. 184. Amended by No. 35, 1981, s. 56 s. 185. Substituted by No. 35, 1981, s. 57 s. 190. Amended by No. 35, 1981, s. 58 s. 198. Amended by No. 35, 1981, s. 59 and s. 60 Fourth Schedule. Amended by No. 35, 1981, s. 61

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Electrical Workers and Contractors Licensing Act, 1965-1966 (Vol. 3, p. 684)	s. 2. Amended by No. 59, 1978, s. 2 s. 11. Amended by No. 59, 1978, s. 3
Electricity Trust of South Australia Act, 1946-1975 (Vol. 3, p. 709)	s. 6. Amended by No. 85, 1980, s. 3 s. 8. Amended by No. 85, 1980, s. 4 s. 9. Amended by No. 85, 1980, s. 5 s. 12. Amended by No. 85, 1980, s. 6 s. 15. *The Electricity Trust of South Australia v. Linterns Limited* (1950) S.A.S.R. 133 s. 40. *Bennett & Fisher Ltd. v. Electricity Trust of South Australia* 35 A.L.J. 481
Encroachments Act, 1944-1969 (Vol. 3, p. 756)	s. 2. *Bolton and another v. Clutterbuck and others* (1955) S.A.S.R. 253 *Clarke v. Wilkie* 17 S.A.S.R. 134
Environmental Protection Council Act, 1972 (Vol. 3, p. 780)	s. 4. Amended by No. 9, 1980, s. 3
Evidence Act, 1929-1974 (Vol. 3, p. 709)	s. 2. Amended by No. 53, 1972, s. 3 and by No. 71, 1974, s. 3 s. 4. Amended by No. 84, 1976, s. 2 and by No. 9, 1979, s. 2 s. 18. *Stuart v. The Queen* (1959) 101 C.L.R. 1; 33 A.L.J. 113, affirming *R. v. Stuart* (1959) S.A.S.R. 144 *The Queen v. Barnowski* (1969) S.A.S.R. 386 *The Queen v. Yates* (1970) S.A.S.R. 302 *The Queen v. Warren* (1971) S.A.S.R. 316 *R. v. Congressi* 9 S.A.S.R. 257 *The Queen v. Pfitzner* 15 S.A.S.R. 171 *The Queen v. Bradshaw* 18 S.A.S.R. 83 *The Queen v. Beech* 20 S.A.S.R. 410 *The Queen v. Karan and Dwyer* 26 S.A.S.R. 408 s. 27. *Price v. Beven* 8 S.A.S.R. 81 s. 30. *Adami v. The Queen* (1959) 108 C.L.R. 605; 33 A.L.J. 391 affirming *R. v. Adami* (1959) S.A.S.R. 81 s. 32. Repealed by No. 9, 1979, s. 3 s. 34. *The Queen v. O'Sullivan and Mackie* 13 S.A.S.R. 68 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 *Alste v. Paramount Motors (Souter, Third Party)* (1965) S.A.S.R. 228 *White v. Venus* (1968) S.A.S.R. 83 *Smith v. L. A. Johnson Pty. Ltd.* (1968) S.A.S.R. 353 *Monfries v. Municipal Tramways Trust* (1970) S.A.S.R. 521 *Dunning v. Commissioner of Taxation* 3 S.A.S.R. 210 *O'Leary and Short v. Lamb and Lensworth Finance Ltd.* 7. S.A.S.R. 159 *Monaghan v. Glynde Auto Wreckers* 39 S.A.I.R. 1145 *In re Practitioners of the Supreme Court* 26 S.A.S.R. 275 s. 34i. Enacted by No. 84, 1976, s. 3 *The Queen v. Byczko* 16 S.A.S.R. 506 *The Queen v. Gun; Ex parte Stephenson* 17 S.A.S.R. 165 *The Queen v. Robertson and Mihailov* 17 S.A.S.R. 479 *The Queen v. Gray, Adams, Brannon and Knox* 17 S.A.S.R. 534 *The Queen v. De Angelis* 20 S.A.S.R. 288 *The Queen v. Kooyman and Brydson* 22 S.A.S.R. 376 s. 37. Amended by No. 9, 1979, s. 4 s. 37c. Enacted by No. 9, 1979, s. 5 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. 45a. Amended by No. 9, 1979, s. 6 *Bates v. Nelson* (1973) S.A.S.R. 149 *O'Leary and Short v. Lamb and Lensworth Finance Ltd.* 7 S.A.S.R. 159 s. 45b. Amended by No. 9, 1979, s. 7 *Bates v. Nelson* (1973) 6 S.A.S.R. 149 *Pelagallo v. Central Mission Homes For the Aged Inc.* 40 S.A.I.R. 784 s. 59b. Amended by No. 9, 1979, s. 8 *Mehesz v. Redman* 21 S.A.S.R. 569 s. 61. Repealed by No. 9, 1979, s. 9 s. 64. *Cavanett v. Chambers* (1968) S.A.S.R. 97 *Fairbank v. Jones* 10 S.A.S.R. 367 *Slatter v. Kyalde Pty. Ltd.* 22 S.A.S.R. 196 s. 65. Amended by No. 9, 1979, s. 10 s. 67ab. Enacted by No. 9, 1979, s. 11 s. 67b. Enacted by No. 65, 1978, s. 2 s. 69. Substituted by No. 9, 1979, s. 12 *Miller v. Samuels* 22 S.A.S.R. 271 *In re a Prosecution under the Customs Act* 24 S.A.S.R. 453 *B. v. Tuncks* 24 S.A.S.R. 532 *K. v. Silk* 26 S.A.S.R. 360 s. 71a. Enacted by No. 84, 1976, s. 4 s. 79. Amended by No. 9, 1979, s. 13

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Fair Credit Reports Act, 1974-1975 (Vol. 4, p. 39)	s. 4. *South Australian Commissioner for Prices and Consumer Affairs v. Charles Moore (Aust.) Ltd. and others* 139 C.L.R. 449 s. 8. *Ats v. Dun and Bradstreet (Australia) Pty. Ltd.* 15 S.A.S.R. 352 *Dun and Bradstreet (Australia) Pty. Ltd. v. Lyle* 15 S.A.S.R. 297 s. 9. *Ats v. Dun and Bradstreet (Australia) Pty. Ltd.* 15 S.A.S.R. 352 *Mobitel (International) Pty. Ltd. v. Dun and Bradstreet (Australia) Pty. Ltd.* 17 S.A.S.R. 140 s. 12. *Ats v. Dun and Bradstreet (Australia) Pty. Ltd.* 15 S.A.S.R. 352 s. 13. *Ats v. Dun and Bradstreet (Australia) Pty. Ltd.* 15 S.A.S.R. 352
Family Relationships Act, 1975 (Vol. 4, p. 46)	s. 9. *P. v. T.* 23 S.A.S.R. 289 s. 11. *Lesiw v. Commissioner of Succession Duties* 20 S.A.S.R. 481 *In re Fagan, deceased* 23 S.A.S.R. 454
Fences Act, 1975 (Vol. 4, p. 80)	s. 3. Amended by No. 23, 1977, s. 3 s. 20. Amended by No. 23, 1977, s. 4
Film Classification Act, 1971 (Vol. 4, p. 98)	s. 3. Amended by No. 93, 1978, s. 2 s. 4. Amended by No. 43, 1977, s. 2 *Dunsmore v. Tiley* 18 S.A.S.R. 259 s. 6. Amended by No. 93, 1978, s. 3 s. 11a. *Dickson and Others v. Greater Union Organisation Pty. Ltd.* 8 S.A.S.R. 448 s. 11b. Substituted by No. 43, 1977, s. 3 s. 14. Amended by No. 43, 1977, s. 4
Fire Brigades Act, 1936-1974 (Vol. 4, p. 185)	s. 1. Substituted by No. 68, 1981, s. 3 s. 4. Amended by No. 68, 1981, s. 4 s. 4a. Enacted by No. 68, 1981, s. 5 s. 5. Amended by No. 68, 1981, s. 6 s. 6. Substituted by No. 68, 1981, s. 7 s. 7. Repealed by No. 68, 1981, s. 7 Heading preceding s. 8. Substituted by No. 68, 1981, s. 8 s. 8. Substituted by No. 68, 1981, s. 9 s. 9. Substituted by No. 68, 1981, s. 9 s. 10. Substituted by No. 68, 1981, s. 9 s. 11. Substituted by No. 68, 1981, s. 9 ss. 12-21. Repealed by No. 68, 1981, s. 9 s. 22. Repealed by No. 68, 1981, s. 9 *The Queen v. Industrial Commission of South Australia; ex parte Fire Brigades Board* 26 S.A.S.R. 580 ss. 23-33. Repealed by No. 68, 1981, s. 9 s. 26. Substituted by No. 5, 1976, s. 2 s. 27. Repealed by No. 5, 1976, s. 2 s. 27a. Repealed by No. 5, 1976, s. 2 s. 34. Amended by No. 68, 1981, s. 10 s. 35. Amended by No. 68, 1981, s. 11 s. 36. Amended by No. 68, 1981, s. 12 s. 37. Amended by No. 68, 1981, s. 13 s. 39. Amended by No. 68, 1981, s. 14 s. 40. Substituted by No. 68, 1981, s. 15 s. 41. Substituted by No. 68, 1981, s. 15 s. 42. Substituted by No. 68, 1981, s. 15 s. 43. Repealed by No. 68, 1981, s. 15 s. 45. Amended by No. 68, 1981, s. 16 s. 46. Amended by No. 68, 1981, s. 17 s. 47. Repealed by No. 68, 1981, s. 18 s. 48. Amended by No. 5, 1976, s. 3 and by No. 68, 1981, s. 19 s. 49. Amended by No. 68, 1981, s. 20 s. 50. Substituted by No. 68, 1981, s. 21 s. 51. Amended by No. 68, 1981, s. 22 s. 52. Amended by No. 68, 1981, s. 23 Heading preceding s.53. Substituted by No. 68, 1981, s. 24 s. 53. Amended by No. 68, 1981, s. 25 s. 54. Amended by No. 68, 1981, s. 26 s. 55. Amended by No. 68, 1981, s. 27 s. 58. Amended by No. 68, 1981, s. 28 s. 59. Amended by No. 68, 1981, s. 29 s. 60. Amended by No. 68, 1981, s. 30 s. 60a. Amended by No. 68, 1981, s. 31 s. 61. Amended by No. 68, 1981, s. 32 s. 62. Substituted by No. 68, 1981, s. 33 s. 65. Amended by No. 68, 1981, s. 34 s. 66. Amended by No. 68, 1981, s. 35 s. 69. Amended by No. 68, 1981, s. 36 s. 70. Amended by No. 68, 1981, s. 37 s. 71. Amended by No. 68, 1981, s. 38 s. 72. Substituted by No. 68, 1981, s. 39 s. 73. Amended by No. 68, 1981, s. 40 s. 74. Repealed by No. 68, 1981, s. 41 s. 75. Amended by No. 68, 1981, s. 42 s. 76. Amended by No. 68, 1981, s. 43

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Fire Brigades Act, 1936-1974 (Vol. 4, p. 185)—*continued*	s. 77. Amended by No. 5, 1976, s. 4 and by No. 68, 1981, s. 44 s. 79. Repealed by No. 68, 1981, s. 45 *Commercial Oil Refinery Pty. Ltd. v. State of South Australia* 9 S.A.S.R. 88 s. 80. Repealed by No. 68, 1981, s. 46 s. 81. Repealed by No. 68, 1981, s. 47 s. 83. Amended by No. 68, 1981, s. 48 Third Schedule. Repealed by No. 68, 1981, s. 49
Fisheries Act, 1971 (Vol. 4, p. 213)	s. 5. Amended by No. 27, 1977, s. 3 *A. Raptis & Son v. The State of South Australia* 138 C.L.R. 346 s. 11. Amended by No. 27, 1977, s. 4 s. 24. Amended by No. 27, 1977, s. 5 s. 28. Amended by No. 41, 1980, s. 3 s. 32. Amended by No. 41, 1980, s. 4 s. 34. Amended by No. 27, 1977, s. 6 and by No. 41, 1980, s. 5 s. 36. *R. v. Olsen; ex parte Vahlberg and V.* 11 S.A.S.R. 156 s. 37. Substituted by No. 27, 1977, s. 7 s. 47. *Fairbank v. McGovern* 8 S.A.S.R. 420 *Fairbank v. Jones* 10 S.A.S.R. 367 s. 52. *R. v. Olsen ex parte Vahlberg and V.* 11 S.A.S.R. 156 s. 55. Amended by No. 27, 1977, s. 8 s. 56. Amended by No. 27, 1977, s. 9 s. 57. Amended by No. 27, 1977, s. 10 s. 61. Repealed by No. 27, 1977, s. 11
The Flinders University of South Australia Act, 1966-1973 (Vol. 4, p. 248)	s. 5. *Flinders University Officers Award (Appeal) Case* 42 S.A.I.R. 167 s. 6. *Flinders University Officers Award (Appeal) Case* 42 S.A.I.R. 167 s. 30. *Flinders University (Professional Non-Academic Staff) Award (Referral of Question of Law) Case* 43 S.A.I.R. 464
Food and Drugs Act, 1908-1972 (Vol. 4, p. 261)	s. 5. Amended by No. 69, 1976, s. 3 s. 5b. Amended by No. 14, 1981, s. 2 s. 7. Amended by No. 69, 1976, s. 4. s. 10. Amended by No. 69, 1976, s. 5 s. 12. Amended by No. 69, 1976, s. 6 s. 13. Amended by No. 69, 1976, s. 7 s. 15. Amended by No. 1, 1976, s. 3 s. 22. *Fullerton v. Rutter* 10 S.A.S.R. 382 s. 22a. *Gepp v. Anderson* (1949) S.A.S.R. 135 s. 30a. Amended by No. 69, 1976, s. 8 s. 33. Amended by No. 69, 1976, s. 9 s. 34. Amended by No. 69, 1976, s. 10 s. 35. Amended by No. 69, 1976, s. 11 s. 36. Amended by No. 69, 1976, s. 12 s. 38. Amended by No. 69, 1976, s. 13 s. 40. Amended by No. 69, 1976, s. 14 s. 41. Amended by No. 69, 1976, s. 15 s. 45. Amended by No. 69, 1976, s. 16 s. 46. Amended by No. 69, 1976, s. 17 s. 61a. Amended by No. 69, 1976, s. 18 s. 65. Amended by No. 69, 1976, s. 19
Foreign Judgments Act, 1971 (Vol. 4, p. 306)	s. 4. Amended by No. 66, 1980, s. 3 s. 5. Amended by No. 66, 1980, s. 4 s. 6. Amended by No. 66, 1980, s. 5
Forestry Act, 1950 (Vol. 4, p. 312)	s. 2. Amended by No. 84, 1981, s. 3 ss. 2a-2c. Repealed by No. 84, 1981, s. 4 s. 3. Substituted by No. 84, 1981, s. 4 s. 6. Amended by No. 84, 1981, s. 5 s. 7. Amended by No. 84, 1981, s. 6 s. 8. Amended by No. 84, 1981, s. 7 s. 8a. Enacted by No. 84, 1981, s. 8 s. 8b. Enacted by No. 84, 1981, s. 8 s. 8c. Enacted by No. 84, 1981, s. 8 s. 8d. Enacted by No. 84, 1981, s. 8 s. 8e. Enacted by No. 84, 1981, s. 8 s. 9a. Enacted by No. 84, 1981, s. 9 s. 11. Amended by No. 84, 1981, s. 10 s. 13. Amended by No. 84, 1981, s. 11 s. 16a. Enacted by No. 84, 1981, s. 12 s. 19. Amended by No. 84, 1981, s. 13 s. 19a. Enacted by No. 84, 1981, s. 14 s. 21. Amended by No. 84, 1981, s. 15 s. 22. Repealed by No. 84, 1981, s. 16
Fruit and Plant Protection Act, 1968 (Vol. 4, p. 356)	s. 7. Amended by No. 44, 1976, s. 2 s. 9. Amended by No. 44, 1976, s. 3 s. 20. Amended by No. 44, 1976, s. 4

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Fruit Fly Act, 1947-1975 (Vol. 4, p. 372)	s. 2. Amended by No. 96, 1978, s. 10 and by No. 83, 1981, s. 3 s. 3. Amended by No. 96, 1978, s. 11 and Substituted by No. 83, 1981, s. 3 ss. 5-8. Repealed by No. 83, 1981, s. 3
Further Education Act, 1975 (1976, p. 104)	s. 4. Amended by No. 13, 1979, s. 3 s. 5. Amended by No. 12, 1979, s. 8 s. 6. Amended by No. 13, 1979, s. 9 s. 15. Amended by No. 13, 1979, s. 10 and by No. 36, 1980, s. 2 s. 18. Repealed by No. 13, 1979, s. 4 s. 19. Amended by No. 13, 1979, s. 5 s. 20. Substituted by No. 13, 1979, s. 6 s. 21. Amended by No. 13, 1979, s. 7 s. 25. Amended by No. 36, 1980, s. 3 s. 26. Amended by No. 13, 1979, s. 11 s. 37. Amended by No. 13, 1979, s. 12 s. 39. Substituted by No. 13, 1979, s. 13 s. 43. Amended by No. 13, 1979, s. 14 and by No. 36, 1980, s. 4
Gas Act, 1924-1974 (Vol. 4, p. 392)	s. 3. Repealed by No. 63, 1980, s. 3 s. 25. Amended by No. 63, 1980, s. 4 ss. 25a, 27-29, 38 and 40a. Repealed by No. 63, 1980, s. 5 s. 42. Amended by No. 63, 1980, s. 6 ss. 43, 45, 45a, 45b, 46-50 and 56. Repealed by No. 63, 1980, s. 7
Gift Duty Act, 1968-1975 (Vol. 4, p. 441)	s. 5. Enacted by No. 63, 1979, s. 2 s. 11a. Amended by No. 54, 1976, s. 5
Governors' Pensions Act, 1976 (1976 , p. 218)	s. 2. Amended by No. 64, 1981, s. 2
Guardianship of Infants Act, 1940-1975 (Vol. 4, p. 498)	s. 3. Amended by No. 44, 1979, Schedule s. 6. *Walker v. Walker* 14 S.A.S.R. 158 *Carmona v. White* 25 S.A.S.R. 525 s. 7. *Vitch v. Vitch* 1 S.A.S.R. 312 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 *Giles v. Giles* 1 S.A.S.R. 505 s. 21. *McCormick and Another v. Prowse* 21 S.A.S.R. 416 s. 22. Repealed by No. 44, 1979, schedule
Hairdressers Registration Act, 1939-1951 (Vol. 4, p. 504)	s. 4. Amended by No. 71, 1978, s. 3 s. 17. Amended by No. 71, 1978, s. 4 s. 19. Substituted by No. 71, 1978, s. 5 s. 19a. Repealed by No. 71, 1978, s. 5 s. 20. Substituted by No. 71, 1978, s. 5 s. 21. Repealed by No. 71, 1978, s. 5 s. 29. Amended by No. 71, 1978, s. 6 s. 32. Amended by No. 71, 1978, s. 7 s. 35. Amended by No. 71, 1978, s. 8 and by No. 15, 1981, s. 2
Harbors Act, 1936-1974 (Vol. 4, p. 521)	s. 4. Amended by No. 109, 1978, s. 3 Heading preceding s. 5. Amended by No. 109, 1978, s. 4 s. 5. Amended by No. 109, 1978, s. 5 s. 6. Repealed by No. 109, 1978, s. 6 s. 8. Amended by No. 109, 1978, s. 7 Div. III of Part II (ss. 10-15). Repealed by No. 109, 1978, s. 8 Div. IV of Part II (ss. 16-30). Repealed by No. 109, 1978, s. 8 s. 32. Amended by No. 109, 1978, s. 9 s. 34. Substituted by No. 109, 1978, s. 10 ss. 35-37. Repealed by No. 109, 1978, s. 10 s. 35. Enacted by No. 95, 1981, s. 2 s. 40. Repealed by No. 109, 1978, s. 10 s. 43. Amended by No. 109, 1978, s. 11 s. 44. Substituted by No. 109, 1978, s. 12 s. 45. Repealed by No. 109, 1978, s. 12 s. 48. Repealed by No. 109, 1978, s. 13 s. 64. Amended by No. 109, 1978, s. 14 s. 66. Amended by No. 109, 1978, s. 15 s. 68. Substituted by No. 109, 1978, s. 16 s. 69. Amended by No. 109, 1978, s. 17 s. 70. Amended by No. 109, 1978, s. 18 s. 71. Repealed by No. 109, 1978, s. 19 s. 71a. Repealed by No. 109, 1978, s. 19 s. 75. Amended by No. 109, 1978, s. 20 Div. IVA of Part III and Heading. Enacted by No. 109, 1978, s. 21 s. 80. Amended by No. 16, 1981, s. 2 s. 86. Inserted by No. 109, 1978, s. 21 s. 89. Amended by No. 109, 1978, s. 22 ss. 92-93. Repealed by No. 109, 1978, s. 23

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Harbors Act, 1936-1974 (Vol. 4, p. 521)—*continued*	s. 94. Repealed by No. 109, 1978, s. 24 s. 109. Amended by No. 109, 1978, s. 25 s. 114. Amended by No. 16, 1981, s. 3 s. 116a. Amended by No. 109, 1978, s. 26 s. 117. Amended by No. 109, 1978, s. 27 s. 122. Amended by No. 109, 1978, s. 28 s. 124. Amended by No. 16, 1981, s. 4 s. 127. Amended by No. 109, 1978, s. 29 s. 132a. Repealed by No. 109, 1978, s. 30 s. 144. Amended by No. 109, 1978, s. 31 and by No. 16, 1981, s. 5 s. 161. Amended by No. 109, 1978, s. 32 s. 188. Repealed by No. 109, 1978, s. 33 s. 193. Amended by No. 109, 1978, s. 34 Third schedule. Repealed by No. 109, 1978, s. 35 Fourth schedule. Repealed by No. 109, 1978, s. 36
Hawkers Act, 1934-1960 (Vol. 4, p. 590)	s. 20. *Ward v. Pearson* (1939) S.A.S.R. 419
Health Act, 1935-1975 (Vol. 4, p. 598)	s. 3. Amended by No. 18, 1976, s. 3 and by No. 70, 1976, s. 3 s. 14a. Enacted by No. 18, 1976, s. 4 s. 14b. Enacted by No. 18, 1976, s. 4 s. 33. Amended by No. 18, 1976, s. 5 s. 34. Amended by No. 18, 1976, s. 6 s. 45. Amended by No. 70, 1976, s. 4 s. 47. Amended by No. 70, 1976, s. 5 s. 48. Amended by No. 70, 1976, s. 6 s. 49. Amended by No. 70, 1976, s. 7 s. 50. Amended by No. 70, 1976, s. 8 s. 53. Amended by No. 70, 1976, s. 9 s. 54. Amended by No. 70, 1976, s. 10 s. 55. Amended by No. 70, 1976, s. 11 s. 56. Amended by No. 70, 1976, s. 12 s. 57. Amended by No. 70, 1976, s. 13 s. 61. Amended by No. 70, 1976, s. 14 *Prince v. Hicks* (1970) S.A.S.R. 125 *Williams v. McCarthy* 21 S.A.S.R. 529 s. 62. Amended by No. 70, 1976, s. 15 s. 65. *Prince v. Hicks* (1970) S.A.S.R. 125 Heading to s. 82. Repealed by No. 18, 1976, s. 7 s. 83. *Caruso v. Boucher* 10 S.A.S.R. 71 s. 87. Amended by No. 18, 1980, s. 3 s. 88. Substituted by No. 18, 1976, s. 8 s. 94b. Amended by No. 76, 1976, first schedule, Part IV s. 94c. Amended by No. 76, 1976, first schedule, Part IV and by No. 98, 1978, s. 2. *Paull v. Munday* 11 S.A.S.R. 346 Heading to s. 95. Repealed by No. 18, 1976, s. 9 s. 101. Repealed by No. 18, 1980, s. 4 ss. 103-109. Repealed by No. 18, 1980, s. 5 s. 111. *Boucher v. G. J. Coles and Co. Ltd.* 9 S.A.S.R. 495 *Boucher v. Tom the Cheap (S.A.) Pty. Ltd.* 10 S.A.S.R. 257 Heading to s. 116. Repealed by No. 18, 1976, s. 10 s. 117. *Piro and another. Boorman* (1958) S.A.S.R. 226 s. 119. Amended by No. 28, 1956, s. 4 *(d)* and by No. 123, 1972, s. 30 s. 120. Amended by No. 123, 1972, s. 30 s. 121. Amended by No. 28, 1956, s. 4 *(c)* and by No. 123, 1972, s. 32 s. 123. Amended by No. 18, 1976, s. 11 s. 127. Amended by No. 70, 1976, s. 17 s. 129. Amended by No. 18, 1976, s. 12 s. 131. Amended by No. 70, 1976, s. 18 s. 132. Amended by No. 70, 1976, s. 19 s. 146b. Amended by No. 76, 1976, first schedule, Part IV s. 146c. Amended by No. 76, 1976, first schedule, Part IV s. 146d. Amended by No. 76, 1976, first schedule, Part IV s. 146e. Amended by No. 76, 1976, first schedule, Part IV s. 146f. Amended by No. 76, 1976, first schedule, Part IV s. 146g. Amended by No. 76, 1976, first schedule, Part IV s. 146ga. Amended by No. 76, 1976, first schedule, Part IV s. 146h. Amended by No. 76, 1976, first schedule, Part IV s. 146q. Amended by No. 76, 1976, first schedule, Part IV Part IXD (ss. 146t-146x). Enacted by No. 18, 1976, s. 14 Part IXE (ss. 146y-146z). Enacted by No. 70, 1976, s. 20 s. 147. Amended by No. 18, 1976, s. 15, by No. 70, 1976, s. 21 and by No. 18, 1980, s. 6 s. 158. Amended by No. 70, 1976, s. 22 s. 159. Amended by No. 70, 1976, s. 23 *Boucher v. Tom the Cheap (S.A.) Pty. Ltd.* 10 S.A.S.R. 257

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Health Act, 1935-1975 (Vol. 4, p. 598)—*continued*	s. 160. *Schulz v. Virgin* (1966) S.A.S.R. 94 *Turner v. Tsaousis* 7 S.A.S.R. 488 *Boucher v. Tom the Cheap (S.A.) Pty. Ltd.* 10 S.A.S.R. 257 Second schedule. Substituted by No. 70, 1976, s. 24 Third schedule. Substituted by No. 70, 1976, s. 24
Highways Act, 1926-1975 (Vol. 4, p. 665)	s. 12a. Enacted by No. 36, 1979, s. 2 s. 13. Substituted by No. 36, 1979, s. 3 s. 20. Amended by No. 36, 1979, s. 4 s. 26e. Enacted by No. 36, 1979, s. 5 s. 27ab. Amended by No. 36, 1979, s. 6 ss. 27ad-27af. Enacted by No. 36, 1979, s. 7 s. 29. *Bonnett v. Commissioner of Highways* (1956) S.A.S.R. 10 s. 30d. *Wegner v. Commissioner of Highways* 26 S.A.S.R. 595 s. 30da. *Wegner v. Commissioner of Highways* 26 S.A.S.R. 595 s. 32. Amended by No. 36, 1979, s. 8 and by No. 10, 1980, s. 3
Holidays Act, 1910-1975 (Vol. 4, p. 706)	s. 3. Amended by No. 109, 1980, s. 2 s. 5. Amended by No. 109, 1980, s. 3 Second schedule. Amended by No. 109, 1980, s. 4
Hospitals Act, 1934-1971 (Vol. 4, p. 719)	Part V. *Tyrrell v. Tyrrell* 25 S.A.S.R. 73 s. 47. *Spiller v. Webb and another* (1940) S.A.S.R. 102 Part VI. *Tyrrel v. Tyrrell* 25 S.A.S.R. 73
Housing Improvement Act, 1940-1973 (Vol. 4, p. 772)	s. 56a. *Silins v. Dempsey* (1966) S.A.S.R. 385 *French v. Ianella* (1967) S.A.S.R. 226 s. 60a. Amended by No. 21, 1978, s. 3 s. 61. Amended by No. 21, 1978, s. 4
Impounding Act, 1920-1975 (Vol. 4, p. 820)	s. 45. Amended by No. 22, 1977, s. 2 s. 45a. Enacted by No. 22, 1977, s. 3 s. 46. *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 Fourth schedule. Amended by No. 22, 1977, s. 4 Fifth schedule. Amended by No. 22, 1977, s. 5 Sixth schedule. Amended by No. 22, 1977, s. 6
Income Tax Assessment Act, 1936-1941 (1941, p. 251)	See Table of Public Acts of Restricted Application. For amendments to and reported decisions on this Act, see Table of Amendments and Cases 1975 Annual Volume.
Industrial and Provident Societies Act, 1923-1974 (Vol. 5, p. 3)	s. 5. *Australian Independent Distributors Limited v. Winter and others* 38 A.L.J. 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. 41. *Vahlberg v. South Australian Fishermen's Co-operative Limited* (1971) S.A.S.R. 378 s. 50. *Australian Independent Distributors Limited v. Winter and others* 38 A.L.J. 330
Industrial Code, 1967-1972 (Vol. 5, p. 28)	For reported decisions on the Industrial Code, 1920-1966, *see* 1966 Annual Volume s. 3. Amended by No. 35, 1977, s. 3 s. 4. *Davis v. Abotomey* 35 S.A.I.R. 415 s. 5. Amended by No. 35, 1977, s. 3 Heading to Division I of Part XII. Repealed by No. 35, 1977, s. 3 s. 165a. Repealed by No. 35, 1977, s. 3 s. 194. *Baking of Bread (Interpretation) Case* 38 S.A.I.R. 241 Part XV and heading. Repealed by No. 35, 1977, s. 3 ss. 220-227. Repealed by No. 35, 1977, s. 3 Third schedule. Repealed by No. 35, 1977, s. 3 Fourth schedule. Repealed by No. 35, 1977, s. 3
Industrial Commission Jurisdiction (Temporary Provisions) Act, 1975 (Vol. 5, p. 49)	s. 5. *The Queen v. Full Industrial Commission of South Australia; ex parte Public Service Association of South Australia Incorporated* 16 S.A.S.R. 496, s. 5. *The Queen v. Full Industrial Commission of South Australia; ex parte Chamber of Commerce and Industry of South Australia Incorporated* 25 S.A.S.R. 304 s. 8. Amended by No. 60, 1981, s. 6 s. 9. Substituted by No. 51, 1976, s. 2 and by No. 44, 1977, s. 2
Industrial Conciliation and Arbitration Act, 1972-1975 (Vol. 5, p. 51)	s. 3. Amended by No. 60, 1981, s. 3 s. 5. *Building Trades—Carpenters (Question of Law) Case* 42 S.A.I.R. 737 s. 6. *Teachers (Non-Metropolitan) Award Reference Case* 41 S.A.I.R. 110 *The Queen v. Industrial Commission of South Australia; ex parte The Fire Brigade Board* 15 S.A.S.R. 546. *The Queen v. Industrial Commission of South Australia; ex parte Adelaide Milk Supply Co-operative and others* S.A.S.R. 6

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Local Government Act, 1934-1975 (Vol. 6, p. 191)	s. 3. Amended by No. 12, 1976, s. 3, by No. 77, 1976, s. 3, by No. 32, 1978, s. 3, by No. 33, 1978, s. 3, by No. 17, 1980, s. 3 and by No. 29, 1981, s. 17 *(a)* s. 5. Amended by No. 12, 1976, s. 4, by No. 77, 1976, s. 4, by No. 1, 1977, s. 3, by No. 32, 1978, s. 4, by No. 88, 1980, s. 3 and by No. 29, 1981, s. 16 and by No. 57, 1981, s. 2 *State Transport Authority v. Corporation of the City of Adelaide* 24 S.A.S.R. 481 *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 *Helping Hand Centre Incorporated v. The Corporation of the City of Adelaide* 1 S.A.S.R. 470. *Council of the S.A. Institute of Technology v. Corporation of the City of Salisbury* 10 S.A.S.R. 225 *Christies Sands Pty Ltd v. City of Tea Tree Gully* 11 S.A.S.R. 255 *Transway Services Pty Ltd (In Liquidation) v. The Corporation of the City of Elizabeth* 13 S.A.S.R. 537 s. 6a. Enacted by No. 12, 1976, s. 5. Division IA of Part II. Enacted by No. 47, 1977, s. 3 and repealed by No. 32, 1978, s. 5 s. 8. Amended by No. 88, 1980, s. 4 s. 12. Amended by No. 32, 1978, s. 6 and by No. 29, 1981, s. 17 *(b)* s. 13. Amended by No. 29, 1981, s. 17 *(c)* s. 15. Amended by No. 77, 1976, s. 5 Heading preceding s. 22a. Enacted by No. 12, 1976, s. 6 s. 22a. Enacted by No. 12, 1976, s. 6 and amended by No. 32, 1978, s. 7 s. 23. Amended by No. 32, 1978, s. 8 s. 25. Substituted by No. 77, 1976, s. 6 s. 26. Amended by No. 77, 1976, s. 7 s. 27. Substituted by No. 77, 1976, s. 8

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Local Government Act, 1934-1975 (Vol. 6, p. 191)—*continued*	s. 27a. Amended by No. 77, 1976, s. 9, by No. 1, 1977, s. 4 and by No. 32, 1978, s. 9 *District Council of Lincoln v. Corporation of the City of Port Lincoln and Virgo* 17 S.A.S.R. 483 *Corporation of the City of Henley and Grange v. State of South Australia* 17 S.A.S.R. 491 s. 27b. Amended by No. 77, 1976, s. 10, by No. 1, 1977, s. 5 and by No. 32, 1978, s. 10 s. 29. Amended by No. 77, 1976, s. 11 s. 30. Substituted by No. 77, 1976, s. 12 s. 32 Substituted by No. 77, 1976, s. 13 s. 33 Substituted by No. 77, 1976, s. 14 s. 35. Amended by No. 32, 1978, s. 11 s. 36. Substituted by No. 32, 1978, s. 12 s. 39. *District Council of Lincoln v. Corporation of the City of Port Lincoln and Virgo* 17 S.A.S.R. 483 *Corporation of the City of Henley and Grange v. State of South Australia* 17 S.A.S.R. 491 s. 41. Amended by No. 32, 1978, s. 13 *District Council of Lincoln v. Corporation of the City of Port Lincoln and Virgo* 17 S.A.S.R. 483 *Corporation of the City of Henley and Grange v. State of South Australia* 17 S.A.S.R. 491 s. 42. Substituted by No. 12, 1976, s. 7 and amended by No. 32, 1978, s. 14 s. 42a. Enacted by No. 32, 1978, s. 15 s. 45. Amended by No. 32, 1978, s. 16 s. 45a. Amended by No. 12, 1976, s. 8, by No. 77, 1976, s. 15, by No. 1, 1977, s. 6 and by No. 32, 1978, s. 17 Part IIA and heading. Enacted by No. 32, 1978, s. 18 s. 45b. Enacted by No. 32, 1978, s. 18 s. 50a. Enacted by No. 32, 1978, s. 19 s. 51. Substituted by No. 77, 1976, s. 16 and amended by No. 1, 1977, s. 7 s. 52. Amended by No. 77, 1976, s. 17 and by No. 32, 1978, s. 20 s. 54. Amended by No. 77, 1976, s. 18 s. 57. Amended by No. 88, 1980, s. 5 s. 65. Amended by No. 88, 1980, s. 6 s. 65a. Amended by No. 32, 1978, s. 21 s. 77. Substituted by No. 77, 1976, s. 19 and amended by No. 88, 1980, s. 7 s. 78. Amended by No. 77, 1976, s. 20 s. 79. Amended by No. 88, 1980, s. 8 s. 83. Amended by No. 32, 1978, ss. 22, 91 s. 84. Amended by No. 88, 1980, s. 9 s. 86a. Amended by No. 88, 1980, s. 10 s. 87. Enacted by No. 88, 1980, s. 11 Part VI and heading (ss. 88-101). Amended by No. 77, 1976, ss. 21, 22, by No. 1, 1977, ss. 8, 9, 10 and repealed by No. 32, 1978, s. 23 New Part VI and heading (ss. 88-95). Enacted by No. 32, 1978, s. 23 s. 94. Amended by No. 61, 1981, s. 2 s. 102. Amended by No. 32, 1978, s. 24 and by No. 88, 1980, s. 12 s. 103. Substituted by No. 88, 1980, s. 13 s. 104. Amended by No. 32, 1978, s. 25 and by No. 88, 1980, s. 14 s. 105. Amended by No. 77, 1976, s. 23, by No. 32, 1978, s. 26, and by No. 88, 1980, s. 15 s. 106. Amended by No. 88, 1980, s. 16 s. 107. Amended by No. 88, 1980, s. 17 s. 108. Amended by No. 88, 1980, s. 18 s. 111. Amended by No. 88, 1980, s. 19 s. 112. Amended by No. 88, 1980, s. 20 s. 113. Substituted by No. 88, 1980, s. 21 s. 114. Amended by No. 88, 1980, s. 22 s. 115. Substituted by No. 77, 1976, s. 24 and amended by No. 1, 1977, s. 11 s. 116. Repealed by No. 77, 1976, s. 24 s. 117. Repealed by No. 77, 1976, s. 24 s. 118. Repealed by No. 77, 1976, s. 24 s. 119. Amended by No. 88, 1980, s. 23 s. 120. Amended by No. 77, 1976, s. 25, by No. 88, 1980, s. 24 and by No. 61, 1981, s. 3 s. 122. Amended by No. 77, 1976, s. 26, by No. 1, 1977, s. 12 and by No. 88, 1980, s. 25 s. 123. Amended by No. 88, 1980, s. 26 s. 124. Substituted by No. 77, 1976, s. 27 s. 126. Amended by No. 32, 1978, s. 91, by No. 70, 1978, s. 2 and by No. 88, 1980, s. 27 s. 127. Amended by No. 1, 1977, s. 13, by No. 70, 1978, s. 3 and by No. 88, 1980, s. 28 s. 127a. enacted by No. 70, 1978, s. 4 s. 129. Amended by No. 88, 1980, s. 29 s. 131. Amended by No. 77, 1976, s. 28 *Jefferys v. Thornton* 8 S.A.S.R. 380 s. 133. Amended by No. 12, 1976, s. 9 *Jefferys v. Thornton* 8 S.A.S.R. 380

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Local Government Act, 1934-1975 (Vol. 6, p. 191)—*continued*	s. 134. Amended by No. 88, 1980, s. 30 s. 136. *Jefferys v. Thornton* 8 S.A.S.R. 380 s. 137. Amended by No. 77, 1976, s. 29, by No. 32, 1978, s. 27 and by No. 88, 1980, s. 31 s. 138. Amended by No. 32, 1978, s. 28 s. 141. Amended by No. 77, 1976, s. 30 Part VIIA and heading. Enacted by No. 32, 1978, s. 29 s. 142aa. Enacted by No. 32, 1978, s. 29 and Amended by No. 34, 1981, s. 56 ss. 142b-142r. Enacted by No. 32, 1978, s. 29 s. 142b. Amended by No. 34, 1981, s. 57 s. 142r. Amended by No. 34, 1981, s. 58 s. 142j. *The Queen v. Ward; ex parte Bowering* 20 S.A.S.R. 424 s. 142k. *The Queen v. Ward; ex parte Bowering* 20 S.A.S.R. 424 s. 146. *Myer Queenstown Garden Plaza Pty. Ltd. and Others v. City of Port Adelaide and The Attorney-General* 11 S.A.S.R. 504 s. 147. *Willing v. 86* *Myer Queenstown Garden Plaza Pty. Ltd. and Others v. Corporation of the City of Port Adelaide and the Attorney-General* 11 S.A.S.R. 504 s. 155. Amended by No. 12, 1976, s. 10 and by No. 77, 1976, s. 31 s. 156. Amended by No. 88, 1980, s. 32 s. 157. Amended by No. 12, 1976, s. 11, by No. 32, 1978, s. 30 and by No. 88, 1980, s. 33 *Rex v. The Clerks Appeal Board: ex parte District Council of West Torrens* (1941) S.A.S.R. 54 s. 158a. Enacted by No. 12, 1976, s. 12 s. 163. Amended by No. 32, 1978, s. 91 s. 163g. *Rex v. The Clerks Appeal Board: ex parte District Council of West Torrens* (1941) S.A.S.R. 54 s. 163ja. Amended by No. 12, 1976, s. 14 s. 163jb. *The Queen v. Industrial Court of South Australia; ex parte District Council of Karoonda East Murray* 24 S.A.S.R. 117 s. 163jd. *The Queen v. Industrial Court of South Australia; ex parte District Council of Karoonda East Murray* 24 S.A.S.R. 117 Part IXB (ss. 163k-163nn). Repealed by No. 12, No. 12, 1976, s. 13 s. 164. Amended by No. 29, 1981, s. 17(d) s. 166. Amended by No. 32, 1978, s. 91 s. 167. Amended by No. 88, 1980, s. 34 s. 169. Amended by No. 29, 1981, s. 17(e) s. 170. Amended by No. 32, 1978, s. 31 s. 171. Amended by No. 77, 1976, s. 32 s. 172. Amended by No. 32, 1978, s. 32 and by No. 29, 1981, s. 17 *(f)-(g)* *Litchfield v. District Council of Angaston* 3 S.A.S.R. 502 s. 172a. Repealed by No. 77, 1976, s. 33 Heading preceding s. 173. Substituted by No. 29, 1981, s. 17 *(h)* s. 173. Amended by No. 88, 1980, s. 35 and by No. 29, 1981, s. 17 *(i)* *Litchfield v. District Council of Angaston* 3 S.A.S.R. 502 s. 174. Amended by No. 29, 1981, s. 17 *(j)* s.178. Amended by No. 57, 1981, s. 3 *Litchfield v. District Council of Angaston* 3 S.A.S.R. 502 s. 178a. Amended by No 29, 1981, s. 17 *(k)* *Litchfield v. District Council of Angaston* 3 S.A.S.R. 502 s. 178b. Amended by No. 12, 1976, s. 15 and by No. 29, 1981, s. 17 *(j)* s. 180. Amended by No. 12, 1976, s. 16 s. 184a. Repealed by No. 12, 1976, s. 17 s. 184b. Repealed by 1976, s. 17 s. 190. Amended by No. 77, 1976, s. 34 and by No. 32, 1978, s. 33 s. 193. Amended by No. 77, 1976, No. s. 35 s. 197. Amended by No. 77, 1976, s. 36 and by No. 32, 1978, s. 34 s. 198. Amended by No. 77, 1976, s. 37 s. 200. Repealed by No. 77, 1976, s. 38 Heading preceding s. 202. Amended by No. 29, 1981, s. 17 *(m)* s. 203. *Transway Services Pty. Ltd. (In Liquidation) v. The Corporation of the City of Elizabeth* 13 S.A.S.R. 537 s. 205. *Christies Sands Pty. Ltd. v. City of Tea Tree Gully* 11 S.A.S.R. 255 s. 212. Amended by No. 12, 1976, s. 18 *Christies Sands Pty. Ltd. v. City of Tea Tree Gully* 11 S.A.S.R. 255 s. 212a. Repealed by No. 12, 1976, s. 19 s. 214. Amended by No. 12, 1976, s. 20 and by No. 88, 1980, s. 36 *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 *Corporation of the City of Tea Tree Gully v. Wilkey* (1970) S.A.S.R. 129 *Hill v. the Corporation of the City of Port Adelaide* 8 S.A.S.R. 196 *Symington v. Corporation of the City of Port Adelaide* 8 S.A.S.R. 209 s. 214b. Enacted by No. 12, 1976, s. 21 and Amended by No. 29, 1981, s. 17 *(n)* s. 215. Amended by No. 77, 1976, s. 39 s. 216. Amended by No. 77, 1976, s. 40 s. 218. Substituted by 77, 1976, s. 41 and by No. 88, 1980, s. 37 s. 220. Amended by No. 88, 1980, s. 38 s. 221. Amended by No. 12, 1976, s. 22 s. 222. Repealed by No. 12, 1976, s. 23 s. 226. Amended by No. 77, 1976, s. 42

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Local Government Act, 1934-1975 (Vol. 6, p. 191)—*continued*	s. 227. Amended by No. 77, 1976, s. 43 and by No. 32, 1978, s. 35 s. 228. Amended by No. 70, 1978, s. 5 s. 229. Amended by No. 77, 1976, s. 44 s. 233. Amended by No. 12, 1976, s. 24 s. 233a. Amended by No. 70, 1978, s. 6 s. 234. Repealed by No. 12, 1976, s. 25 Heading preceding s. 235. Amended by No. 29, 1981, s. 17 *(o)* s. 236. Repealed by No. 77, 1976, s. 45 s. 237. Amended by No. 12, 1976, s. 26 s. 238. Repealed by No. 12, 1976, s. 27 s. 239. Amended by No. 12, 1976, s. 28 s. 240. Repealed by No. 12, 1976, s. 29 s. 242. Repealed by No. 77, 1976, s. 46 s. 243. Amended by No. 12, 1976, s. 30 s. 244. Repealed by No. 12, 1976, s. 31 s. 244a. Repealed by No. 12, 1976, s. 32 s. 245. Amended by No. 29, 1981, s. 17*(p)* s. 246. Amended by No. 12, 1976, s. 33 s. 247. Repealed by No. 12, 1976, s. 34 s. 248. Amended by No. 29, 1981, s. 17*(q)* s. 248a. Amended by No. 55, 1977, s. 11 s. 248b. Amended by No. 55, 1977, s. 12 Heading preceding s. 249. Amended by No. 29, 1981, s. 17(r) s. 250. Amended by No. 12, 1976, s. 35 s. 251. Amended by No. 32, 1978, s. 36 s. 254. Amended by No. 12, 1976, s. 36 s. 257. Amended by No. 12, 1976, s. 37 and by No. 29, 1981, s. 17 *(s)* s. 257a. Enacted by No. 12, 1976, s. 38 s. 259. Substituted by No. 12, 1976, s. 39 and Amended by No. 12, 1976 s.38 ss. 261-263. Repealed by No. 32, 1978, s. 38 s. 264. 1978, s. 91 s. 265. Amended by No. 32, 1978, s. 29 s. 267a. Amended by No. 12, 1976, s. 40 s. 267b. Substituted by No. 12, 1976, s. 41 and amended by No. 32, 1978, s. 40 s. 272. Amended by No. 12, 1976, s. 42 s. 277. Repealed by No. 12, 1976, s. 43 s. 279. Repealed by No. 12, 1976, s. 44 s. 286. Amended by No. 12, 1976, s. 45 and by No. 32, 1978, s. 41 s. 287. Amended by No. 12, 1976, s. 46 and by No. 88, 1980, s. 39 s. 287c. Enacted by No. 12, 1976, s. 47 s. 289. Amended by No. 12, 1976, s. 48 s. 292. Amended by No. 77, 1976, s. 47 s. 293. Amended by No. 32, 1978, s. 42 s. 312. Amended by No. 77, 1976, s. 48 s. 313. Amended by No. 77, 1976, s. 49 s. 314. *Bowden v. The Corporation of the Town of Murray Bridge* (1936) S.A.S.R. 451 s. 315. *Kiosses v. Corporation of the City of Henley and Grange* (1973) 6 S.A.S.R. 186 s. 316. *Dubois v. District Council of Noarlunga* (1959) S.A.S.R. 127 s. 319. Amended by No. 12, 1976, s. 49 and by No. 32, 1978, s. 43 *Corporation of the Town of Campbelltown v. Johnson* (1954) S.A.S.R. 247 *Jolly v. District Council of Yorketown* 119 C.L.R. 347 reversing *Jolly v. District Council of Yorktown* (1967) S.A.S.R. 89 s. 324. Amended by No. 32, 1978, s. 91 s. 325. Amended by No. 32, 1978, s. 91 s. 328. Amended by No. 12, 1976, s. 50 and by No. 32, 1978, s. 44 *Bowden v. The Corporation of the Town of Murray Bridge* (1936) S.A.S.R. 451 s. 329. *Macey v. Prospect Corporation* (1965) S.A.S.R. 377 s. 330. Amended by No. 32, 1978, s. 45 s. 331. Amended by No. 32, 1978, s. 91 s. 333. Amended by No. 32, 1978, s. 91 s. 334. Amended by No. 32, 1978, s. 91 s. 338. Amended by No. 32, 1978, s. 91 s. 339. Amended by No. 32, 1978, s. 91 s. 342. Amended by No. 32, 1978, s. 46 s. 343. Amended by No. 32, 1978, s. 47 s. 344a. Amended by No. 32, 1978, s. 48 s. 344b. Enacted by No. 88, 1980, s. 40 s. 345. *District Council of Noarlunga v. Coventry* (1967) S.A.S.R. 71 s. 348. *Bowden v. The Corporation of the Town of Murray Bridge* (1936) S.A.S.R. 451 Heading preceding s. 353. Repealed by No. 32, 1978, s. 49 s. 355. *Macey v Prospect Corporation* (1965) S.A.S.R. 377 s. 355b. Amended by No. 32, 1978, s. 91 s. 358. Amended by No. 32, 1978, s. 91 *Kiosses v. Corporation of the City of Henley and Grange* (1973) 6 S.A.S.R. 186 s. 362. Amended by No. 32, 1978, s. 50 s. 364. Substituted by No. 12, 1976, s. 51 s. 365. Amended by No. 12, 1976, s. 52

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Local Government Act, 1934-1975 (Vol. 6, p. 191)—*continued*	s. 365b. Amended by No. 12, 1976, s. 53 s. 367. Amended by No. 32, 1978, s. 91 s. 368. Amended by No. 32, 1978, s. 91 s. 369. Amended by No. 32, 1978, s. 91 s. 370. Repealed by No. 33, 1978, s. 4 Heading preceding s. 371. Repealed by No. 32, 1978, s. 51 s. 371. Amended by No. 32, 1978, s. 91 and repealed by No. 33, 1978, s. 4 s. 372. Repealed by No. 33, 1978, s. 4 Heading preceding s. 373. Repealed by No. 32, 1978, s. 52 s. 373. Amended by No. 12, 1976, s. 54, by No. 32, 1978, s. 91 and repealed by No. 33, 1978, s. 4 *Hughes v. Matters* (1950) S.A.S.R. 240 *Young v. Killmir* (1970) S.A.S.R. 305 *Lymberopoulos v. Mackay* (1973) 5 S.A.S.R. 229 *Willing v. Young* 11 S.A.S.R. 86 Heading preceding s. 374. Repealed by No. 32, 1978, s. 53 s. 375. Amended by No. 32, 1978, ss. 54, 91 s. 376. Amended by No. 32, 1978, s. 91 s. 382. *Attorney-General (on the relation of Waltham and another) v. The Corporation of the City of Glenelg and Others* (1970) S.A.S.R. 111 s. 383. Amended by No. 12, 1976, s. 55 and by No. 88, 1980, s. 41 *Corporation of the Town of St. Peters v. Dangerfield and Others* (1969) S.A.S.R. 523 s. 384. Amended by No. 70, 1978, s. 7 *R. v. McIntosh and another* (1938) S.A.S.R. 375 s. 387. Amended by No. 70, 1978, s. 8 s. 392a. Enacted by No. 32, 1978, s. 55 and amended by No. 70, 1978, s. 9 s. 394. Amended by No. 70, 1978, s. 10 s. 396. Amended by No. 70, 1978, s. 11 s. 399. Amended by No. 32, 1978, s. 91 s. 406a. Enacted by No. 70, 1978, s. 12 s. 408. *Corporation of the Town of St. Peters v. Dangerfield and Others* (1969) S.A.S.R. 523 s. 422. Amended by No. 32, 1978, s. 56 s. 424. Amended by No. 77, 1976, s. 50 and by No. 32, 1978, s. 57 s. 425. Amended by No. 77, 1976, s. 51 s. 426. Amended by No. 12, 1976, s. 56 and by No. 32, 1978, s. 58 s. 427. Amended by No. 77, 1976, s. 52 and by No. 32, 1978, s. 59 s. 428. Repealed by No. 77, 1976, s. 53 s. 429. Amended by No. 77, 1976, s. 54 s. 430. Amended by No. 12, 1976, s. 57, by No. 77, 1976, s. 55 and by No. 32, 1978, s. 60 s. 434. Amended by No. 77, 1976, s. 56 s. 435. Amended by No. 12, 1976, s. 58, by No. 86, 1976, s. 2, by No. 32, 1978, s. 61 and by No. 88, 1980, s. 42 s. 436. Amended by No. 77, 1976, s. 57 s. 437. Amended by No. 32, 1978, s. 62 s. 449. Amended by No. 12, 1976, s. 59 s. 449c. Amended by No. 32, 1978, s. 63 s. 454. Amended by No. 32, 1978, s. 64 s. 456. Amended by No. 32, 1978, s. 91 s. 457. Amended by No. 77, 1976, s. 58, by No. 1, 1977, s. 14 and by No. 32, 1978, s. 65 *Attorney-General v. The Corporation of the City of Mitcham* (1957) S.A.S.R. 174 s. 458. Amended by No. 32, 1978, s. 91 s. 459. Amended by No. 77, 1976, s. 59 s. 468. Amended by No. 88, 1980, s. 43 s. 469. Amended by No. 88, 1980, s. 44 s. 470. Amended by No. 32, 1978, s. 91 s. 475. *Willing v. Young* 11 S.A.S.R. 86 Part XXIIA and heading. Substituted by No. 33, 1978, s. 5 s. 475a. Amended by No. 32, 1978, s. 91, substituted by No. 33, 1978, s. 5 and amended by No. 50, 1979, s. 3 and by No. 89, 1980, s. 3 *Hinton Demolition Pty Ltd. v. Young* (1973) 6 S.A.S.R. 129 s. 475b. Substituted by No. 33, 1978, s. 5 and amended by No. 89, 1980, s. 4 s. 475c. Substituted by No. 33, 1978, s. 5 and amended by No. 50, 1979, s. 4 and by No. 89, 1980, s. 5 s. 475d. Substituted by No. 33, 1978, s. 5 *Hinton Demolitions Pty. Ltd. v. Young* (1973) 6 S.A.S.R. 129 *Willing v. Ewens* 7 S.A.S.R. 231 *Willing v. Young (No. 2)* 7 S.A.S.R. 368 s. 475e. Substituted by No. 33, 1978, s. 5 and amended by No. 50, 1979, s. 5 and by No. 89, 1980, s. 6 s. 475f. Substituted by No. 33, 1978, s. 5 s. 475g. Amended by No. 32, 1978, s. 91 and substituted by No. 33, 1978, s. 5 s. 475h. Substituted by No. 33, 1978, s. 5 s. 475i. Enacted by No. 50, 1979, s. 6 and amended by No. 89, 1980, s. 7 s. 476. Amended by No. 109, 1978, s. 37 (1) *(a)* s. 477. Amended by No. 32, 1978, s. 91

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Local Government Act, 1934-1975 (Vol. 6, p. 191)—*continued*	s. 480. Repealed by No. 109, 1978, s. 37 (1) *(b)* s. 485. Amended by No. 77, 1976, s. 60 s. 487. Amended by No. 77, 1976, s. 61 s. 497. Amended by No. 16, 1946, s. 65 s. 500. Amended by No. 88, 1980, s. 45 s. 503. Amended by No. 32, 1978, s. 91 s. 512. Amended by No. 32, 1978, s. 91 s. 517. Amended by No. 32, 1978, s. 91 s. 523. Amended by No. 32, 1978, s. 91 s. 524. Amended by No. 32, 1978, s. 91 s. 530c. Amended by No. 12, 1976, s. 61, by No. 32, 1978, s. 66 and by No. 70, 1978, s. 13 s. 536. Amended by No. 32, 1978, s. 91 s. 536a. Amended by No. 32, 1978, s. 67 s. 536b. Enacted by No. 88, 1980, s. 46 s. 540a. Amended by No. 32, 1978, s. 91 s. 541. Amended by No. 12, 1976, s. 62 and by No. 32, 1978, s. 91 s. 542. Substituted by No. 88, 1980, s. 47 s. 543. Amended by No. 32, 1978, s. 91 and repealed by No. 88, 1980, s. 47 s. 546. Amended by No. 32, 1978, s. 91 s. 548. Amended by No. 32, 1978, s. 91 s. 550. Amended by No. 12, 1976, s. 63 and by No. 32, 1978, s. 91 s. 550a. Amended by No. 12, 1976, s. 64 and by No. 32, 1978, s. 91 s. 550b. Amended by No. 32, 1978. s. 91 s. 550c. Enacted by No. 12, 1976, s. 65 Part XXVII (ss. 551-555a) and heading. Repealed by No. 17, 1980, s. 4 s. 552. Amended by No. 32, 1978, s. 91 and repealed by No. 17, 1980, s. 4 s. 580. Amended by No. 32, 1978, s. 91 s. 581. Amended by No. 32, 1978, s. 91 s. 586. Amended by No. 32, 1978, s. 91 s. 593. Amended by No. 32, 1978, s. 91 s. 595. Amended by No. 32, 1978, s. 91 s. 598. Amended by No. 32, 1978, s. 91 s. 600. Amended by No. 32, 1978, s. 91 s. 602. Amended by No. 32, 1978, ss. 68, 91 s. 603. Amended by No. 32, 1978, ss. 69, 91 s. 604. Amended by No. 32, 1978, s. 91 s. 607. Amended by No. 32, 1978, s. 91 s. 608. Amended by No. 32, 1978, s. 91 s. 609. Amended by No. 32, 1978, s. 91 s. 610. Amended by No. 32, 1978, s. 91 s. 611. Amended by No. 32, 1978, s. 91 s. 615. Amended by No. 32, 1978, s. 91 s. 621. Amended by No. 32, 1978, s. 91 s. 622. Amended by No. 32, 1978, s. 91 s. 624. Amended by No. 32, 1978, s. 91 s. 627. Amended by No. 32, 1978, s. 91 s. 629. Amended by No. 32, 1978, s. 91 s. 632. Amended by No. 32, 1978, s. 91 s. 637. Amended by No. 32, 1978, s. 91 s. 638. Amended by No. 32, 1978, s. 91 s. 640. Amended by No. 12, 1976, s. 66 s. 641. Amended by No. 12, 1976, s. 67 s. 659. Amended by No. 32, 1978, s. 91 s. 665. Amended by No. 88, 1980, s. 48 s. 666. Repealed by No. 12, 1976, s. 68 s. 666b. Amended by No. 32, 1978, s. 70 Division I of Part XXXIX (ss. 667-686b) and heading. Repealed by No. 32, 1978, s. 71 New Division I of Part XXXIX and heading. Enacted by No. 32, 1978, s. 71 s. 667. Substituted by No. 32, 1978, s. 71, amended by No. 33, 1978, s. 6, by No. 109, 1978, s. 37, by No. 50, 1979, s. 7 and by No. 17, 1980, s. 5 *Cooper v. Bormann* 22 S.A.S.R. 589 ss. 668-670 Substituted by No. 32, 1978, s. 71 s. 671. Substituted by No. 32, 1978, s. 71 and amended by No. 109, 1978, s. 37 (1) *(e)* s. 672. Substituted by No. 32, 1978, s. 71 s. 672a. Enacted by No. 50, 1979, s. 8 ss. 673-678. Substituted by No. 32, 1978, s. 71 s. 679. Substituted by No. 32, 1978, s. 71, amended by No. 33, 1978, s. 7 and by No. 50, 1979, s. 9 s. 680. Substituted by No. 32, 1978, s. 71 s. 681. Substituted by No. 32, 1978, s. 71 Division II of Part XXXIX (ss. 687-690) and heading. Repealed by No. 32, 1978, s. 71 New Division II of Part XXXIX and heading. Enacted by No. 32, 1978, s. 71 ss. 682-684. Substituted by No. 32, 1978, s. 71 s. 693. Amended by No. 12, 1976, s. 69

Act Affected	How Affected
Local Government Act, 1934-1975 (Vol. 6, p. 191)—*continued*	s. 709. Amended by No. 32, 1978, s. 72 *Wache v. Parham* (1937) S.A.S.R. 116 *Baker v. The Corporation of the Town of Hindmarsh* (1958) S.A.S.R. 92 *Fereday v. The Corporation of the City of Campbelltown* (1967) S.A.S.R. 205 *Hill v. The Corporation of the City of Port Adelaide* 8 S.A.S.R. 196 s. 710. Amended by No. 77, 1976, s. 62 and by No. 32, 1978, s. 73 *Wache v. Parham* (1937) S.A.S.R. 116 *Hill v. The Corporation of the City of Port Adelaide* 8 S.A.S.R. 196 s. 713. Amended by No. 32, 1978, s. 74 s. 714. *Hill v. The Corporation of the City of Port Adelaide* 8 S.A.S.R. 196 s. 719. *McKernan v. Afford* 9 S.A.S.R. 11 s. 721. Amended by No. 88, 1980, s. 49 s. 725. Amended by No. 77, 1976, s. 62a *Fereday v. The Corporation of the City of Campbelltown* (1967) S.A.S.R. 205 *Howie v. Hollobone* 8 S.A.S.R. 148 *Willing v. Young* 11 S.A.S.R. 86 s. 730. *The University of Adelaide v. The District Council of Mitcham* (1937) S.A.S.R. 288 s. 743. Amended by No. 32, 1978, s. 75 Part XLIA and heading. Enacted by No. 12, 1976, s. 70 ss. 748a-748b. Enacted by No. 12, 1976, s. 70 s. 748ba. Enacted by No. 32, 1978, s. 76 ss. 748c-748d. Enacted by No. 12, 1976, s. 70 s. 749. Amended by No. 32, 1978, s. 91 s. 750. Amended by No. 32, 1978, s. 91 s. 751. Amended by No. 32, 1978, s. 91 s. 752. Amended by No. 32, 1978, s. 91 s. 753. Amended by No. 32, 1978, s. 91 s. 755. Amended by No. 32, 1978, s. 91 s. 755a. Amended by No. 32, 1978, s. 91 s. 755b. Substituted by No. 61, 1981, s. 4 s. 759. Amended by No. 32, 1978, s. 91 s. 760. Amended by No. 32, 1978, s. 91 s. 761. Amended by No. 32, 1978, s. 91 s. 762. Amended by No. 32, 1978, s. 91 s. 763. Amended by No. 77, 1976, s. 63 and by No. 32, 1978, s. 91 s. 767. Repealed by No. 77, 1976, s. 64 s. 768. Amended by No. 77, 1976, s. 65 and by No. 32, 1978, s. 91 s. 769. Amended by No. 32, 1978, s. 91 s. 769a. Amended by No. 32, 1978, s. 91 s. 770. Amended by No. 32, 1978, s. 91 s. 773. Amended by No. 32, 1978, s. 91 s. 774. Amended by No. 32, 1978, s. 91 s. 775. Amended by No. 32, 1978, s. 91 s. 778. Amended by No. 32, 1978, s. 91 s. 778a. Amended by No. 88, 1980, s. 50 s. 779. Amended by No. 32, 1978, s. 91 s. 779a. Amended by No. 32, 1978, s. 91 s. 779b. Amended by No. 32, 1978, s. 91 s. 780. Amended by No. 32, 1978, s. 91 s. 780a. Amended by No. 32, 1978, s. 91 s. 781. Amended by No. 32, 1978, s. 91 s. 781a. Amended by No. 32, 1978, s. 91 s. 782. Amended by No. 32, 1978, s. 91 s. 782a. Amended by No. 32, 1978, s. 77, 91 s. 783. Repealed by No. 12, 1976, s. 71 s. 784. Amended by No. 32, 1978, s. 91 s. 785. Amended by No. 32, 1978, s. 91 s. 786. Amended by No. 32, 1978, s. 91 s. 787. Amended by No. 32, 1978, s. 91 s. 788. Amended by No. 32, 1978, s. 91 s. 789. Amended by No. 32, 1978, s. 91 s. 789a. Amended by No. 32, 1978, s. 91 s. 791. Amended by No. 32, 1978, s. 91 s. 794a. Enacted by No. 33, 1978, s. 8 and amended by No. 50, 1979, s. 10 *Shipp v. Donkin* 26 S.A.S.R. 340 s. 794b. Enacted by No. 33, 1978, s. 8 and amended by No. 89, 1980, s. 8 s. 794c. Enacted by No. 50, 1979, s. 11 Heading preceding s. 795. Amended by No. 77, 1976, s. 60 s. 795. Amended by No. 77, 1976, s. 67 s. 796. Substituted by No. 77, 1976, s. 68 and amended by No. 32, 1978, s. 78 s. 797. Amended by No. 32, 1978, s. 79 s. 799. Amended by No. 32, 1978, s. 80 s. 800. Repealed by No. 32, 1978, s. 81 s. 801. Amended by No. 88, 1980, s. 51 s. 802. Amended by No. 88, 1980, s. 52 s. 804. Amended by No. 61, 1981, s. 5 s. 808. Repealed by No. 77, 1976, s. 69 s. 809. Repealed by No. 77, 1976, s. 69 s. 810. Repealed by No. 77, 1976, s. 69

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Local Government Act, 1934-1975 (Vol. 6, p. 191)—*continued*	s. 811. Amended by No. 88, 1980, s. 53 s. 812. Amended by No. 88, 1980, s. 54 s. 813. Amended by No. 77, 1976, s. 70 and by No. 88, 1980, s. 55 s. 814. Amended by No. 77, 1976, s. 71 s. 816. Substituted by No. 77, 1976, s. 72 and amended by No. 1, 1977, s. 15 s. 817. Repealed by No. 77, 1976, s. 72 s. 818. Repealed by No. 77, 1976, s. 72 s. 819. Repealed by No. 77, 1976, s. 73 s. 820. Amended by No. 77, 1976, s. 74, by No. 1, 1977, s. 16 and by No. 88, 1980, s. 56 s. 821. Amended by No. 77, 1976, s. 75 s. 822. Amended by No. 88, 1980, s. 57 s. 824. Amended by No. 32, 1978, s. 91 and by No. 88, 1980, s. 58 s. 825. Amended by No. 1, 1977, s. 17 and by No. 88, 1980, s. 59 s. 826. Amended by No. 88, 1980, s. 60 s. 828. Amended by No. 77, 1976, s. 76 s. 829. Amended by No. 88, 1980, s. 61 s. 830. Substituted by No. 77, 1976, s. 77 s. 831. Amended by No. 88, 1980, s. 62 s. 832a. Amended by No. 77, 1976, s. 78 s. 832b. Repealed by No. 77, 1976, s. 79 s. 833. Amended by No. 77, 1976, s. 80 and by No. 32, 1978, s. 82 s. 834. Amended by No. 77, 1976, s. 81 s. 835. Amended by No. 77, 1976, s. 82, by No. 32, 1978, s. 83 and by No. 88, 1980, s. 63 s. 837. Amended by No. 77, 1976, s. 83 s. 838. Amended by No. 77, 1976, s. 84 s. 839. Amended by No. 77, 1976, s. 85 s. 840. Amended by No. 77, 1976, s. 86 s. 841. Amended by No. 77, 1976, s. 87, by No. 32, 1978, s. 84 and by No. 88, 1980, s. 64 s. 842. Amended by No. 77, 1976, s. 88 s. 843. Amended by No. 77, 1976, s. 89 s. 844. Amended by No. 32, 1978, s. 91 s. 845. Amended by No. 77, 1976, s. 90 s. 846. Amended by No. 77, 1976, s. 91, by No. 32, 1978, s. 85 and by No. 88, 1980, s. 65 s. 854. Amended by No. 88, 1980, s. 66 s. 858. Amended by No. 77, 1976, s. 92, by No. 32, 1978, s. 86 and by No. 88, 1980, s. 67 s. 866. Amended by No. 32, 1978, s. 91 and by No. 88, 1980, s. 68 s. 868. Amended by No. 32, 1978, s. 91 s. 871e. Amended by No. 32, 1978, s. 87 s. 871j. Amended by No. 77, 1976, s. 93 s. 871n. Amended by No. 77, 1976, s. 94 ss. 871w, 871wa, 871wb, 871x and 871xa. Repealed by No. 17, 1980, s. 6 s. 874. Amended by No. 33, 1978, s. 9 s. 875. Amended by No. 12, 1976, s. 72, by No. 32, 1978, s. 88 and by No. 88, 1980, s. 69 s. 877. Amended by No. 17, 1980, s. 7 s. 881. Amended by No. 88, 1980, s. 70 s. 886ba. Enacted by No. 112, s. 2 s. 889. Amended by No. 12, 1976, s. 73 and by No. 77, 1976, s. 95 Second schedule. Amended by No. 77, 1976, s. 96 Fifth schedule. Amended by No. 77, 1976, s. 97 and by No. 88, 1980, s. 71 Ninth schedule. Repealed by No. 32, 1978, s. 89 Tenth schedule. Repealed by No. 32, 1978, s. 89 Fourteenth schedule. Amended by No. 88, 1980, s. 72 Sixteenth schedule. Repealed by No. 109, 1978, s. 37 (1) (*f*) Eighteenth schedule. Amended by No. 88, 1980, s. 73 Nineteenth schedule. Amended by No. 77, 1976, s. 98 Twenty-third schedule. Amended by No. 32, 1978, s. 90
Local Public Abattoirs Act, 1911-1980 (Formerly Abattoirs Act, 1911-1973) (Vol. 1, p. 1)	s. 2. Amended by No. 27, 1980, s. 3 s. 3. Amended by No. 27, 1980, s. 4 s. 4. Substituted by No. 27, 1980, s. 5 ss. 5-8. Repealed by No. 27, 1980, s. 5 s. 9. Amended by No. 27, 1980, s. 6 ss. 32 and 33. Repealed by No. 27, 1980, s. 7 s. 34. Amended by No. 27, 1980, s. 8 Part IV (ss. 51-74) and Part IVA (ss. 74a-74g) and headings. Repealed by No. 27, 1980, s. 9 s. 78. Amended by No. 27, 1980, s. 10 s. 79. Amended by No. 27, 1980, s. 11 ss. 80 and 81. Repealed by No. 27, 1980, s. 12 s. 82. Amended by No. 27, 1980, s. 13 s. 83. Repealed by No. 27, 1980, s. 14 ss. 84-86. Repealed by No. 27, 1980, s. 15

Act Affected	How Affected
Local Public Abattoirs Act, 1911-1980 (Formerly Abattoirs Act, 1911-1973) (Vol. 1, p. 1)—*continued*	s. 87. Amended by No. 27, 1980, s. 16 s. 89. Amended by No. 27, 1980, s. 17 s. 90. Repealed by No. 27, 1980, s. 18 Schedule repealed by No. 27, 1980, s. 19
Long Service Leave Act, 1967-1972 (Vol. 6, p. 606)	s. 3. *Australian Mutual Provident Society v. Allan* 52 A.L.J.R. 407 *(Privy Council)* reversing *The Queen v. Allan ex parte Australian Mutual Provident Society* 16 S.A.S.R. 237 *Chaplin v. A.M.P. Society* 44 S.A.I.R. 354 s. 4. *Coles v. Randall* 35 S.A.I.R. 388 *Fielder v. Tassios and Eustace* 35 S.A.I.R. 390 *Davis v. Abotomey* 35 S.A.I.R. 415 *Churchman v. Whyalla Hotel Pty. Ltd.* 36 S.A.I.R. 437 *Para Motors Pty. Ltd. v. Cocks* 9 S.A.S.R. 44 *Wilckens v. Wilckens and Burnside* 39 S.A.I.R. 1198 s. 5. *Nocol Industries Long Service Leave Exemption Case* 35 S.A.S.R. 327 *Coles v. Randall* 35 S.A.I.R. 388 *Fielder v. Tassios and Eustace* 35 S.A.I.R. 390 *Smith v. Rosie* 36 S.A.I.R. 398 *Sims v. Laslett and Paxford* 36 S.A.I.R. 457 *Wilckens v. Wilckens and Burnside* 39 S.A.I.R. 1198 *Fire Brigades Offices, etc. Award Preliminary Objection Case* 43 S.A.I.R. 863 *Chaplin v. A.M.P. Society* 44 S.A.I.R. 354 s. 11. *Suhr v. Executor Trustee and Agency Co.* 39 S.A.I.R. 1230 *S.A. Co-operative Bulk Handling Ltd. (Long Service Leave Act Exemption)* 40 S.A.I.R. 403 s. 12. *Wilckens v. Wilckens and Burnside* 39 S.A.I.R. 1198 *Australian Mutual Provident Society v. Allan* 16 S.A.S.R. 237 (reversed, but not on this point by the Privy Council, see note under s. 3) *Chaplin v. A.M.P. Society* 44 S.A.I.R. 354
Long Service Leave (Building Industry) Act, 1975 (1976, p. 56)[1]	s. 3. Amended by No. 87, 1976, s. 3 s. 4. Amended by No. 87, 1976, s. 4 s. 22. Amended by No. 87, 1976, s. 5 s. 24. Amended by No. 87, 1976, s. 6 ss. 24a-24d. Enacted by No. 87, 1976, s. 7 s. 29. Amended by No. 87, 1976, s. 8 s. 29a. Enacted by No. 87, 1976, s. 9 s. 30. Amended by No. 87, 1976, s. 10 Part IVA (ss. 36a-36d). Enacted by No. 87, 1976, s. 11 s. 42a. Enacted by No. 87, 1976, s. 12
Lottery and Gaming Act, 1936-1975 (Vol. 6, p. 617)	s. 2. Amended by No. 104, 1976, second schedule s. 4. Amended by No. 104, 1976, second schedule and by No. 105, 1980, s. 3. s. 7. *Ampol Petroleum Ltd. v. O'Sullivan* (1960) S.A.S.R. 137 s. 8. *Ampol Petroleum Ltd. v. O'Sullivan* (1960) S.A.S.R. 137 s. 9. Amended by No. 105, 1980, s. 4. s. 14b. Amended by No. 105, 1980, s. 5. Part III (ss. 15-31). Repealed by No. 104, 1976, second schedule Part IIIA (ss. 31a-31v). Repealed by No. 104, 1976, second schedule Part IIIB (ss. 31w-31xk). Repealed by No. 104, 1976, second schedule Part IV (ss. 32-48b). Repealed by No. 104, 1976, second schedule Part IVA (ss. 48d-48i). Repealed by No. 104, 1976, second schedule s. 54a. Repealed by No. 104, 1976, second schedule s. 58. Amended by No. 104, 1976, second schedule s. 59a. Enacted by No. 105, 1980, s. 6 s. 61. *Obst v. Jacobs* (1969) S.A.S.R. 346 s. 62. Amended by No. 104, 1976, second schedule and substituted by No. 105, 1980, s. 7 s. 63. Re-enacted by No. 47, 1978, s. 2 and amended by No. 105, 1980, s. 8 s. 64. Repealed by No. 104, 1976, second schedule, re-enacted by No. 47, 1978, s. 2 and amended by No. 105, 1980, s. 9 s. 65. Repealed by No. 104, 1976, second schedule s. 66. Repealed by No. 104, 1976, second schedule s. 67. Repealed by No. 104, 1976, second schedule s. 67a. Repealed by No. 104, 1976, second schedule s. 70. Repealed by No. 104, 1976, second schedule s. 71. Amended by No. 105, 1980, s. 10 s. 75. Amended by No. 105, 1980, s. 11 s. 84. Amended by No. 105, 1980, s. 12 s. 85. Amended by No. 105, 1980, s. 13 s. 86. Amended by No. 105, 1980, s. 14 s. 88. Amended by No. 105, 1980, s. 15 s. 88a. Amended by No. 105, 1980, s. 16 s. 90. Amended by No. 105, 1980, s. 17 *Drakopoulos v. Sidebottom* 13 S.A.S.R. 298 *Fingleton v. Lowen* 20 S.A.S.R. 312 s. 91. Amended by No. 105, 1980, s. 18 s. 92. Amended by No. 105, 1980, s. 19 s. 93. Amended by No. 105, 1980, s. 20 s. 94. Amended by No. 105, 1980, s. 21

[1]This Act is not included in the New Edition because it was not assented to until 4th March, 1976, and did not come into operation until 1st April, 1977 (see Act No. 13, 1976, s. 2).

Act Affected	How Affected
Lottery and Gaming Act, 1936-1975 (Vol. 6, p. 617)—*continued*	s. 95. Amended by No. 105, 1980, s. 22 s. 98. Enacted by No. 105, 1980, s. 23 s. 105. *Campbell v. Inkley* (1960) S.A.S.R. 273 *Duthie v. Brebner* (1961) S.A.S.R. 183 s. 110. Amended by No. 105, 1980, s. 24 Third schedule. Repealed by No. 104, 1976, second schedule Fifth schedule. Repealed by No. 104, 1976, second schedule
Margarine Act, 1939-1975 (Vol. 6, p. 750)	s. 3. *O'Sullivan v. Miracle Foods (S.A.) Pty. Limited* (1966) 115 C.L.R. 177 ss. 23 and 24. *O'Sullivan v. Miracle Foods (S.A.) Pty. Limited* (1966) 115 C.L.R. 177 s. 25a. *O'Sullivan v. Miracle Foods (S.A.) Pty. Limited* (1966) 115 C.L.R. 177
Marine Act, 1936-1975 (Vol. 7, p. 5)	s. 63. Amended by No. 55, 1976, s. 3 s. 67f. Repealed by No. 55, 1976, s. 4 s. 67g. Amended by No. 55, 1976, s. 5 s. 67h. Amended by No. 55, 1976, s. 6 s. 145. Re-enacted by No. 55, 1976, s. 8 Second schedule. Amended by regulations, *Gazette* 7th July, 1977, p. 17
Marketing of Eggs Act, 1941-1973 (Vol. 7, p. 108)	s. 9 Amended by No. 11, 1980, s. 2
Markets Clauses Act, 1870-1956 (Vol. 7, p. 125)	s. 13. *Tucker v. Bishop* (1936) S.A.S.R. 345 s. 31. *Tucker v. Bishop* (1936) S.A.S.R. 345 s. 36. *Tucker v. Bishop* (1936) S.A.S.R. 345 s. 38. *Tucker v. Bishop* (1936) S.A.S.R. 345
Matrimonial Causes Act, 1929-1935 (Vol. 5, p. 693)	See Table of Public Acts of Restricted Application. For amendments to and reported decisions on this Act, see Table of Amendments and Cases in 1975 Annual Volume
Medical Practitioners Act, 1919-1974 (Vol. 7, p. 139)	s. 5. Amended by No. 58, 1976, s. 2 s. 6. Repealed by No. 58, 1976, s. 3 s. 8. Amended by No. 58, 1976, s. 4 s. 18. Amended by No. 58, 1976, s. 5 s. 20. Amended by No. 58, 1976, s. 6 s. 22. Amended by No. 58, 1976, s. 7 s. 24. Amended by No. 58, 1976, s. 8 s. 26. *In re Robson* (1952) S.A.S.R. 101 *In re Frederick* (1957) S.A.S.R. 149 *In re Texler* (1957) S.A.S.R. 258 *Hoile v. The Medical Board of South Australia* (1960) 104 C.L.R. 157; 34 A.L.J. 62, affirming *In re Hoile* (1959) S.A.S.R. 270 *In re K.* (1965) S.A.S.R. 286 *In re Phillips* 18 S.A.S.R. 44 *In re Jennings* 23 S.A.S.R. 318 s. 31a. *The South Australian Branch of the Australian Medical Association Incorporated v. The State of South Australia* (1973) 6 S.A.S.R. 350 s. 31b. *The South Australian Branch of the Australian Medical Association Incorporated v. The State of South Australia* (1973) 6 S.A.S.R. 350 s. 31c. *The South Australian Branch of the Australian Medical Association Incorporated v. The State of South Australia* (1973) 6 S.A.S.R. 350 s. 35. *Becker v. Miller* (1936) S.A.S.R. 125. Leave to appeal to the High Court refused, 57 C.L.R. 780 (note). *Lewis v. Crafter. Cavendish Laboratories (Australia) Limited v. Crafter* (1942) S.A.S.R. 30 *Mayo v. Harris* (1945) S.A.S.R. 151, reversing *Mayo v. Harris* (1945) S.A.S.R. 71 *Ridland v. Amburlah* (1956) S.A.S.R. 118
Mental Health Act, 1976-1977 (1977, p. 107)	s. 4. Amended by No. 21, 1979, s. 2 Schedule. Amended by No. 21, 1979, s. 3
Mental Health (Supplementary Provisions) Act, 1935-1979 (Formerly Mental Health Act, 1935-1974) (Vol. 7, p. 171)	Long title. Substituted by No. 21, 1979, s. 3 Part I (ss. 1-4). Repealed by No. 24, 1977, s. 4 (1) and re-enacted by No. 21, 1979, s. 3 s. 1. Amended by No. 21, 1979, s. 3 s. 2. Repealed by No. 21, 1979, s. 3 s. 2a. Repealed by No. 21, 1979, s. 3 s. 3. Repealed by No. 21, 1979, s. 3 s. 4. Repealed by No. 21, 1979, s. 3 Part II (ss. 5-23). Repealed by No. 24, 1977, s. 4 (1) Heading to Part III. Substituted by No. 24, 1977, s. 4 (1) Division I of Part III (ss. 24-45) and heading. Repealed by No. 24, 1977, s. 4 (1) New Division I of Part III (ss. 42-45) and heading. Re-enacted by No. 24, 1977, s. 4 (1) Heading preceding s. 46. Substituted by No. 24, 1977, s. 4 (1) Part IV (ss. 57-96). Repealed by No. 24, 1977, s. 4 (1) Part V (ss. 109-136). Repealed by No. 21, 1979, s. 3

Act Affected	How Affected
Mental Health (Supplementary Provisions) Act, 1935-1979 (Formerly Mental Health Act, 1935-1974) (Vol. 7, p. 171) *—continued*	Part VI (s. 137). Repealed by No. 24, 1977, s. 4 (1) Part VII (ss. 146-153). Repealed by No. 24, 1977, s. 4 (1) Part VIIA (ss. 153a-153d). Repealed by No. 24, 1977, s. 4 (1) Part VIII (ss. 154-163). Repealed by No. 24, 1977, s. 4 (1) s. 160. *Rosey v. Lipson* (1958) S.A.S.R. 41 Part IX (ss. 164-173). Repealed by No 24, 1977, s. 4 (1) First to ninth schedules. Repealed by No. 24, 1977, s. 4 (1) Eleventh to eighteenth schedules. Repealed by No. 24, 1977, s. 4 (1) Twentieth to twenty-eighth schedules. Repealed by No. 24, 1977, s. 4 (1)
Mercantile Law Act, 1936 (Vol. 7, p. 248)	s. 18. Repealed by No. 84, 1978, s. 39 (3)
Metropolitan Adelaide Road Widening Plan Act, 1972 (Vol. 7, p. 255)	s. 3 Amended by No. 56, 1976, s. 3 s. 4 Amended by No. 56, 1976, s. 4 s. 6 Amended by No. 56, 1976, s. 5 s. 7 Amended by No. 56, 1976, s. 6 s. 8 Amended by No. 56, 1976, s. 7
Metropolitan Milk Supply Act, 1946-1974 (Vol. 7, p. 277)	s. 32. Amended by No. 110, 1980, s. 2
Metropolitan Taxi-Cab Act, 1956-1974 (Vol. 7, p. 299)	s. 35. *O'Sullivan v. Hannigan* (1960) S.A.S.R. 266 s. 37a. Amended by No. 99, 1978, s. 3
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Mining Act, 1971-1975 (Vol. 7, p. 239)	For reported decisions on the Mining Act, 1930-1962 *see* table in 1971 Annual Volume s. 4. Amended by No. 51, 1978, s. 3 and by No. 71, 1981, s. 3 s. 6. Amended by No. 105, 1976, s. 3, by No. 51, 1978, s. 4 and by No. 71, 1981, s. 4 s. 7. Amended by No. 71, 1981, s. 5 s. 8. Amended by No. 51, 1978, s. 5, and by No. 71, 1981, s. 6 s. 9. Amended by No. 105, 1976, s. 4 by No. 51, 1978, s. 6, and by No. 71, 1981, s. 7. s. 10a. Enacted by No. 51, 1978, s. 7 and Amended by No. 71, 1981, s. 8 s. 15a. Enacted by No. 105, 1976, s. 5 s. 16. *Emerald Quarry Industries Pty. Ltd. v. Commissioner of Highways* 14 S.A.S.R. 486 s. 17. Amended by No. 71, 1981, s. 9. s. 19. *Emerald Quarry Industries Pty. Ltd. v. Commissioner of Highways* 14 S.A.S.R. 486. s. 20. Amended by No. 105, 1976, s. 6 and by No. 71, 1981, s. 10 s. 21. Amended by No. 105, 1976, s. 7 and by No. 51, 1978, s.8 s. 22. Amended by No. 71, 1981, s. 11 s. 24. Amended by No. 105, 1976, s. 8, and by No. 71, 1981, s. 12. s. 25. Amended by No. 105, 1976, s. 9, and by No. 71, 1981, s. 13. s. 26. Amended by No. 51, 1978, s. 9, and by No. 71, 1981, s. 14. s. 27. Amended by No. 105, 1976, s. 10 and substituted by No. 51, 1978, s. 10 and by No. 71, 1981, s. 15 s. 28. Amended by No. 105, 1976, s. 11, and by No. 71, 1981, s. 16 s. 29. Amended by No. 71, 1981, s. 17 s. 30. Amended by No. 105, 1976, s. 12, and by No. 71, 1981, s. 18 s. 30a. Enacted by No. 71, 1981, s. 19 s. 33. Amended by No. 71, 1981, s. 20 s. 34. Amended by No. 105, 1976, s. 13, and by No. 71, 1981, s. 21. s. 35. Amended by No. 71, 1981, s. 22 s. 35a. Enacted by No. 71, 1981, s. 23 s. 37. Amended by No. 105, 1976, s. 14 s. 38. Amended by No. 105, 1976, s. 15 and by No. 71, 1981, s. 24 s. 39. Amended by No. 71, 1981, s. 25 s. 41. Repealed by No. 71, 1981, s. 26 Part VIA (ss. 41a-41f). Enacted by No. 51, 1978, s. 11 s. 41a. Amended by No. 71, 1981, s. 27 s. 41d. Substituted by No. 71, 1981, s. 28 s. 41f. Substituted by No. 71, 1981, s. 29 s. 42. Amended by No. 105, 1976, s. 16 and by No. 71, 1981, s. 30

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Police Regulation Act, 1952-1975 (Vol. 8, p. 495)	s. 4. Amended by No. 103, 1978, s. 2, and Substituted by No. 11, 1981, s. 3 s. 9b. Enacted by No. 103, 1978, s. 3 s. 9c. Enacted by No. 11, 1981, s. 4 s. 11a. Enacted by No. 11, 1981, s. 5 s. 13 Substituted by No. 11, 1981, s. 6 s. 15. Amended by No. 11, 1981, s. 7 s. 16. Amended by No. 103, 1978, s. 4 s. 19. Amended by No. 11, 1981, s. 8

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Poultry Meat Industry Act, 1969-1976 (Formerly Poultry Processing Act, 1969) (Vol. 8, p. 538)	Citation. Amended by No. 88, 1976, s. 1 Long title. Amended by No. 88, 1976, s. 3 s. 3. Substituted by No. 88, 1976, s. 4 s. 4. Amended by No. 88, 1976, s. 5 s. 5. Amended by No. 88, 1976, s. 6 s. 11a. Enacted by No. 88, 1976, s. 7 ss. 11aa-11g and heading. Enacted by No. 88, 1976, s. 7 Heading to Part III. Substituted by No. 88, 1976, s. 8 ss. 11h-11j. Enacted by No. 88, 1976, s. 8 s. 13. Amended by No. 88, 1976, s. 9 Part IIIA (ss. 15a-15c). Enacted by No. 88, 1976, s. 10 s. 17. Amended by No. 88, 1976, s. 11
Prevention of Cruelty to Animals Act, 1936-1973 (Vol. 8 p. 546)	s. 4 *Morgan v. Masters* 25 S.A.S.R. 128 s. 5. *Martin v. Gibson* (1954) S.A.S.R. 29 *Morgan v. Masters* 25 S.A.S.R. 128
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Prices Act, 1948-1975 (Vol. 8, p. 569)	s. 3. Amended by No. 62, 1976, s. 2, by No. 49, 1977, s. 2 and by No. 115, 1978, s. 2 *The South Australian Branch of the Australian Medical Association Incorporated v. The State of South Australia* (1973) 6 S.A.S.R. 350 s. 4. Amended by No. 62, 1976, s. 3 s. 5. Amended by No. 49, 1977, s. 3 s. 11. Substituted by No. 115, 1978, s. 3 s. 11a. Enacted by No. 49, 1977, s. 4 s. 18a. Amended by No. 62, 1976, s. 4, by No. 49, 1977, s. 5, by No. 25, 1978, s. 2 and by s. 4 *Swan Pools Ltd. v. Baker* 25 S.A.S.R. 103 s. 18b. Amended by No. 115, 1978, s. 5 and by No. 65, 1980, s. 3 s. 19. *The South Australian Branch of the Australian Medical Association Incorporated v. The State of South Australia* (1973) 6 S.A.S.R. 350 s. 21. Substituted by No. 99, 1980, s. 2 s. 22aa. Enacted by No. 14, 1980, s. 2 s. 22a. Amended by No. 62, 1976, s. 5 and by No. 98, 1980, s. 3 s. 22b. Amended by No. 62, 1976, s. 6 s. 22d. Amended by No. 62, 1976, s. 7 s. 22f. *Lehmann and Others v. Forsyth* 9 S.A.S.R. 359 *Young v. Farrah and Nicholas Enterprises Pty. Ltd.* 13 S.A.S.R. 444

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Primary Producers' Debts Act, 1935-1974 (Vol. 8, p. 600)	ss. 22-26. *In re Stringer* (1940) S.A.S.R. 401 s. 39. *Crafter v. Kelly* (1941) S.A.S.R. 237
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Prisons Act, 1936-1975 (Vol. 8, p. 617)	s. 3. Amended by No. 22, 1981, s. 3 s. 5. Amended by No. 22, 1981, s. 4 s. 6. Amended by No. 115, 1976, s. 26 Part IA (ss. 6a-6g). Enacted by No. 22, 1981, s. 6 s. 6aa. Enacted by No. 22, 1981, s. 5 s. 11a. Enacted by No. 22, 1981, s. 7 s. 14. *In re Jennings* 22 S.A.S.R. 274 s. 24. *The Queen v. Garrett* 18 308 s. 41. Amended by No. 22, 1981, s. 8 s. 42. *The Queen v. Thomas* (1969) S.A.S.R. 128 s. 42a. Amended by No. 22, 1981, s. 9 s. 42c. Amended by No. 22, 1981, s. 10 s. 42i. Substituted by No. 22,1981, s. 11 *The Queen v. Robinson and Barrett* 22 S.A.S.R. 367 s. 42j. Repealed by No. 22, 1981, s. 11 s. 42k. Substituted by No. 22, 1981, s. 12 s. 42l. Substituted by No. 22, 1981, s. 12 s. 32m. Substituted by No. 22, 1981, s. 12 s. 42n. Substituted by No. 22, 1981, s. 12 s. 42na. Enacted by No. 22, 1981, s. 12 s. 42nb. Enacted by No. 22, 1981, s. 12 s. 42nc. Enacted by No. 22, 1981, s. 12 s. 42nd. Enacted by No. 22, 1981, s. 12 s. 42ne. Enacted by No. 22, 1981, s. 12 s.42nf. Enacted by No. 22, 1981, s. 12 s. 42ng. Enacted by No. 22, 1981, s. 12 s. 42nh. Enacted by No. 22, 1981, s. 12 s. 42ni. Enacted by No. 22, 1981, s. 12 s. 42q. Amended by No. 22, 1981, s. 13 Part IVB (ss. 42ra-42rd). Enacted by No. 22, 1981, s. 14 s. 47. Amended by No. 22, 1981, s. 15 s. 58. *The Queen v. Mulqueen and Mayfield* (1969) S.A.S.R. 399 *The Queen v. Redman* 15 S.A.S.R. 572
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Public Finance (Special Provisions) Act, 1975 (Vol. 8, p. 717)	s. 3. Amended by No. 20, 1976, s. 2
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Railways Act, 1936-1975 (Formerly South Australian Railways Commissioner's Act) (Vol. 9, p. 95)	s. 18. Substituted by No. 81, 1976, s. 2 s. 84. Amended by No. 39, 1979, s. 2 s. 109. *Miesiewicz v. South Australian Railways Commissioner* (1961) S.A.S.R. 190
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The Ramco Heights Irrigation Area Act, 1963 (Vol. 9, p. 176)	s. 5. Amended by No. 1978, s. 40 s. 8. Amended by No. 28, 1978, s. 41

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Royal Commissions Act, 1917 (Vol. 9, p. 684)	s. 16a. Enacted by No. 80, 1980, s. 3
Rundle Street Mall Act, 1975 (Vol. 9, p. 692)	s. 3. Amended by No. 63, 1976, s. 2 s. 5. Amended by No. 63, 1976, s. 3 s. 6. Amended by No. 63, 1976, s. 4 s. 8. Amended by No. 63, 1976, s. 5 s. 11. Amended by No. 63, 1976, s. 6 *Hollobone v. Foley* 23 S.A.S.R. 251 s. 13. Amended by No. 63, 1976, s. 7 s. 15. Amended by No. 63, 1976, s. 8 s. 25. Amended by No. 63, 1976, s. 9
The Sale of Goods Act, 1895-1972 (Vol. 9, p. 737)	s. 4. *Clements v. Hoppo* (1937) S.A.S.R. 231. Leave to appeal to the High Court refused, 59 C.L.R. 807 (note) s. 12. *Warmings Used Cars Ltd. v. Tucker and another* (1956) S.A.S.R. 249 s. 13. *Clarke v. McMahon* (1939) S.A.S.R. 64 s. 18. *Minister for Supply and Development and another v. Servicemen's Co-operative Joinery Manufacturers Limited and another* (1951) 82 C.L.R. 621 s. 25. *Langmead v. Thyer Rubber Co. Limited* (1947) S.A.S.R. 29 s. 52. *Hodgson and Hodgson v. Morella Pastoral Co. Pty. Ltd.* 13 S.A.S.R. 51
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Second-hand Dealers Act, 1919-1971 (Vol. 10, p. 40)	s. 17. Substituted by No. 115, 1980, s. 16

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Shop Trading Hours Act, 1977 (1977, p. 188)	s. 4. Amended by No. 115, 1980, s. 3 *Lockyer v. Dalpaz Pty. Ltd.* 22 S.A.S.R. 39 s. 5. Substituted by No. 115, 1980, s. 4 s. 6. Amended by No. 115, 1980, s. 5 s. 11. Amended by No. 115, 1980, s. 6 s. 13. Amended by No. 115, 1980, s. 7 s. 13a. Enacted by No. 115, 1980, s. 8 s. 14. Amended by No. 115, 1980, s. 9 *Lockyer v. Dalpaz Pty. Ltd.* 22 S.A.S.R. 39 *Handshin v. Lockyer* 22 S.A.S.R. 210 s. 14a. Enacted by No. 115, 1980, s. 10 s. 15a. and 15b. Enacted by No. 115, 1980, s. 11 s. 16. Amended by No. 115, 1980, s. 12 s. 17. Amended by No. 115, 1980, s. 13 s. 18. Amended by No. 115, 1980, s. 14 s. 19. Substituted by No. 115, 1980, s. 15
Soil Conservation Act, 1939-1975 (Vol. 10, p. 188)	s. 2. Amended by No. 61, 1978, s. 3 s. 3. Substituted by No. 61, 1978, s. 4 s. 4. Amended by No. 61, 1978, s. 5 s. 6a. Substituted by No. 61, 1978, s. 6 s. 6b. Repealed by No. 61, 1978, s. 6 s. 6c. Repealed by No. 61, 1978 s. 6 s. 6d. Amended by No. 61, 1978, s. 7 s. 6h. Amended by No. 61, 1978, s. 8 s. 6j. Amended by No. 61, 1978, s. 9 s. 7. Amended by No. 61, 1978, s. 10 s. 9. Amended by No. 61, 1978, s. 11 s. 12. Amended by No. 61, 1978, s. 12 s. 12a. Amended by No. 61, 1978, s. 13 s. 13. Amended by No. 61, 1978, s. 14 s. 13h. Amended by No. 61, 1978, s. 15 s. 13j. Amended by No. 61, 1978, s. 16 s. 13k. Amended by No. 61, 1978, s. 17 s. 17. Amended by No. 61, 1978, s. 18 s. 18. Amended by No. 61, 1978, s. 19
South Australian Film Corporation Act, 1972 (Vol. 10, p. 232)	s. 3. Amended by No. 77, 1978, s. 3, and by No. 106, 1981, s. 2 s. 4. Amended by No. 92, 1975, s. 3, by No. 77, 1978, s. 4, and by No. 106, 1981, s. 3 s. 5. Amended by No. 92, 1975, s. 4 s. 6. Amended by No. 92, 1975, s. 5 s. 10. Amended by No. 92, 1975, s. 6 and by No. 11, 1979, s. 2 s. 11. Amended by No. 92, 1975, s. 7 and by No. 11, 1979, s. 3 s. 14. Amended by No. 106, 1981, s. 5 s. 15. Amended by No. 106, 1981, s. 6 s. 16. Amended by No. 106, 1981, s. 7 s. 17. Amended by No. 106, 1981, s. 8 Heading to Part III. Amended by No. 106, 1981, s. 4 Part IV (ss. 18-21). Repealed by No. 77, 1978, s. 5 s. 23. Amended by No. 11, 1979, s. 4 s. 26. Amended by No. 106, 1981, s. 9 s. 33. Amended by No. 77, 1978, s. 6, and by No. 106, 1981, s. 10
South Australian Gas Company Act, 1861-1980	Preamble and all sections except s. 64. Repealed by No. 61, 1980, s. 3*(a)* s. 64. Redesignated as s. 1 by No. 61, 1980, s. 3*(b)* Part I heading. Enacted by No. 61, 1980, s. 3*(c)* ss. 2-29, headings and schedule. Enacted by No. 61, 1980, s. 3*(d)*

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South Australian Health Commission Act, 1975-1976 (1976, p. 347)	s. 4. Amended by No. 48, 1978, s. 2, and by No. 69, 1981, s. 3 s. 6. Amended by No. 12, 1980, s. 3, and by No. 69, 1981, s. 4 s. 8. Amended by No. 12, 1980, s. 4 s. 9. Amended by No. 12, 1980, s. 5 s. 10. Amended by No. 12, 1980, s. 6 s. 11. Amended by No. 12, 1980, s. 7 s. 12. Amended by No. 12, 1980, s. 8 s. 16. Amended by No. 69, 1981, s. 5 s. 17. Amended by No. 69, 1981, s. 6 s. 19a. Enacted by No. 12, 1980, s. 9 s. 21. Amended by No. 48, 1978, s. 3, and by No. 69, 1981, s. 7 s. 26. Amended by No. 69, 1981, s. 8 s. 27. Amended by No. 69, 1981, s. 9 s. 29a. Enacted by No. 48, 1978, s. 4 s. 30. Amended by No. 48, 1978, s. 5 s. 31. Amended by No. 48, 1978, s. 6, and by No. 69, 1981, s. 10 s. 32. Repealed by No. 69, 1981, s. 11 s. 34. Amended by No. 69, 1981, s. 12 s. 48. Amended by No. 69, 1981, s. 13 s. 50a. Enacted by No. 48, 1978, s. 7 s. 51. Amended by No. 69, 1981, s. 14 s. 52. Amended by No. 48, 1978, s. 8, and by No. 69, 1981, s. 15 Division V of Part IV and heading. Enacted by No. 48, 1978, s. 9 s. 53. Repealed by No. 69, 1981, s. 16 s. 55. Amended by No. 69, 1981, s. 17 Division IVA (s. 57aa) and heading. Enacted by No. 69, 1981, s. 18 s. 57a. Enacted by No. 48, 1978, s. 9 s. 60. Amended by No. 23, 1979, s. 3 s. 61. Amended by No. 69, 1981, s. 19 s. 62a. Enacted by No. 69, 1981, s. 20 First schedule, Pt. IV. Amended by No. 52, 1977, s. 2 Third schedule. Repealed by No. 69, 1981, s. 21
South Australian Heritage Act, 1978 (1978, p. 249)	s. 3. Amended by No. 83, 1980, s. 3 s. 4. Amended by No. 12, 1979, s. 4 and by No. 83, 1980, s. 4 s. 8. Amended by No. 83, 1980, s. 5 Heading to Part III. Substituted by No. 83, 1980, s. 6 Part IIIA (ss. 16a-16e). Enacted by No. 83, 1980, s. 7 ss. 19a and 19b. Enacted by No. 30, 1979, s. 2 s. 26a. Enacted by No. 83, 1980, s. 8
South Australian Housing Trust Act, 1936 (Vol. 10, p. 248)	s. 20a. Substituted by No. 93, 1981, s. 2 s. 20b. Amended by No. 93, 1981, s. 3 s. 20c. Amended by No. 93, 1981, s. 4 s. 29a. *In the Estate of Bower, Deceased* 25 S.A.S.R. 161
South Australian Institute of Technology Act, 1972 (Vol. 10, p. 260)	s. 6. Amended by No. 4, 1979, s. 3 s. 7. Amended by No. 4, 1979, s. 4 s. 8. Amended by No. 4, 1979, s. 5 s. 10. Amended by No. 4, 1979, s. 6 s. 15. Amended by No. 4, 1979, s. 7 s. 19. Amended by No. 4, 1979, s. 8 s. 22. Enacted by No. 4, 1979, s. 9
South Australian Meat Corporation Act, 1936-1974 (Vol. 10, p. 270)	s. 2. Amended by No. 100, 1976, s. 3 and by No. 28, 1980, s. 3 s. 3. Amended by No. 100, 1976, s. 4 and by No. 28, 1980, 28, 1980, s. 4 *Williams and another v. Metropolitan and Export Abattoirs Board and others* 89 C.L.R. 66; 27 A.L.J. 636 s. 5. Repealed by No. 28, 1980, s. 5 Heading preceding s. 6. Repealed by No. 28, 1980, s. 5 s. 6. Amended by No. 100, 1976, s. 5 and repealed by No. 28, 1980, s. 5 ss. 7 and 8. Repealed by No. 28, 1980, s. 5 s. 9. Amended by No. 27, 1981, s. 3 s. 28. Amended by No. 28, 1980, s. 6 s. 29a. Repealed by No. 28, 1980, s. 7 s. 41. Amended by No. 100, 1976, s. 6 s. 43. Amended by No. 100, 1976, s. 7 s. 44. Amended by No. 100, 1976, s. 8 s. 45. Amended by No. 100, 1976, s. 9 ss. 50 and 50a. Repealed by No. 28, 1980, s. 8 s. 52a and heading. Amended by No. 100, 1976, s. 10 and repealed by No. 28, 1980, s. 9 *O'Sullivan v. Noarlunga Meat Ltd.* (1957) A.C. 1; (1956) 95 C.L.R. 177; 30 A.L.J. 268, affirming *O'Sullivan v. Noarlunga Meat Ltd.*, 92 C.L.R. 565; 28 A.L.J. 585 s. 54. Enacted by No. 27, 1981, s. 4 s. 55. Enacted by No. 27, 1981, s. 4 s. 65a. Repealed by No. 28, 1980, s. 10 s. 70. Repealed by No. 28, 1980, s. 11 *Williams and another v. Metropolitan and Export Abattoirs Board and others* 89 C.L.R. 66; 27 A.L.J. 636

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South Australian Meat Corporation Act, 1936-1974 (Vol. 10, p. 270)—*continued*	ss. 70a, 72 and 73. Repealed by No. s. 11 ss. 75-77 and 77a. Repealed by No. 28, 1980, s. 12 s. 78. Amended by No. 100, 1976, s. 11 and repealed by No. 28, 1980, s. 12 ss. 78a-78d and 79-81. Repealed by No. 28, 1980, s. 12 ss. 83-90. Repealed by No. 28, 1980, s. 13 s. 91. Amended by No. 28, 1980, s. 14 s. 93. Repealed by No. 28, 1980, s. 15 s. 93b. Amended by No. 12, 1977, s. 3 Part IVA (ss. 93a-93i). Enacted by No. 100, 1976, s. 12 ss. 93f-93i. Repealed by No. 28, 1980, s. 16 ss. 95 and 96. Repealed by No. 28, 1980, s. 17 s. 97. Amended by No. 28, 1980, s. 18 Part VII (ss. 107-111). Repealed by No. 28, 1980, s. 19 s. 111a. Amended by No. 28, 1980, s. 20 s. 112. Amended by No. 28, 1980, s. 21 s. 113. Amended by No. 28, 1980, s. 22 s. 114. *In re Metropolitan and Export Abattoirs ex parte Lowe and others* (1944) S.A.S.R. 138 ss. 115 and 116. Repealed by No. 28, 1980, s. 23 s. 118. Amended by No. 28, 1980, s. 24 s. 119. Amended by No. 100, 1976, s. 13 and repealed by No. 28, 1980, s. 25 s. 121. Amended by No. 28, 1980, s. 26 s. 123. Amended by No. 28, 1980, s. 27 s. 125. Amended by No. 28, 1980, s. 28 s. 128. Amended by No. 28, 1980, s. 29
South Australian Museum Act, 1976 (1976, p. 151)	s. 3. Amended by No. 48, 1980, s. 3 s. 5. Amended by No. 48, 1980, s. 4 s. 13. Amended by No. 48, 1980, s. 5 Part IIA (ss. 16a-16c). Enacted by No. 48, 1980, s. 6 s. 17. Amended by No. 48, 1980, s. 7 ss. 18 and 19. Substituted by No. 48, 1980, s. 8 s. 20. Amended by No. 78, 1978, s. 2 and by No. 48, 1980, s. 9
South Australian Waste Management Commission Act, 1979 (1979, p. 340)	s. 7. Amended by No. 46, 1980, s. 2 s. 40. Substituted by No. 46, 1980, s. 3
South-Eastern Drainage Act, 1931-1974 (Vol. 10, p. 323)	Long title. Amended by No. 42, 1980, s. 3 s. 2. Substituted by No. 42, 1980, s. 4 s. 3. Amended by No. 42, 1980, s. 5 s. 5. Repealed by No. 42, 1980, s. 6 s. 6. Amended by No. 42, 1980, s. 7 and by No. 112, 1980, s. 3 *Matthews v. South-Eastern Drainage Board* (1965) S.A.S.R. 328 s. 7. Substituted by No. 42, 1980, s. 8 s. 7a. Repealed by No. 42, 1980, s. 9 Heading preceding s. 8. Enacted by No. 42, 1980, s. 10 s. 8. Amended by No. 42, 1980, s. 11 s. 10. Amended by No. 42, 1980, s. 12 s. 10a. Amended by No. 42, 1977, s. 11 and by No. 42, 1980, s. 13 s. 10b. Amended by No. 42, 1980, s. 14 s. 12. Amended by No. 42, 1980, s. 15 s. 13. Amended by No. 42, 1980, s. 16 s. 15. Amended by No. 42, 1980, s. 17 s. 17. Repealed by No. 42, 1980, s. 18 ss. 19-22. Repealed by No. 42, 1980, s. 19 s. 23. Amended by No. 42, 1980, s. 20 s. 27 and heading. Substituted by No. 42, 1980, s. 21 s. 27a and heading. Enacted by No. 42, 1980, s. 21 and Amended by No. 112, 1980, s. 4 s. 27b and heading. Enacted by No. 42, 1980, s. 21 Heading to Part III. Amended by No. 42, 1980, s. 22 Heading to Division I of Part III. Amended by No. 42, 1980, s. 23 ss. 28 and 29. Substituted by No. 42, 1980, s. 24 s. 30. Amended by No. 42, 1980, s. 25 s. 31. Amended by No. 42, 1980, s. 26 s. 32. Amended by No. 42, 1980, s. 27 s. 33. Substituted by No. 42, 1980, s. 28 s. 34. Amended by No. 42, 1980, s. 29 s. 35. Amended by No. 42, 1980, s. 30 s. 36. Amended by No. 42, 1980, s. 31 s. 37. Amended by No. 42, 1980, s. 32 s. 39. Amended by No. 42, 1980, s. 33 s. 40. Amended by No. 42, 1980, s. 34 s. 41. Amended by No. 42, 1980, s. 35 s. 42. Amended by No. 42, 1980, s. 36 *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. 43. Amended by No. 42, 1980, s. 37

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South-Eastern Drainage Act, 1931-1974 (Vol. 10, p. 323)—*continued*	s. 44. Amended by No. 42, 1980, s. 38 s. 45. Amended by No. 42, 1980, s. 39 s. 46. Substituted by No. 42, 1980, s. 40 Heading preceding s. 47. Amended by No. 42, 1980, s. 41 s. 47. Amended by No. 42, 1980, s. 42 s. 48. Repealed by No. 42, 1980, s. 43 s. 49. Amended by No. 42, 1977, s. 11 and repealed by No. 42, 1980, s. 43 ss. 50-62. Repealed by No. 42, 1980, s. 43 ss. 63-65. Repealed by No. 42, 1980, s. 44 s. 66. Repealed by No. 42, 1980, s. 44 *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. 67. Repealed by No. 42, 1980, s. 44 Heading preceding s. 68. Amended by No. 42, 1980, s. 45 s. 68a. Enacted by No. 42, 1980, s. 46 s. 69. Amended by No. 42, 1980, s. 47 s. 70. Amended by No. 42, 1980, s. 48 s. 71. Amended by No. 42, 1980, s. 49 s. 72. Amended by No. 42, 1980, s. 50 s. 73. Substituted by No. 42, 1980, s. 51 ss. 74 and 75. Repealed by No. 42, 1980, s. 51 s. 76. Amended by No. 42, 1980, s. 52 s. 77. Amended by No. 42, 1980, s. 53 s. 78. Amended by No. 42, 1980, s. 54 s. 79. Amended by No. 42, 1980, s. 55 s. 80. Amended by No. 42, 1980, s. 56 s. 81. Amended by No. 42, 1980, s. 57 s. 81a. Amended by No. 42, 1980, s. 58 s. 82. Amended by No. 42, 1980, s. 59 s. 83. Amended by No. 42, 1980, s. 60 s. 84. Amended by No. 42, 1980, s. 61 s. 85. Amended by No. 42, 1980, s. 62 s. 86. Amended by No. 42, 1980, s. 63 s. 87. Amended by No. 42, 1980, s. 64 and repealed by No. 112, 1980, s. 5 s. 88. Amended by No. 42, 1980, s. 65 ss. 89-91. Enacted by No. 42, 1980, s. 66 s. 101. *In re Cameron and ryder* (1937) S.A.S.R. 143 ss. 103a-103c and headings. Repealed by No. 42, 1980, s. 67 ss. 105a-105e. Enacted by No. 42, 1980, s. 68 s. 105f. Enacted by No. 112, 1980, s. 6 s. 106. Amended by No. 42, 1980, s. 69 s. 107. Repealed by No. 42, 1980, s. 70 s. 108. Amended by No. 42, 1980, s. 71 s. 109. Amended by No. 42, 1980, s. 72 Second-fifth schedules. Repealed by No. 42, 1980, s. 73 Sixth schedule. Repealed by No. 112, 1980, s. 7
Stamp Duties Act, 1923-1975 (Vol. 10, p. 369)	s. 4. Amended by No. 111, 1980, s. 3 s. 5. *Superannuation Fund Investment Trust v. Commissioner of Stamps* 19 S.A.S.R. 481 *Superannuation Fund Investment Trust v. Commissioner of Stamps* 25 S.A.S.R. 35 ss. 5a and 5b. Enacted by No. 111, 1980, s. 4 s. 17. Repealed by No. 111, 1980, s. 5 s. 19a. Enacted by No. 111, 1980, s. 6 s. 20. Amended by No. 111, 1980, s. 7 s. 22. *In the Matter of Dehy Fodders (Australia) Pty. Ltd.; Winter v. The Bank of Adelaide* 4 S.A.S.R. 538 s. 31b. *Stansfield & Stansfield (trading as Rambler Caravans) v. Commissioner of Stamps* 18 S.A.S.R. 139 *Franklin v. Moore and Moore* 26 S.A.S.R. 176 s. 31f. Amended by No. 101, 1976, s. 3 s. 31l. Repealed by No. 70. 1981, s. 3 s. 31p. Repealed by No. 70, 1981, s. 4 s. 32. Amended by No. 27, 1978, s. 3 s. 33. Amended by No. 27, 1978, s. 4 s. 35. Amended by No. 111, 1980, s. 8 s. 42aa. Amended by No. 27, 1978, s. 5 Heading preceding s. 42ab. Enacted by No. 27, 1978, s. 6 s. 42ab. Enacted by No. 27, 1978, s. 6 s. 42b. Amended by No. 28, 1977, s. 2 Heading preceding s. 43. Repealed by No. 111, 1980, s. 9 ss. 43-45 and 45a. Repealed by No. 111, 1980, s. 9 ss. 47b-47d. Repealed by No. 70, 1981, s. 5 s. 48. Amended by No. 70, 1981, s. 6 s. 48a. Amended by No. 101, 1976, s. 4, and by No. 70, 1981, s. 7 Heading preceding s. 59b. Enacted by No. 27, 1978, s. 7 s. 59b. Enacted by No. 27, 1978, s. 7

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Stamp Duties Act, 1923-1975 (Vol. 10, p. 369)—*continued*	s. 60. *In re South Australian Unit Trusts Pty. Ltd.* (1954) S.A.S.R. 227 s. 66. Amended by No. 28, 1977, s. 3 s. 66ab. Amended by No. 101, 1976, s. 5, by No. 111, 1980, s. 10, and by No. 70, 1981, s. 8 *Jeffrey v. Commissioner of Stamps* 23 S.A.S.R. 398 s. 66b. Amended by No. 28, 1977, s. 4 s. 71. Amended by No. 54, 1976, s. 7, by No. 66, 1979, s. 3 and by No. 111, 1980, s. 11 s. 71a. Amended by No. 111, 1980, s. 12 s. 71c. Enacted by No. 66, 1979, s. 4 s. 71d. Enacted by No. 111, 1980, s. 13 s. 79. *In the Matter of Dehy Fodders (Australia) Pty. Ltd.; Winter v. The Bank of Adelaide* 4 S.A.S.R. 538 s. 81a. Enacted by No. 101, 1976, s. 6 s. 81b. Enacted by No. 111, 1980, s. 14 Heading to s. 85. Repealed by No. 104, 1976, second schedule s. 90a. Amended by No. 70, 1981, s. 9 s. 90c. Amended by No. 70, 1981, s. 10 s. 106a. Amended by No. 70, 1981, s. 11 s. 114. Enacted by No. 27, 1978, s. 8 Second schedule. Amended by No. 101, 1976, ss. 7, 8, 9 and 10, by No. 104, 1976, second schedule, by No. 28, 1977, s. 5, by No. 27, 1978, s. 9, by No. 89, 1978, s. 3 and by No. 111, 1980, s. 15, Second schedule. Amended by No. 70, 1981, s. 12 *Superannuation Fund Investment Trust v. Commissioner of Stamps* 19 S.A.S.R. 481 *Rose and Rose v. Commissioner of Stamps* 22 S.A.S.R. 84
State Bank Act, 1925-1975 (Vol. 10, p. 467)	s. 19. Amended by No. 58, s. 11 1978, s. 3 s. 48. Re-enacted by No. 58, 1978, s. 4
State Government Insurance Commission Act, 1970-1974 (Vol. 10, p. 486)	Long title. Amended by No. 18, 1977, s. 2 s. 2. Amended by No. 18, 1977, s. 3 s. 12. Amended by No. 18, 1977, s. 4 s. 12a. Enacted by No. 18, 1977, s. 5 s. 16. Amended by No. 88, 1974, s. 2 s. 20. Amended by No. 18, 1977, s. 6 s. 20a. Enacted by No. 18, 1977, s. 7
State Lotteries Act, 1966-1975 (Vol. 10, p. 494)	s. 3. Amended by No. 1, 1981, s. 2 s. 13. Amended by No. 1, 1981, s. 3 s. 19. Amended by No. 104, 1978, s. 2
State Theatre Company of S.A. Act, 1972 (Vol. 10, p. 312)	s. 3. Amended by No. 34, 1979, s. 3 s. 4. Amended by No. 34, 1979, s. 4 s. 5. Amended by No. 34, 1979, s. 5 s. 6. Amended by No. 34, 1979, s. 6 and by No. 104, 1981, s. 3 s. 9. Amended by No. 34, 1979, s. 7 s. 10. Amended by No. 104, 1981, s. 4 s. 16. Substituted by No. 34, 1979, s. 8 s. 18. Amended by No. 34, 1979, s. 9 Part IV. Repealed by No. 34, 1979, s. 10 s. 34. Amended by No. 34, 1979, s. 11
State Transport Authority Act, 1974-1975 (Vol. 10, p. 504)	s. 3. Amended by No. 28, 1981, s. 3 and by No. 78, 1981, s. 4 s. 4. Amended by No. 28, 1981, s. 4 and substituted by No. 78, 1981, s. 5 s. 5. Amended by No. 78, 1981, s. 6 s. 6. Amended by No. 13, 1977, s. 3 s. 7. Amended by No. 63, 1978, s. 2 s. 9. Amended by No. 13, 1977, s. 4 and by No. 63, 1978, s. 3 s. 14a. Enacted by No. 17, 1978, s. 3 Div. II (ss. 12-14a) of Part II and heading. Repealed by No. 78, 1981, s. 7 Div. II (s. 12) of Part II and heading. Enacted by No. 78, 1981, s. 7 Div. III (s. 15) of Part II and heading. Repealed by No. 78, 1981, s. 7 Div. III (ss.13-15) of Part II. Enacted by No. 78, 1981, s. 7 Div. IV (s.16) of Part II and heading. Enacted by No. 78, 1981, s. 7 Part IIA. Repealed by No. 28, 1981, s. 5 Part III (ss. 16-20) and heading. Repealed by No. 78, 1981, s. 8 Part III (ss. 17-23) and heading. Enacted by No. 78, 1981, s. 8 Part IV (ss. 24-31) and heading. Enacted by No. 78, 1981, s. 8
Statute Law Revision Act, 1934 (1934, No. 2168)	Second schedule. Amended by No. 77, 1973, s. 3

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Statute Law Revision Act, 1935 (1935, No. 2246)	Second schedule. Repealed in part by No. 77, 1966, s. 4, amended by No. 47, 1968, s. 2, by No. 16, 1971, s. 4, by No. 56, 1972, second schedule and repealed in part by No. 125, 1972, schedule, by No. 11, 1973, s. 2, by No. 77, 1973, s. 3, by No. 42, 1974, s. 3, by No. 45, 1975, s. 4, by No. 46, 1975, second schedule, by No. 45, 1975, s. 4, by No. 45, 1976, s. 2 and by No. 50, 1976, schedule
Statute Law Revision Act, 1936 (1936, No. 2293)	Second schedule. Amended by No. 47, 1968, s. 2, by No. 77, 1973, s. 3, by No. 46, 1975, second schedule and by No. 12, 1976, s. 74
Statute Law Revision Act, 1937 (1937, p. 20)	s. 5. Repealed by No. 2368, 1937, s. 2 (2) Second schedule. Amended by No. 77, 1973, s. 3
Statute Law Revision Act, 1952 (1952, p. 119)	Second schedule. Amended by No. 77, 1973, s. 3 and by No. 51, 1975, s. 4
Statute Law Revision Act, 1965 (1965, p. 138)	Second schedule. Amended by No. 77, 1973, s. 3
Statute Law Revision Act, 1973 (1973, p. 325)	Second schedule. Amended by No. 24, 1975, second schedule and by No. 12, 1976, s. 74
Statute Law Revision Act, 1974 (1974, p. 172)	Second schedule. Amended by No. 118, 1975, second schedule, by No. 19, 1976, schedule and by No. 3, 1978, s. 6
Statute Law Revision Act, 1975 (1975, p. 89)	Second schedule. Amended by No. 108, 1976, s. 2
Statutes Amendment (Administration of Acts and Interpretation) Act, 1971 (1971, p. 642)	s. 2. Amended by No. 77, 1973, s. 3
Statutes Amendment (Dog Fence and Vermin) Act, 1964 (1964, p. 70)	Long title. Amended by No. 46, 1975, second schedule s. 1. Amended by No. 46, 1975, second schedule
Statutes Amendment (Friendly Societies and Building Societies) Act, 1966 (1966, p. 239)	Part III. Repealed by No. 45, 1975, s. 4
Statutes Amendment (Miscellaneous Metric Conversions) Act, 1975 (1975, p. 120)	Long title. Amended by No. 118, 1975, second schedule s. 3. Amended by No. 118, 1975, second schedule Part XIII. Repealed by No. 118, 1975, second schedule
Statutes Amendment (Public Salaries) Act, 1955 (1955, p. 6)	s. 6. Repealed by No. 77, 1973, s. 3 ss. 15-18. Repealed by No. 24, 1975, s. 3
Statutes Amendment (Public Salaries) Act, 1957 (1957, p. 10)	ss. 6-8. Repealed by No. 24, 1975, s. 3
Statutes Amendment (Public Salaries) Act, 1959 (1959, p.21)	s. 4. Repealed by No. 77, 1973, s. 3 ss. 7-9. Repealed by No. 24, 1975, s. 3
Statutes Amendment (Public Salaries) Act, 1960 (1960, p. 22)	s. 5. Amended by No. 52, 1963, s. 10 (1) ss. 7-9. Repealed by No. 24, 1975, s. 3
Statutes Amendment (Public Salaries) Act (No. 2), 1960 (1960, p. 56)	s. 4. Repealed by No. 77, 1973, s. 3
Statutes Amendment (Public Salaries) Act, 1963 (1963, p. 187)	s. 4. Repealed by No. 77, 1973, s. 3 s. 7. Repealed by No. 77, 1973, s. 3 ss. 8, 9. Repealed by No. 24, 1975, s. 3
Statutes Amendment (Public Salaries) Act, 1964 (1964, p. 184)	s. 4. Repealed by No. 77, 1973, s. 3 s. 7. Repealed by No. 77, 1973, s. 3 ss. 8, 9. Repealed by No. 24, 1975, s. 3
Statutes Amendment (Public Salaries) Act, 1965 (1965, p. 99)	s. 4. Repealed by No. 77, 1973, s. 3 ss. 8, 9. Repealed by No. 24, 1975, s. 3
Statutes Amendment (Public Salaries) Act, 1967 (1967, p. 400)	s. 4. Repealed by No. 77, 1973, s. 3 ss. 8, 9. Repealed by No. 24, 1975, s. 3
Stock Diseases Act, 1934-1956 (Formerly Stock and Poultry Diseases Act, 1934) (Vol. 10, p. 523)	Long title. Amended by No. 59, 1976, s. 3 s. 5. Amended by No. 59, 1976, s. 4 s. 6. Amended by No. 59, 1976, s. 5 s. 11. Amended by No. 59, 1976, s. 6 s. 18. Substituted by No. 59, 1976, s. 7 s. 19. Amended by No. 59, 1976, s. 8 *Larwood v. Newbold* 11 S.A.S.R. 436

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Stock Medicines Act, 1939 (Vol. 10, p. 562)	s. 3. Amended by No. 33, 1973, s. 3 s. 4. Amended by No. 33, 1973, s. 4 *Stock Health Service Pty. Ltd. and another v. Brebner* (1964) 112 C.L.R. 113; 38 A.L.J. 227 s. 7. Amended by No. 33, 1973, s. 5 s. 8. Repealed by No. 33, 1973, s. 6 s. 10. Amended by No. 33, 1973, s. 7 s. 11. Amended by No. 96, 1978, s. 27 s. 12. *Stock Health Service Pty. Ltd. and another v. Brebner* (1964) 112 C.L.R. 113; 38 A.L.J. 227 s. 14. Substituted by No. 33, 1973, s. 8 s. 15. Amended by No. 33, 1973, s. 9 s. 19. Amended by No. 33, 1973, s. 10
Stock Mortgages and Wool Liens Act, 1924-1975 (Vol. 10, p. 576)	s. 5. *The Queen v. Timperon* 12 S.A.S.R. 426
Succession Duties Act, 1929-1975 (Vol. 10, p. 590)	s. 3. Amended by No. 72, 1976, s. 3 and by No. 11, 1977, s. 2 s. 4. *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 *Commissioner of Succession Duty v. Hargrave* 3 S.A.S.R. 118 s. 4c. Enacted by No. 72, 1976, s. 4 s. 4d. Enacted by No. 11, 1977, s. 3 s. 4e. Enacted by No. 67, 1979, s. 2 s. 7. *Commissioner of Succession Duty v. Hargrave* 3 S.A.S.R. 118 s. 8. Amended by No. 72, 1976, s. 5 *In re Murphy, deceased* (1951) S.A.S.R. 28 *In the Estate of Giles, deceased* 8 S.A.S.R. 472 s. 8a. Enacted by No. 72, 1976, s. 6 s. 12. Amended by No. 72, 1976, s. 7 s. 16. *Commissioner of Succession Duty v. Hargrave* 3 S.A.S.R. 118 s. 18. Amended by No. 72, 1976, s. 8 s. 20. *Elder's Trustee and Executor Company Limited v. The Commissioner of Succession Duties* (1945) S.A.S.R. 34 *Hayes v. Commissioner of Succession Duties* (1970) S.A.S.R. 479 s. 35. *Freeman v. The Commissioner of Succession Duties* (1945) S.A.S.R. 139 *In re Wright, deceased: Western v. Commissioner of Succession Duties* (1957) S.A.S.R. 332 s. 46. *In re Gebhardt* (1943) S.A.S.R. 380 s. 50. *Commissioner of Succession Duties v. Hargrave* 3 S.A.S.R. 118 s. 55b. Amended by No. 72, 1976, s. 9 s. 55c. Amended by No. 72, 1976, s. 10 Part IVB and heading. Amended by No. 72, 1976, s. 11 and by No. 11, 1977, s. 4 s. 55e. Amended by No. 11, 1977, s. 5 s. 55f. Amended by No. 72, 1976, s. 12 and by No. 11, 1977, s. 6 s. 55g. Amended by No. 72, 1976, s. 13 s. 55h. Amended by No. 72, 1976, s. 14, by No. 11, 1977, s. 7 and by No. 67, 1979, s. 3 s. 55j. Amended by No. 72, 1976, s. 15 s. 56. Amended by No. 72, 1976, s. 16 s. 59. *Commissioner of Succession Duties (S.A.) v. Executor Trustee and Agency Company of South Australia Limited and others* (1947) 74 C.L.R. 358; 21 A.L.J. 210, reversing *In re Clifford; Executor Trustee and Agency Company of South Australia Limited and others v. The Commissioner of Succession Duties* (1946) S.A.S.R. 31 s. 61. *Commissioner of Succession Duty v. Hargrave* 3 S.A.S.R. 118 s. 63. Amended by No. 72, 1976, s. 17 s. 63a. Amended by No. 72, 1976, s. 18 s. 63b. Enacted by No. 72, 1976, s. 19 s. 71. *Commissioner of Succession Duty v. Hargrave* 3 S.A.S.R. 118 s. 78. Amended by No. 72, 1976, s. 20 Second schedule. Amended by No. 72, 1976, s. 21 and by No. 11, 1977, s. 8 *In re Hooper, deceased; Elder's Trustee and Executor Company Limited v. Commissioner of Succession Duties* (1965) S.A.S.R. 234 *Elder's Trustee and Executor Company Limited v. Commissioner of Succession Duties* 18 S.A.S.R. 283
Superannuation Act, 1974 (Vol. 10, p. 635)	s. 5. Amended by No. 22, 1976, s. 3 and by No. 39, 1978, s. 3 s. 6a. Enacted by No. 22, 1976, s. 4 s. 10. Amended by No. 29, 1980, s. 2 s. 10a. Enacted by No. 39, 1978, s. 4 s. 11. Amended by No. 39, 1978, s. 5 s. 11a. Enacted by No. 82, 1976, s. 3 s. 12. Amended by No. 29, 1980, s. 3 s. 13. Amended by No. 22, 1976, s. 5 and by No. 39, 1978, s. 6 s. 14. Amended by No. 39, 1978, s. 7

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Superannuation Act, 1974 (Vol. 10, p. 635)—*continued*	s. 18. Amended by No. 62, 1974, s. 3 s. 20. Amended by No. 62, 1974, s. 4 s. 21. Amended by No. 62, 1974, s. 5 s. 24. Amended by No. 62, 1974, s. 6 s. 28. Amended by No. 62, 1974, s. 7 *Superannuation Fund Investment Trust v. Commissioner of Stamps* 19 S.A.S.R. 481 s. 29. *Superannuation Fund Investment Trust v. Commissioner of Stamps* 19 S.A.S.R. 481 s. 34. Amended by No. 29, 1980, s. 4 s. 34a. Amended by No. 62, 1974, s. 8 s. 36a. Enacted by No. 29, 1980, s. 5 s. 42. Amended by No. 62, 1974, s. 9 s. 43. Amended by No. 22, 1976, s. 6 s. 45. Amended by No. 22, 1976, s. 7 s. 46. Amended by No. 22, 1976, s. 8 s. 49. Amended by No. 62, 1974, s. 10 s. 51. Amended by No. 62, 1974, s. 11 s. 54. Amended by No. 22, 1976, s. 9 s. 57a. Enacted by No. 39, 1978, s. 8 s. 59. Amended by No. 22, 1976, s. 10 s. 62. Amended by No. 22, 1976, s. 11 s. 64. Amended by No. 39, 1978, s. 9 s. 65a. Enacted by No. 22, 1976, s. 12 s. 67. Amended by No. 22, 1976, s. 13 s. 69. Amended by No. 62, 1974, s. 12 and substituted by No. 29, 1980, s. 6 s. 71. Amended by No. 22, 1976, s. 14 and substituted by No. 29, 1980, s. 7 s. 75. Amended by No. 22, 1976, s. 15 s. 76. Amended by No. 22, 1976, s. 16 s. 78. Amended by No. 22, 1976, s. 17 and by No. 39, 1978, s. 10 s. 79. Amended by No. 62, 1974, s. 13 s. 81. Amended by No. 62, 1974, s. 14 and by No. 22, 1976, s. 18 s. 84. Amended by No. 22, 1976, s. 19 and by No. 39, 1978, s. 11 s. 93. Amended by No. 22, 1976, s. 20 s. 98. Amended by No. 22, 1976, s. 21 and by No. 16, 1979, s. 2 s. 102. Amended by No. 22, 1976, s. 22 s. 103. Amended by No. 62, 1974, s. 15 s. 117. Amended by No. 34, 1981, s. 66 ss. 118, 119. Repealed by No. 34, 1981, s. 67 s. 121. Substituted by No. 22, 1976, s. 23 s. 129. Amended by No. 22, 1976, s. 24 s. 129a. Enacted by No. 22, 1976, s. 25 s. 139. Amended by No. 22, 1976, s. 26 Thirteenth and fourteenth schedules. Enacted by No. 29, 1980, s. 8
Supreme Court Act, 1935-1975 (Vol. 10, p. 718)	s. 2. Amended by No. 34, 1981, s. 5 s. 5. Amended by No. 34, 1981, s. 6 *Knight v. Knight* 122 C.L.R. 114 *Elliott v. Harris* 8 S.A.S.R. 458 s. 7. Substituted by No. 34, 1981, s. 7 *Knight v. Knight* 122 C.L.R. 114 *Reg. v. Bull* 131 C.L.R. 203 s. 8. Amended by No. 34, 1981, s. 8 s. 9. Substituted by No. 34, 1981, s. 9 s. 11. Substituted by No. 34, 1981, s. 10 s. 12. Substituted by No. 34, 1981, s. 11 s. 13a. Amended by No. 53, 1980, s. 2, and substituted by No. 34, 1981, s. 12 s. 13b. Enacted by No. 34, 1981, s. 12 s. 14. Amended by No. 34, 1981, s. 13 s. 15. Amended by No. 34, 1981, s. 14 s. 17. *Colme v. O'Brien* 9 S.A.S.R. 378 s. 29. *Piravaroff v. Chernabaef* 16 S.A.S.R. 329 s. 30. *Solomon v. Irving* 15 S.A.S.R. 595 s. 30b. *Nathan and James v. Vos* (1970) S.A.S.R. 455 *Ikonomos v. Lesiuk and Ikonomos* (1973) 6 S.A.S.R. 111 *Horwell v. Jones* 11 S.A.S.R. 502 *Cirjak v. Todd* 17 S.A.S.R. 316 *Grabkowski v. Majchrowski and Vass* 19 S.A.S.R. 290 s. 30c. *Sager v. Morten and Morrison* (1973) 5 S.A.S.R. 143 *Berry v. Stimson* (1973) 5 S.A.S.R. 225 *Fleet v. Henley Joinery Pty. Ltd.* (1973) 5 S.A.S.R. 506 *Komisars v. Guardian Assurance Company Limited* (1973) 5 S.A.S.R. 515 *Bates v. Nelson* (1973) 6 S.A.S.R. 149 *Mayer v. Pioneer Concrete Services Ltd. and Wright* 8 S.A.S.R. 392 *Giannini Bros. Pty. Ltd. v. Lucas Transport Equipment Pty. Ltd. and Marion Transport Pty. Ltd.* 8 S.A.S.R. 525 *Clarke v. Damiani* (No. 2) 8 S.A.S.R. 463 *McCauley v. Berry and Mason* 12 S.A.S.R. 245 *Irving v. Piliczyk* 12 S.A.S.R. 11 *Marziale v. Hathazi* 13 S.A.S.R. 150

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	s. 33. Repealed by No. 67, 1978, s. 3 s. 35. *Southern Drug Co. Ltd. v. Lagos* 24 S.A.S.R. 590 s. 40. *Tilley v. Tilley* (1945) S.A.S.R. 81 s. 47. Amended by No. 34, 1981, s. 15 s. 48. Amended by No. 34, 1981, s. 16 s. 49. *The Queen v. Parry* 23 S.A.S.R. 187 *The Queen v. Millhouse* 24 S.A.S.R. 555 s. 50. Amended by No. 34, 1981, s. 17 *Chapman v. Chapman and Holmes* (1946) S.A.S.R. 217 *Campbell v. O'Sullivan* (1947) S.A.S.R. 195 s. 59. *R. v. Ford* (1945) S.A.S.R. 118 s. 62h. Amended by No. 34, 1981, s. 18 s. 72. Amended by No. 34, 1981, s. 19 *Knight v. Knight* 122 C.L.R. 114 Heading to Part VI. Substituted by No. 34, 1981, s. 20 Heading to s. 82. Substituted by No. 34, 1981, s. 21 s. 82. Substituted by No. 34, 1981, s. 21 *Knight v. Knight* 122 C.L.R. 114 s. 83. Repealed by No. 34, 1981, s. 21 *Knight v. Knight* 122 C.L.R. 114 s. 84. Repealed by No. 82, 1978, s. 3, and amended by No. 34, 1981, s. 22 ss. 85-105. Repealed by No. 82, 1978, s. 3 s. 106. Amended by No. 34, 1981, s. 23 s. 109. Amended by No. 34, 1981, s. 24 ss. 115-116. Repealed by No. 67, 1978, s. 4 s. 119. Amended by No. 34, 1981, s. 25(a) s. 120. Amended by No. 34, 1981, s. 25(b) s. 121. Amended by No. 34, 1981, s. 25(c) s. 124. Amended by No. 34, 1981, s. 25(d) s. 125. Amended by No. 34, 1981, s. 25(e) s. 126. Amended by No. 34, 1981, s. 25(e)-(g) s. 127. Amended by No. 34, 1981, s. 25(h) s. 128. Amended by No. 34, 1981, s. 25(i)
Survival of Causes of Action Act, 1940 (Vol. 11, p. 33)	s. 3. *Sellick v. De Young* (1955) S.A.S.R. 191 s. 4. *Minister of Works v. Pinchbeck* (1969) S.A.S.R. 240
Swine Compensation Act, 1936-1975 (Vol. 11, p. 38)	s. 12. Amended by No. 96, 1978, s. 29 s. 13a. Enacted by No. 14, 1964, s. 4 s. 14. Amended by No. 79, 1978, s. 3
Teacher Housing Authority Act, 1975 (Vol. 11, p. 76)	s. 4. Amended by No. 66, 1976, s. 2 s. 5. Amended by No. 66, 1976, s. 3 s. 14. Amended by No. 66, 1976, s. 4 s. 15. Amended by No. 66, 1976, s. 5
Tea Tree Gully (Golden Grove) Development Act, 1978 (1978, p. 235)	s. 3 Amended by No. 30, 1981, s. 3 s. 4. Amended by No. 30, 1981, s. 4 s. 5. Amended by No. 30, 1981, s. 5 s. 20. Amended by No. 30, 1981, s. 6 Part V and heading. Repealed by No. 30, 1981, s. 7 s. 25. Amended by No. 30, 1981, s. 8 s. 28. Amended by No. 100, 1981, s. 2 Second schedule. Amended by No. 30, 1981, s. 9
Trade Measurements Act, 1971-1975 (Formerly Weights and Measures Act) (Vol. 11, p. 109)	s. 5. Amended by No. 102, 1976, s. 3 s. 9. Amended by No. 102, 1976, s. 4 s. 11. Amended by No. 102, 1976, s. 5
Trade Measurements Act, 1971-1975 (Vol. 11, p. 109)—*continued*	s. 13. Amended by No. 102, 1976, s. 6 s. 19. Amended by No. 102, 1976, s. 7 s. 20. Amended by No. 102, 1976, s. 8 s. 25. Amended by No. 102, 1976, s. 9 s. 26. Amended by No. 102, 1976, s. 10 s. 27. *Tingey v. Harrison* 25 S.A.S.R. 26 s. 33. Amended by No. 102, 1976, s. 11 s. 34. Amended by No. 102, 1976, s. 12 s. 40. Amended by No. 102, 1976, s. 13 s. 46. Amended by No. 102, 1976, s. 14 s. 50. Amended by No. 102, 1976, s. 15

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Trading Stamp Act, 1924-1935 (Vol. 11, p. 136)	s. 4. *Samuels v. The Reader's Digest Association Pty. Ltd.* 120 C.L.R. 1 *Samuels v. Reader's Digest Services Pty. Ltd.; Reader's Digest Services Pty. Ltd. v. Samuels* 4 S.A.S.R. 213 s. 5. *Goodwins (Adelaide) Limited v. Brebner* (1962) S.A.S.R. 78 *Samuels v. The Reader's Digest Association Pty. Ltd.* 120 C.L.R. 1 *Samuels v. Reader's Digest Services Pty. Ltd.; Reader's Digest Services Pty. Ltd. v. Samuels* 4 S.A.S.R. 213 s. 5a. (2). *Rex v. Morgan. ex parte Home Benefits (Proprietary) Limited* (1938) S.A.S.R. 266 *Home Benefits Proprietary Limited v. Crafter; Household Benefits Proprietary Limited v. Crafter* (1938-1939) 61 C.L.R. 701; 13 A.L.J. 93 *Samuels v. The Reader's Digest Association Pty. Ltd.* 120 C.L.R. 1 *The Reader's Digest Association Pty. Ltd. v. Samuels* 4 S.A.S.R. 19 *Samuels v. Reader's Digest Services Pty. Ltd.; Reader's Digest Services Pty. Ltd. v. Samuels* 4 S.A.S.R. 213
Trustee Act, 1936-1974 (Vol. 11, p. 152)	s. 4. Amended by No. 55, 1980, s. 3 s. 5. Substituted by No. 55, 1980, s. 4 s. 5a. Enacted by No. 55, 1980, s. 4 s. 35. Amended by No. 55, 1980, s. 5 s. 49. *In re James deceased; Bagots Executor and Trustee Company Limited and another v. McGregor and others* (1949) S.A.S.R. 143 s. 57. Amended by No. 55, 1980, s. 6 ss. 59 and 59a. Repealed by No. 55, 1980, s. 7 s. 59b. *In re Barton, deceased* (1968) S.A.S.R. 242 *In re Dutton, deceased* (1968) S.A.S.R. 295 *Moran v. Moran and Others* 9 S.A.S.R. 447 s. 59c. Enacted by No. 55, 1980, s. 8 s. 60. *In the Matter of the Trusts of the Church of Saint Jude, Brighton* (1956) S.A.S.R. 46 *In re Hart, deceased* 3 S.A.S.R. 147 s. 67. *In re Dutton, deceased* (1968) S.A.S.R. 295 ss. 69a-69c. Enacted by No. 55, 1980, s. 9 s. 69a. *In the Estate of Cole, deceased* 25 S.A.S.R. 489 Part VA (ss. 84a-84f). Enacted by No. 55, 1980, s. 10 s. 94, Enacted by No. 55, 1980, s. 11
Unauthorised Documents Act, 1916 (Vol. 11, p. 206)	s. 3a. Enacted by No. 32, 1979, s. 2 s. 8. Amended by No. 32, 1979, s. 3
Unfair Advertising Act, 1970-1972 (Vol. 11, p. 237)	s. 3a. *Lyndon v. Coventry Motors Retailers Pty. Ltd. and Others* 11 S.A.S.R. 308 s. 3b. *Lyndon v. Coventry Motors Retailers Pty. Ltd. and Others* 11 S.A.S.R. 308
University of Adelaide Act, 1971-1972 (Vol. 11, p. 240)	s. 3. Amended by No. 40, 1978, s. 3 s. 4. *The University of Adelaide and the Adelaide University Union (Jurisdiction)* Case 43 S.A.I.R. 152 s. 6. Amended by No. 40, 1978, s. 4 s. 7. Amended by No. 40, 1978, s. 5 s. 8. Amended by No. 40, 1978, s. 6 s. 9. *The University of Adelaide and the Adelaide University Union (Jurisdiction)* Case 43 S.A.I.R. 152 s. 10. *The University of Adelaide and the Adelaide University Union (Jurisdiction)* Case 43 S.A.I.R. 152 s. 11. Amended by No. 40, 1978, s. 7 s. 12. Amended by No. 40, 1978, s. 8 *Graeme Evans v. University of Adelaide* (1973) S.A.S.R. 302 s. 13. Amended by No. 40, 1978, s. 9 s. 15. Amended by No. 40, 1978, s. 10 s. 16. Amended by No. 40, 1978, s. 11 s. 17. Amended by No. 40, 1978, s. 12 s. 18. Amended by No. 40, 1978, s. 13 s. 21. Amended by No. 40, 1978, s. 14 *The University of Adelaide and the Adelaide University Union (Jurisdiction)* Case 43 S.A.I.R. 152 s. 22. Amended by No. 40, 1978, s. 15 s. 23. Amended by No. 40, 1978, s. 16 s. 24. Amended by No. 40, 1978, s. 17 s. 29. Enacted by No. 40, 1978, s. 18
Urban Land (Price Control) Act, 1973 (Vol. 11, p. 262)	s. 5. Amended by No. 74, 1976, s. 2 s. 26. *Samuels v. Peter F. Burns Pty. Ltd.* 14 S.A.S.R. 88 s. 27a. Enacted by No. 74, 1976, s. 3 s. 28. Amended by No. 74, 1976, s. 4 s. 30. Amended by No. 74, 1976, s. 5
Valuation of Land Act, 1971-1975 (Vol. 11, p. 286)	s. 3. Amended by No. 91, 1981, s. 2 s. 4. Amended by No. 29, 1981, s. 5

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Valuation of Land Act, 1971-1975 (Vol. 11, p. 286)—*continued*	s. 5. Amended by No. 93, 1976, s. 2, and by No. 29, 1981, s. 6 *Harry v. The Valuer-General and The State of South The Valuer-General* 22 S.A.S.R. 247 *Beiler v. The Valuer-General* 23 S.A.S.R. 385 s. 6. Amended by No. 93, 1976, s. 3 s. 16. Amended by No. 93, 1976, s. 4 *Harry v. The Valuer-General and The State of South Australia* 12 S.A.S.R. 449 s. 22a. Enacted by No. 29, 1981, s. 7 Heading preceding s. 23. Substituted by No. 91, 1981, s. 3 s. 23. Amended by No. 91, 1981, s. 4 s. 24. Substituted by No. 91, 1981, s. 5
Vertebrate Pests Act, 1975 (Vol. 11, p. 307)	s. 8. Amended by No. 56, 1977, s. 2
Volunteer Fire Fighters Fund Act, 1949-1975 (Vol. 11, p. 362)	s. 3. Amended by No. 43, 1976, schedule
Water Resources Act, 1976 (1976, p. 125)	s. 5. Amended by No. 29, 1979, s. 3 and by No. 34, 1981, s. 60 s. 17. Amended by No. 34, 1981, s. 61 s. 19. Amended by No. 34, 1981, s. 62 s. 29. Amended by No. 92, 1976, s. 2 and by No. 29, 1979, s. 4 s. 32. Amended by No. 29, 1979, s. 5 s. 43. Amended by No. 92, 1976, s. 3 and by No. 29, 1979, s. 6 s. 45. Amended by No. 29, 1979, s. 7 s. 64. Amended by No. 92, 1976, s. 4 s. 65. Amended by No. 29, 1979, s. 8 s. 79. Amended by No. 29, 1979, s. 9
Waterworks Act, 1932-1975 (Vol. 11, p. 412)	s. 18. Amended by No. 18, 1978, s. 2 s. 38. Amended by No. 18, 1978, s. 3 s. 43. Amended by No. 18, 1978, s. 4 s. 45. Amended by No. 18, 1978, s. 5 s. 46. Amended by No. 18, 1978, s. 6 s. 49. Amended by No. 18, 1978, s. 7 s. 50. Amended by No. 18, 1978, s. 8 s. 52. Amended by No. 18, 1978, s. 9 s. 53. Amended by No. 18, 1978, s. 10 s. 55. Amended by No. 18, 1978, s. 11 s. 59. Amended by No. 18, 1979, s. 12 s. 60. Amended by No. 18, 1979, s. 13 s. 62. Amended by No. 18, 1979, s. 14 s. 63. Amended by No. 18, 1979, s. 15 s. 65. Amended by No. 18, 1978, s. 16 s. 66. Amended by No. 29, 1981, s. 19 s. 84a. Amended by No. 55, 1977, s. 5 s. 88. Amended by No. 10, 1981, s. 3
West Beach Recreation Reserve Act, 1954 (Vol. 11, p. 466	s. 27d. Amended by No. 10, 1981, s. 5
West Lakes Development Act, 1969 (Vol. 11, p. 478)	s. 3. *West Lakes Limited v. The State of South Australia* 25 S.A.S.R. 389 s. 15. *West Lakes Limited v. The State of South Australia* 25 S.A.S.R. 389 s. 16. *West Lakes Limited v. The State of South Australia* 25 S.A.S.R. 3
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Workmen's Liens Act, 1893-1964 (Vol. 11, p. 630)	s. 2. *Ready Mixed Concrete (S.A.) Proprietary Limited v. Constructions (Broken Hill) Proprietary Limited and others* (1936) S.A.S.R. 340 *Li Lian Tan v. Durham* (1966) S.A.S.R. 143 s. 5. *Albert Del Fabbro v. Wilckens and Burnside Pty. Ltd. (Receiver and Manager Appointed) and Arndale (Marion) Pty. Ltd.* (1971) S.A.S.R. 121 affirming *Albert Del Fabbro v. Wilckens and Burnside Pty. Ltd. (Receiver and Manager Appointed) and Arndale (Marion) Pty. Ltd.* 1970 S.A.S.R. 277 s. 6. *Metropolitan Brick Company v. Hayward and another* (1938) S.A.S.R. 462 *Albert Del Fabbro v. Wilckens and Burnside Pty. Ltd. (Receiver and Manager Appointed) and Arndale (Marion) Pty. Ltd.* (1971) S.A.S.R. 121 affirming *Albert Del Fabbro v. Wilckens and Burnside Pty. Ltd. (Receiver and Manager Appointed) and Arndale (Marion) Pty. Ltd.* 1970 S.A.S.R. 277 s. 7. *Albert Del Fabbro v. Wilckens and Burnside Pty. Ltd. (Receiver and Manager Appointed) and Arndale (Marion) Pty. Ltd.* (1971) S.A.S.R. 121 affirming *Albert Del Fabbro v. Wilckens and Burnside Pty. Ltd. (Receiver and Manager Appointed) and Arndale (Marion) Pty. Ltd.* 1970 S.A.S.R. 277 *W. Curl & Sons (Regd.) v. Buck Industries Pty. Ltd. and Dillingham Constructions Pty. Ltd.* 2 S.A.S.R. 335 s. 10. *In re Hawker* (1939) S.A.S.R. 426 *Albert Del Fabbro v. Wilckens and Burnside Pty. Ltd. (Receiver and Manager Appointed) and Arndale (Marion) Pty. Ltd.* (1971) S.A.S.R. 121 affirming *Albert Del Fabbro v. Wilckens and Burnside Pty. Ltd. (Receiver and Manager Appointed) and Arndale (Marion) Pty. Ltd.* 1970 S.A.S.R. 277 *Palyaris Constructions Pty. Ltd. v. Kauri Timber Co. Ltd.* 24 S.A.S.R. 41 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. 48. *Ready Mixed Concrete (S.A.) Proprietary Limited v. Constructions (Broken Hill) Proprietary Limited and others* (1963) S.A.S.R. 340
Wrongs Act, 1936-1975 (Vol. 11, p. 642)	s. 6. *Bunker v. James and Downland Publications Ltd.* 26 S.A.S.R. 286 s. 20. *Public Trustee v. Bednarczyk and Kijas* 1959 S.A.S.R. 178 *Li Lian Tan v. Durham* (1966) S.A.S.R. 143 *Groom v. Starling and Griffiths* (1967) S.A.S.R. 352 *Kemp and Others v. Piper* (1971) S.A.S.R. 25 *Toth v. Wolpe* 7 S.A.S.R. 574 *Wright v. Johnston* 25 S.A.S.R. 595 s. 22. *Groom v. Starling and Griffiths* (1967) S.A.S.R. 352 s. 23a. *Jurek v. Solomon* (1969) S.A.S.R. 279 s. 23b. *Meynell v. Zalitis and Kowad* (1960) S.A.S.R. 25 *Li Lian Tan v. Durham* (1966) S.A.S.R. 143 *Kemp and Others v. Piper* (1971) S.A.S.R. 25 s. 25. *Chapman v. Hearse* 35 A.L.J. 170 *Thomas v. Associated Galvanisers and Others; Electricity Trust of South Australia, Third Party* (1970) S.A.S.R. 136 *Monaghan v. Wardrope and Carroll Proprietary Limited and Others* (1970) S.A.S.R. 575 *Aakster v. H. A. Chambers Pty. Ltd.; The Broken Hill Proprietary Company Limited, Third Party* 3 S.A.S.R. 519 *Hunnerup v. Goodyear Tyre and Rubber Co. and John English Tyre Service* 7 S.A.S.R. 215 *Bakker v. Joppich and Bitumax Pty. Ltd* 25 S.A.S.R. 468 s. 25ca. *Thomas v. Associated Galvanisers and Others; Electricity Trust of South Australia. Third Party (No. 2)* (1971) S.A.S.R. 1 s. 26. *Bakker v. Joppich and Bitumax Pty. Ltd.* 25 S.A.S.R. 468 s. 27a. *Beck v. Mercantile Mutual Insurance Company and another* (1961) S.A.S.R. 311 *Teubner v. Humble* 36 A.L.J. 362, varying *Teubner v. Humble* (1962) S.A.S.R. 117 *Nesterczuk v. Mortimore* 39 A.L.J. 288; (1965) 115 C.L.R. 140 *Nathan and James v. Vos* (1970) S.A.S.R. 455 *Perotta v. Cavallo and Smith* (1971) S.A.S.R. 163 *Meadows and Meadows v. Maloney* 4 S.A.S.R. 567 *Hasaganic v. Minister of Education* (1963) 5 S.A.S.R. 554 *Venning v. Chin* 10 S.A.S.R. 299 *Hancock v. Commercial Union Assurance Company* 10 S.A.S.R. 185

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 and by-laws and to certain of the proclamations and notices made or given under that Act on or before 31st December, 1981. 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 made under each Act 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 where this can be clearly ascertained from them.

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 where this can be clearly ascertained from them.

The regulations, rules, by-laws, proclamations and notices referred to in this table are those made or issued on or before 31st December, 1981.

Abattoirs Act, 1911-1973 (*See* also Port Lincoln Abattoirs Act)

Administration: Committed to the Minister of Agriculture; *Gazette* 12th January, 1939, p. 74.

Commencement of Abattoirs Act Amendment Act, 1980: 12th February, 1981; *Gazette* 12th February, 1981, p. 359.

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; 28th October, 1976, p. 1474.

Regulations: *Gazette* 27th March, 1952, p. 657; 23rd August, 1973, p. 1009.

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; 15th July, 1965, p. 106; 18th November, 1965, p. 1808; 29th September, 1966, p. 1520; 12th January, 1967, p. 111; 17th April, 1969, p. 1131; 5th February, 1970, p. 598; 19th February, 1970, p. 798; 22nd April, 1971, p. 2187; 11th November, 1971, p. 1931; 10th January, 1973, p. 40; 28th February, 1980, p. 443; 20th November, 1980, p. 1954.

Regulations as to the Port Pirie Abattoirs: *Gazette* 28th August, 1958, p. 528; 4th May, 1961, p. 1043; 29th May, 1969, p. 1572; 28th May, 1970, p. 1955; 20th January, 1972, p. 156; 23rd December, 1980, p. 2373.

Aboriginal and Historic Relics Preservation Act, 1965

Commencement: 3rd August, 1967; *Gazette* 3rd August, 1967, p. 911.

Administration: Committed to the Minister of Environment and Planning; *Gazette* 18th June, 1981, p. 1840.

s. 16. Proclamations: *Gazette* 30th May, 1968, p. 1641; 25th July, 1968, p. 218; 22nd August, 1968, p. 487; 21st November, 1968, p. 2213; 2nd March, 1972, p. 738; 16th March, 1972, p. 888; 19th October, 1972, p. 1927; 15th February, 1973, p. 494; 10th May, 1973, p. 1994; 8th November, 1973, p. 2794; 14th October, 1976, p. 1268.

s. 17. Proclamations: *Gazette* 16th January, 1969, p. 162; 30th January, 1969, p. 339; 22nd April, 1971, p. 2184; 13th May, 1971, p. 2428; 17th June, 1971, p. 2924; 2nd September, 1971, p. 738; 16th September, 1971, p. 973; 23rd September, 1971, p. 1099; 7th October, 1971, p. 1338; 14th October, 1971, p. 1451; 4th November, 1971, p. 1816; 3rd December, 1971, p. 2299; 16th December, 1971, p. 2499; 10th February, 1972, p. 519; 10th February, 1972, p. 520; 25th May, 1972, p. 2031; 10th August, 1972, p. 1034; 17th August, 1972, p. 1171; 24th August, 1972, p. 1243; 31st August, 1972, p. 1328; 19th October, 1972, p. 1927; 7th December, 1972, p. 2535; 21st December, 1972, p. 2724; 8th February, 1973, p. 439; 15th February, 1973, p. 499; 22nd February, 1973, p. 631; 15th March, 1973, p. 945; 3rd May, 1973,

p. 1925; 31st May, 1973, p. 2319; 4th October, 1973, p. 2204; 20th March, 1975, p. 1086; 15th May, 1975, p. 1916; 4th December, 1975, p. 2993; 18th December, 1975, p. 3280; 24th June, 1976, p. 3169; 2nd September, 1976, p. 768; 13th January, 1977, p. 46.

Regulations: *Gazette* 27th August, 1970, p. 905.

Aboriginal Lands Trust Act, 1966-1975

Administration: Committed to the Minister for Aboriginal Affairs; *Gazette* 4th October, 1979, p. 871.
Commencement: 8th December, 1966; *Gazette* 8th December, 1966, p. 2152.
Commencement of Aboriginal Lands Trust Act Amendment Act, 1973: 8th November, 1973; *Gazette* 8th November, 1973, p. 2795.

Acts Interpretation Act, 1915-1975

Commencement of Acts Interpretation Act Amendment Act, 1972: 14th December, 1972; *Gazette* 14th December, 1972, p. 2630.

Adelaide College of the Arts and Education Act, 1978

Administration: Committee to the Minister of Education; *Gazette* 19th July, 1979, p. 168.
Commencement: 1st January, 1979; *Gazette* 14th December, 1978, p. 2219.

Adelaide Festival Centre Trust Act, 1971-1976

Commencement: 9th December, 1971; *Gazette* 9th December, 1971, p. 2371.
Commencement of Adelaide Festival Centre Trust Act Amendment Act, 1973: 13th December, 1973; *Gazette* 13th December, 1973, p. 3266.
Commencement of Adelaide Festival Centre Trust Act Amendment Act, 1974: 12th December, 1974; *Gazette* 12th December, 1974, p. 3648.
Commencement of Adelaide Festival Centre Trust Act Amendment Act, 1976: 23rd December, 1976; *Gazette* 23rd December, 1976, p. 2321.
Administration: Committed to the Minister of the Environment; *Gazette* 18th September, 1979, p. 768.
s. 31. Proclamation: 21st August, 1975, p. 994.
Regulations: *Gazette* 20th December, 1973, p. 3436; 13th June, 1974, p. 2336.

Adelaide Festival Theatre Act, 1964-1974

Commencement of Adelaide Festival Theatre Act Amendment Act, 1973: 13th December, 1973; *Gazette* 13th December 1973, p. 3266.

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, 1919-1980

Commencement of Administration and Probate Act Amendment Act, 1956: 7th December, 1956; *Gazette* 6th December, 1956, p. 1278.
Commencement of Administration and Probate Act Amendment Act, 1972: 18th May, 1972; *Gazette* 18th May, 1972, p. 1926.
Commencement of Administration and Probate Act Amendment Act, 1975: 10th April, 1975; *Gazette* 10th April, 1975, p. 1442.
Commencement of Administration and Probate Act Amendment Act (No. 2), 1975: 29th January, 1976; *Gazette* 29th January, 1976, p. 356.
Commencement of Administration and Probate Act Amendment Act, 1978 (Commencement of ss. 9 and 17 suspended): 6th September, 1979; *Gazette* 6th September, 1979, p. 572.
Commencement of s. 17 of Administration and Probate Act Amendment Act, 1978: 1st October, 1979; *Gazette* 13th September, 1979, p. 645.
Commencement of s. 9 of Administration and Probate Act Amendment Act, 1978: 31st July, 1980; *Gazette* 31st July, 1980, p. 372.
Commencement of Administration and Probate Act Amendment Act, 1980: 31st July, 1980; *Gazette* 31st July, 1980, p. 372.
Administration: Committed to the Attorney-General; *Gazette* 21st February, 1980, p. 364: Attorney-General's powers and functions contained in Part IV delegated to the Minister of Consumer Affairs; *Gazette* 28th February, 1980, p. 422 (republished from 21st February, 1980, p. 366).
Rules of the Supreme Court: *Gazette* 21st December, 1967 p. 2623; 19th December, 1968, p. 2674; 20 August, 1970, p. 860; 23rd December, 1971, p. 2652; 31st May, 1973, p. 2324; 20th March, 1975, p. 1097; 17th April, 1975, p. 1580; 15th May, 1975, p. 1921; 7th August, 1975, p. 784; 3rd February, 1977, p. 283; 1st September, 1977, p. 1042 (reprinted 20th October, 1977, p. 1187); 28th February, 1980, p. 428.
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; 19th September, 1968, p. 857; 15th June, 1972, p. 2353; 3rd October, 1974, p. 2542; relating to fees payable for Royal licence to apply for probate of deceased enemy subject's estate: *Gazette* 18th January, 1940, p. 73.

Administration of Acts Act, 1910-1979

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.

Adoption of Children Act, 1966-1978

Commencement: 2nd November, 1967; *Gazette* 2nd November, 1967, p. 1964.
Commencement of Adoption of Children Act Amendment Act, 1975: 29th January, 1976; *Gazette* 29th January, 1976, p. 356.
Commencement of Adoption of Children Act Amendment Act, 1978: 10th August, 1978; *Gazette* 10th August, 1978 p. 467.
Administration: Committed to the Minister of Community Welfare; *Gazette* 3rd May, 1979, p. 1313.
s. 19. Arrangement with respect to Northern Territory, dated 24th February, 1953.
Regulations: *Gazette* 10th August, 1978, p. 477; 27th March, 1980, p. 689.
Rules of Court were made on 23rd December, 1926, but have not been published in the *Gazette*.

Advances to Settlers Act, 1930-1972

Regulations: 2nd April, 1953, p. 689; 16th October, 1958, p. 1074.

Aged and Infirm Persons' Property Act, 1940-1975

Commencement of Aged and Infirm Persons' Property Act Amendment Act, 1965: 27th January, 1966; *Gazette* 27th January, 1966, p. 145.
Rules of Supreme Court: *Gazette* 22nd May, 1975, p. 1996.

Aged Citizens Clubs (Subsidies) Act, 1963-1971

Administration: Committed to the Minister of Health; *Gazette* 5th April, 1973, p. 1289.

Agent-General Act, 1901-1975

Commencement of Agent-General Act Amendment Act, 1973: 20th September, 1973; *Gazette* 20th September, 1973, p. 2053.
Administration: Committed to the Premier; *Gazette* 5th July, 1979, p. 3.

Age of Majority (Reduction) Act, 1970-1974

Commencement: 15th April, 1971; *Gazette* 15th April, 1971, p. 1598.

Agricultural Chemicals Act, 1955-1978

Commencement: 1st July, 1957; *Gazette* 27th June, 1957, p. 1564.
s. 4 (3). Proclamations: *Gazette* 27th June, 1957, p. 1564; 21st August, 1968, p. 442; 20th December, 1973, p. 3336, p. 3340.
Regulations: 8th March, 1962, p. 492; 10th September, 1964, p. 926; 21st January, 1965, p. 102; 27th May, 1965, p. 1305; 20th December, 1973, p. 3425; 15th January, 1976, p. 183; 23rd July, 1976, p. 222; 30th June, 1977, p. 1857; 21st February, 1980, p. 371.

Agricultural Graduates Land Settlement Act, 1922-1978

Administration: Committed to the Minister of Lands; *Gazette* 29th June, 1978, p. 2234.
Regulations: *Gazette* 7th April, 1926, p. 979; 26th April, 1928, p. 870.

Agricultural Seeds Act, 1938-1975

Commencement: 22nd June, 1939; *Gazette* 22nd June, 1939, p. 1458.
Administration: Committed to the Minister of Agriculture; *Gazette* 14th June, 1979, p. 1824.
Regulations: *Gazette* 15th December, 1960, p. 1662; 15th December, 1966, p. 2235; 11th September, 1969, p. 791; 16th November, 1972, p. 2341; 20th December, 1973, p. 3432; 15th April, 1976, p. 1982; 7th February, 1980, p. 268.

Air Navigation Act, 1937

Commencement: 12th January, 1938; *Gazette* 13th January, 1938, p. 53.

Alcohol and Drug Addicts (Treatment) Act, 1961-1978

Commencement: 1st January, 1965; *Gazette* 3rd December, 1964, p. 1715.
Administration: Committed to the Chief Secretary; *Gazette* 15th July, 1965, p. 103: Committed to the Minister of Health; *Gazette* 22nd March, 1973.
Regulations: *Gazette* 24th March, 1977, p. 893; 22nd March, 1979, p. 741.

Alsatian Dogs Act, 1934-1980

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; 13th September, 1979, p. 654; 10th July, 1980, p. 126; 4th December, 1980, p. 2030; 25th June, 1981, p. 1925.

Anatomy Act, 1884-1954

Administration: Committed to the Minister of Health; *Gazette* 5th April, 1973, p. 1289.
s. 3. Proclamation: *Gazette* 17th January, 1974, p. 111.

Apiaries Act, 1931-1974

Commencement: 22nd January, 1932; *Gazette* 21st January, 1932, p. 67.
Commencement of Apiaries Act Amendment Act, 1974: 30th June, 1975; *Gazette* 26th June, 1975, p. 2460.
Administration: Committed to the Minister of Agriculture; *Gazette* 16th June, 1932, p. 1067.
s. 3. Proclamation: *Gazette* 26th June, 1975, p. 2460; 31st March, 1977, p. 1007.
s. 11. Proclamations: *Gazette* 19th May, 1932, p. 899; 30th November, 1933, p. 1091; 4th February, 1937, p. 229; 9th February, 1939, pp. 373, 374; 19th November, 1942, p. 1015.
Regulations: *Gazette* 25th March, 1965, p. 677; 20th December, 1973, p. 3429; 26th June, 1975, p. 2562.

Appraisers Act, 1934-1961

Administration: Committed to the Minister of Consumer Affairs; *Gazette* 21st February, 1980, p. 364.

Apprentices Act, 1950-1978

Commencement: 25th January, 1951; *Gazette* 25th January, 1951, p. 115.
Commencement of Apprentices Act Amendment Act, 1971: 1st February, 1972; *Gazette* 27th January, 1972, p. 230.
Commencement of Apprentices Act Amendment Act, 1978: 30th March, 1978; *Gazette* 30th March, 1978, p. 1037.
Administration: Committed to the Minister of Industrial Affairs; *Gazette* 18th September, 1979, p. 768.
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 December, 1966, p. 2057; 4th January, 1968, p. 43; 4th February, 1971, p. 355; 3rd February, 1972, p. 431; 3rd February, 1972, p. 432; 24th July, 1980, p. 293; 21st August, 1980, p. 582.
s. 16 (3). Proclamations: *Gazette* 14th May, 1970, p. 1729; 10th September, 1970, p. 1102.
s. 18. Notices: *Gazette* 24th May, 1951, p. 1124; 24th December, 1970, p. 2872; 4th February, 1971, p. 356.
s. 20. Notices: *Gazette* 13th December, 1962, p. 1741; 17th April, 1969, p. 1093.
Regulations: *Gazette* 19th June, 1952, p. 1324; 29th September, 1960, p. 849; 20th October, 1966, p. 1731; 15th February, 1968, p. 456; 6th February, 1969, p. 412; 22nd January, 1970, p. 258; 24th December, 1970, p. 2944; 4th February, 1971, p. 360; 27th January, 1970, p. 258; 24th December, 1970, p. 2944; 4th February, 1971, p. 360; 27th January, 1972, p. 373; 11th January, 1973, p. 111; 17th May, 1973, p. 2096; 20th December, 1973, p. 3433; 21st August, 1975, p. 1004; 9th December, 1976, p. 1886; 8th September, 1977, p. 660; 4th December, 1980, p. 2029.

Arbitration Act, 1891-1974

Commencement of Arbitration Act Amendment Act, 1974: 24th October, 1974; *Gazette* 24th October, 1974, p. 2758.
Rules of the Local Court: *Gazette* 8th July, 1909, p. 42; 5th March, 1964, p. 522.

Architects Act, 1939-1976

Commencement: 1st March, 1940; *Gazette* 15th February, 1940, p. 369.
Commencement of Architects Act Amendment Act, 1975; 31st March, 1977; *Gazette* 31st March, 1977, p. 998.
Commencement of Architects Act Amendment Act, 1976; 31st March, 1977; *Gazette* 31st March, 1977, p. 998.
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; 31st March, 1977, p. 999; 24th August, 1978, p. 616.
s. 28. Notices: 31st March, 1977, p. 1005; 10th April, 1980, p. 958.

Art Gallery Act, 1939-1980

Commencement: 1st February, 1940: *Gazette* 18th January, 1940, p. 69.
Commencement of Art Gallery Act Amendment Act, 1973: 11th July 1974; *Gazette* 11th July 1974; p. 99.
Commencement of Art Gallery Act Amendment Act, 1975: 13th November 1975; *Gazette* 13th November 1975, p. 2430
Commencement of Art Gallery Act Amendment Act, 1978: 6th July, 1978; *Gazette* 6th July, 1978, p. 5
Commencement of Art Gallery Act Amendment Act, 1979: 22nd November, 1979; *Gazette* 22nd November, 1979, p. 1310.
Commencement of Art Gallery Act Amendment Act, 1980: 14th August 1980; *Gazette* 14th August, 1980, p. 525.
Administration: Committed to the Minister of Arts; *Gazette* 18th September, 1979, p. 768.
Regulations: *Gazette* 7th March, 1968, p. 774; 20th July, 1978, p. 204; 5th July, 1979, p. 8.

Artificial Breeding Act, 1961-1978

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.
Administration: Committed to the Minister of Corporate Affairs; *Gazette* 18th September, 1979, p. 768.
Regulations: *Gazette* 28th February, 1957, p. 420.

Auctioneers Act, 1934-1961

Commencement: 1st January, 1935; *Gazette* 20th December, 1934, p. 1217.
Administration: Committed to the Minister of Consumer Affairs; *Gazette* 21st February, 1980, p. 364.

Audit Act, 1921-1975

Commencement: 29th March, 1923: *Gazette* 29th March, 1923, p. 690.
Commencement of Audit Act Amendment Act, 1981: 1st July, 1981; *Gazette* 25th June, 1981, p. 1896.
Regulations: *Gazette* 31st October, 1940, p. 921; 16th February, 1978, p. 604; 19th June, 1980, p. 1667.

Australia and New Zealand Banking Group Act, 1970

Appointment of day for purposes of Act: 1st October, 1970; *Gazette* 24th September, 1970, p. 1305.

The Australian Mineral Development Laboratories Act, 1959-1978.

Commencement: 1st January, 1960; *Gazette* 17th December, 1959, p. 1504.
Commencement of Australian Mineral Development Laboratories Act Amendment Act, 1963: 26th March, 1964; *Gazette* 26th March, 1964, p. 694.
Commencement of Australian Mineral Development Laboratories Act Amendment Act, 1978: 21st December, 1978; *Gazette* 21st December, 1978, p. 2305.
Administration: Committed to the Minister of Mines and Energy; *Gazette* 4th September 1975, p. 1277.

Bakehouses Registration Act, 1945-1973

Commencement: 7th March, 1946; *Gazette* 7th March, 1946, p. 385.
Commencement of Part IV of the Industrial Code, 1967 (which amended the Bakehouses Registration Act, 1945-1967): 1st November, 1968; *Gazette* 10th October, 1968, p. 1132.
Administration: Committed to the Minister of Health; *Gazette* 5th April, 1973, p. 1289.
Regulations: *Gazette* 7th March, 1946, p. 424; 27th June, 1946, p. 1150; 3rd June, 1948, p. 1190; 14th July, 1977, p. 101.

The Bank of Adelaide (Merger) Act, 1980

s. 2, "the appointed day": 1st October, 1980; *Gazette* 18th September, 1980, p. 874.

Barley Marketing Act, 1947-1980

Commencement: 16th September, 1948; *Gazette* 16th September, 1948, p. 1068
Commencement of Barley Marketing Act Amendment Act, 1971: 9th December, 1971; *Gazette* 9th December, 1971, p. 2370.
Commencement of Barley Marketing Act Amendment Act, 1972: 1st July, 1973; *Gazette* 7th June, 1973, p. 2423.
Commencement of Barley Marketing Act Amendment Act, 1977: 23rd February, 1978; *Gazette* 23rd February, 1978, p. 673.
Administration: Committed to the Minister of Agriculture; 14th June, 1979, p. 1824.
s. 5. Proclamation: *Gazette* 23rd November, 1978, p. 2046.
Regulations as to the election of the Australian Barley Board: *Gazette* 29th June, 1978, p. 2254.
General regulations: *Gazette* 11th November, 1948, p. 1498.

Beef Industry Assistance Act, 1975

Commencement: 11th September 1975; *Gazette* 11th September, 1975, p. 1427.
Administration: Committed to the Minister of Agriculture; *Gazette* 15th September, 1977, p. 727.

Benefit Associations Act, 1958-1974

Commencement: 1st May, 1959; *Gazette* 26th March, 1959, p. 647.
Administration: Committed to the Minister of Health; *Gazette* 26th April, 1979, p. 1224.
s. 3. Proclamations: *Gazette* 11th June, 1959, p. 1196; 21st April, 1960, p. 1167.
Regulations: *Gazette* 18th June, 1959, p. 1257; 2nd September, 1965, p. 867; 8th January, 1970, p. 11; 11th September, 1969, p. 799.

Beverage Container Act, 1975-1976

Commencement: 1st January, 1977, *see* Beverage Container Act Amendment Act (No. 2), 1976, s. 2.
Administration: Committed to the Minister of Environment and Planning; *Gazette* 18th June, 1981, p. 1840.
Appointed day for purposes of s. 5: 1st July, 1977; *Gazette* 4th November, 1976, p. 1458.
Regulations: 23rd December, 1976, p. 2380; 2nd June, 1977, p. 1596; 23rd June, 1977, p. 1763; 31st July, 1980, p. 392; 26th March, 1981, p. 802; 1st October, 1981, p. 1104; 5th November, 1981, p. 1441.

Bills of Sale Act, 1836-1972

Commencement of Bills of Sale Act Amendment Act, 1970: 15th February, 1971; *Gazette* 28th January, 1971, p. 283.
Commencement of Bills of Sale Act Amendment Act, 1972: 1st November, 1973; *Gazette* 6th September, 1973, p. 1899.
Regulations appointing fees payable to the Registrar-General: *Gazette* 9th January, 1941, p. 31; 5th September, 1968, p. 696; 28th January, 1971, p. 285.

Births, Deaths and Marriages Registration Act, 1966-1975

Commencement: 1st January, 1968; *Gazette* 5th October, 1967, p. 1623.
Commencement of Births, Deaths and Marriages Registration Act Amendment Act, 1972: 11th May, 1972; *Gazette* 11th May, 1972, p. 1759.
Commencement of Births, Deaths and Marriages Act Amendment Act, 1975: 29th January, 1976; *Gazette* 29th January, 1976, p. 356.
Administration: Committed to the Minister of Consumer Affairs; *Gazette* 20th September, 1979, p. 771.
Regulations: *Gazette* 5th September, 1968, p. 696; 21st December, 1972, p. 2751; 5th February, 1976, p. 471, p. 472; 25th June, 1981, p. 1976.
Rules of Supreme Court: *Gazette* 22nd May, 1975, p. 1995.

Boating Act, 1974-1980

Commencement: 16th January, 1975: (Part II suspended until 1st September, 1975: Part III suspended until 1st June, 1976); *Gazette* 9th January, 1975, p. 138.
Commencement of Boating Act Amendment Act, 1975: 5th August, 1976; *Gazette* 5th August, 1976, p. 322.
Commencement of Boating Act Amendment Act, 1978: 1st November, 1979; *Gazette* 1st November, 1979, p. 1104.
Commencement of Boating Act Amendment Act, 1980: 1st August, 1980; *Gazette* 24th July, 1980, p. 294.
ss. 8 and 11. Proclamations: *Gazette* 23rd December, 1976, p. 2375; 24th March, 1977, p. 885; 1st November, 1979, p. 1104 (two).
Regulations: *Gazette* 16th January, 1975, p. 153; 25th October, 1977, p. 1257; 13th July, 1978, p. 1214; 1st November, 1979, p. 1145; 29th November, 1979, p. 1840; 5th February, 1981, p. 318.
Caloote Landing Zoning Regulations, 1981: *Gazette* 16th April, 1981, p. 1166.
Glenelg River Zoning Regulations: *Gazette* 19th January, 1978, p. 324; 20th July, 1978, p. 203.
Lake Fellmongery (Robe) Zoning Regulations: *Gazette* 20th December, 1979, p. 2386.
Point Turton Zoning Regulations: *Gazette* 18th December, 1980, p. 2345.
River Murray (Blanchetown) Zoning Regulations: *Gazette* 12th May, 1977, p. 1367.
River Murray (Goolwa) Zoning Regulations: *Gazette* 7th April, 1977, p. 1081.
River Murray (Morgan and Cadell) Zoning Regulations: *Gazette* 19th May, 1977, p. 1420.
River Murray (Murray Bridge) Zoning Regulations: *Gazette* 6th November, 1975, p. 2351; 13th November, 1975, p. 2441.
Regulations relating to Valley Lake (Mount Gambier): *Gazette* 11th March, 1976, p. 2375.
Swan Reach Zoning Regulations: *Gazette* 15th October, 1981, p. 1233.

Boilers and Pressure Vessels Act, 1968-1978

Commencement: 1st June, 1970; *Gazette* 21st May, 1970, p. 1844.
Commencement of Part V of Boilers and Pressure Vessels Act, 1968: 1st June, 1971; *Gazette* 6th August, 1970, p. 494.
Commencement of Boiler and Pressure Vessels Act Amendment Act, 1971: 1st December, 1972; *Gazette* 2nd November, 1972, p. 2134.
Commencement of Boilers and Pressure Vessels Act Amendment Act, 1978: 1st March, 1980; *Gazette* 31st January, 1980, p. 193.
Administration: Committed to the Minister of Industrial Affairs; *Gazette* 18th September, 1979, p. 768.
s. 8. Proclamations: *Gazette* 31st January, 1980, p. 193; 6th November, 1980, p. 1325; 5th February, 1981, p. 306.
Boilers and Pressure Vessels Regulations, 1970: *Gazette* 21st May, 1970, p. 1855; 29th June, 1972, p. 2746; 2nd November, 1972, p. 2190; 24th July, 1975, p. 567; 20th May, 1976, p. 2647, revoked by Boilers and Pressure Vessels Regulations, 1979; 25th June, 1981, p. 1931; 19th November, 1981, p. 1598.
Boilers and Pressure Vessels Regulations, 1979: *Gazette* 31st January, 1980, p. 207.

Book Purchasers Protection Act Repeal Act, 1979

Commencement: By virtue of section 2 this Act came into operation on 1st November, 1979, the day on which the Door to Door Sales Act Amendment Act, 1979 (*q.v.*) came into operation.
Administration: Committed to the Minister of Consumer Affairs; *Gazette* 20th September, 1979, p. 771.

Botanic Gardens Act, 1978

Commencement: 5th October, 1978; *Gazette* 5th October, 1978, p. 1106.
Administration: Committed to the Minister of Environment and Planning; *Gazette* 18th June, 1981, p. 1840.
Regulations: *Gazette* 26th October, 1978, p. 1363; 21st February, 1980, p. 374.

Branding of Pigs Act, 1964-1966

Administration: Committed to the Minister of Agriculture; *Gazette* 14th June, 1979, p. 1824.
s. 5. *Gazette* 12th January, 1967, p. 50.
Regulations: *Gazette* 12th January, 1967, p. 53; 20th December, 1973, p. 3427.

Brands Act, 1933-1976

Commencement of section 5 of Brands Act Amendment Act, 1955: 1st August, 1960; *Gazette* 24th September 1959, p. 759.
Commencement of Brands Act Amendment Act, 1976: 20th January, 1977; *Gazette* 20th January, 1977, p. 99.
Administration: Committed to the Minister of Agriculture; *Gazette* 3rd January, 1935, p. 1.
ss. 14 and 18. Notice: *Gazette* 16th February, 1956, p. 301.
ss. 22 (4). Proclamation: *Gazette* 24th December, 1936, p. 1322.
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; 24th March, 1977, p. 894.

Bread Act, 1954-1974

Commencement of Bread Act Amendment Act, 1972: 27th September, 1973; *Gazette* 27th September, 1973, p. 2129.
Administration: Committed to the Minister of Health; *Gazette* 5th April, 1973, p. 1289.
Regulations: *Gazette* 15th December, 1955, p. 1442; 26th July, 1956, p. 196; 28th July, 1966, p. 295; 19th September, 1974, p. 2265; 14th July, 1977, p. 94.

Broadening of Gauge (South-Eastern Railways) Act, 1944

Commencement: 15th February, 1945; *Gazette* 15th February, 1945, p. 271.

Broken Hill Proprietary Company's Indenture Act, 1937-1940

Administration: Committed to the Minister of Mines and Energy; *Gazette* 4th September, 1975, p. 1277.

Broken Hill Proprietary Company's Steel Works Indenture Act, 1958

Commencement: 12th December, 1958; *Gazette* 18th December, 1958, p. 1635.
Administration: Committed to the Minister of Mines and Energy; *Gazette* 4th September, 1975, p. 1278.

Builders Licensing Act, 1967-1980

Commencement: 22nd February, 1968; *Gazette* 22nd February, 1968, p. 516.
Commencement of Builders' Licensing Act Amendment Act, 1973: 1st May, 1974; *Gazette* 29th April 1974, p. 1605.
Commencement of Builders' Licensing Act Amendment Act, 1974: 1st January, 1975; *Gazette* 19th December, 1974, p. 3766. (Operation of Sections 14 and 15 to be fixed by subsequent proclamation).
Commencement of sections 14 and 15 of Builders Licensing Act Amendment Act, 1974 (except so much of s. 14 as inserts Part III in the principal Act): 1st September 1975; *Gazette* 14th August, 1975, p. 884.
Commencement of Builders' Licensing Act Amendment Act, 1976: 24th January, 1977; *Gazette* 20th January, 1977 (Operation of ss. 4, 11a and 12 suspended until 1st July, 1977).
Commencement of Builders' Licensing Act Amendment Act, 1980: 1st July, 1980; *Gazette* 26th June, 1980, p. 1717.
Declaration of appointed day for the purposes of s. 21: 1st May, 1971; *Gazette* 8th April, 1971, p. 1478.
Administration: Committed to the Minister of Consumer Affairs; *Gazette* 20th September, 1979, p. 771.
Regulations: *Gazette* 11th April, 1968, p. 1196; 8th April, 1971, p. 1557; 29th June, 1972, p. 2978; 5th October, 1972, p. 1811; 29th April, 1974, p. 1606; 7th October, 1976, p. 1222; 10th March, 1977, p. 765; 31st March, 1977, p. 1041; 14th April, 1977, p. 1123; 19th May, 1977, p. 1418; 22nd September, 1977, p. 818; 13th October, 1977, p. 1122; 25th May, 1978, p. 1838; 2nd July, 1981, p. 17.
Rules of Court: *Gazette* 24th June, 1971, p. 3083.

Building Act, 1970-1976

Commencement: 1st January, 1974; *Gazette* 12th April, 1973, p. 1460.
Commencement of Building Act Amendment Act (No. 2), 1976: 1st July, 1976; *Gazette* 1st July 1976, p. 9.
Administration: Committed to the Minister of Local Government; *Gazette* 19th April, 1979, p. 1030.
s. 5. Proclamations: *Gazette* 4th July, 1974, p. 3; 19th September, 1974, p. 2558; 5th December, 1974, p. 3559, p. 3560 (two); 6th February, 1975, p. 410 (two), p. 411, p. 412 (two), p. 413; 20th February, 1975, p. 577; 20th March, 1975, p. 1087, p. 1088; 10th April, 1975, p. 1441; 15th May, 1975, p. 1914 (two); 17th July, 1975, p. 310; 24th July, 1975, p. 554; 31st July, 1975, p. 676; 5th February, 1976, p. 460, p. 461; 8th April, 1976, p. 1892, p. 1895; 20th May, 1976, p. 2619; 17th June, 1976, p. 3056 (two), p. 3057 (two), p. 3058; 5th August, 1976, p. 323, p. 324; 26th August, 1976, p. 658; 16th September, 1976, p. 890, p. 891; 2nd December, 1976, p. 1811; 17th March, 1977, p. 828; 12th May, 1977, p. 1359; 27th April, 1978, p. 1482; 6th July, 1978, p. 4; 20th July, 1978, p. 190; 6th March, 1980, p. 472; 16th October, 1980, p. 1153
Regulations: 12th April, 1973, p. 1475 (The Building Regulations, 1973); 29th November, 1973, p. 3069; 26th April, 1974, p. 1551; 4th December, 1975, p. 2997; 27th May, 1976, p. 2770; 23rd December, 1976, p. 2383; 28th April, 1977, p. 1217; 28th July, 1977, p. 242; 12th January, 1978, p. 81 (Consolidation); 20th July, 1978, p. 205; 14th December, 1978, p. 2228; 7th February, 1980, p. 271; 1st May, 1980, p. 1177; 13th November, 1980, p. 1885; 20th November, 1980, p. 1932; 1st October, 1981, p. 1109; 23rd December, 1981, p. 2520.

Building Contracts (Deposits) Act, 1953-1954

Administration: Committed to the Minister of Consumer Affairs; *Gazette* 21st February, 1980, p. 364.

Building Societies Act, 1975-1976

Commencement: 17th April, 1975; *Gazette* 17th April, 1975, p. 1511.
Commencement of Building Societies Act Amendment Act: 21st May, 1981; *Gazette* 21st May, 1981, p. 1503.
Administration: Committed to the Minister of Consumer Affairs; *Gazette* 20th September, 1979, p. 771.
Regulations: *Gazette* 26th June, 1975, p. 2471; 29th January, 1976, p. 368; 23rd February, 1978, p. 682; 22nd June, 1978, p. 2184; 21st February, 1980, p. 372; 20th August, 1981, p. 677; 23rd December, 1981, p. 2504.

Bulk Handling of Grain Act, 1955-1977

Commencement of Bulk Handling of Grain Act Amendment Act, 1977: 23rd February, 1978; *Gazette* 23rd February, 1978, p. 673.
Regulations: *Gazette* 2nd April, 1964, p. 733; 24th September, 1964, p. 1038.

Bus and Tramways Act, 1935-1978

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; 22nd September, 1966, p. 1438; 27th October, 1966, p. 1753; 31st October, 1968, p. 1400; 5th February, 1970, p. 598; 25th February, 1971, p. 824; 25th January, 1973, p. 349; 19th April, 1973, p. 1781; 7th February, 1974, p. 390; 21st February, 1974, p. 546; 23rd January, 1975, p. 316; 13th March, 1975, p. 969; 22nd April, 1976, p. 2091.

Bush Fires Act, 1960-1976 ***see also*** **Country Fires Act, 1976**—*continued*

Commencement: 1st July, 1961; *Gazette* 4th May, 1961, p. 1041.
Commencement of Bush Fires Act Amendment Act, 1972: 1st January, 1973; *Gazette* 21st December 1972, p. 2723.
Administration: Committed to the Minister of Agriculture; *Gazette* 27th July, 1961, p. 531.
Regulations: *Gazette* 1st June, 1961, p. 1252; 24th December, 1969, p. 2109; 15th January, 1970, p. 121; 22nd October, 1970, p. 1787; 13th December, 1974, p. 3744; 16th October, 1975, p. 2023; 9th December, 1976, p. 1891.

Bush Fires Act, 1960-1976 *see also* **Country Fires Act, 1976**—*continued*

Definitions of Boundaries of Meteorological Districts in South Australia (section 65): *Gazette* 30th September, 1971, p. 1230.
Rules of Court under section 77: *Gazette* 4th November, 1965, p. 1642.
s. 27a. Notices: *Gazette* 11th January, 1973, p. 105; 12th July, 1973, p. 119; 2nd August, 1973, p. 831; 31st January, 1974, p. 371; 26th June, 1975, p. 2463; 21st October, 1976, p. 1444; 16th December, 1976, p. 2256.

Business Franchise (Petroleum Products) Act, 1979

Commencement: 1st October, 1979; *Gazette* 16th August, 1979, p. 386.
Administration: Committed to the Treasurer; *Gazette* 16th August, 1979, p. 386.
Regulations: *Gazette* 16th August, 1979, p. 393; 4th December, 1980, p. 2031 (corrigendum 18th December, 1980, p. 2322).

Business Franchise (Tobacco) Act, 1974-1978

Commencement: 5th December, 1974; *Gazette* 5th December, 1974, p. 3558.
Administration: Committed to the Treasurer; *Gazette* 6th February, 1975, p. 413.
s. 14. Notice: 10th July, 1980, p. 121.
Regulations: *Gazette* 20th March, 1975, p. 1100; 12th April, 1979, p. 982.

Business Franchises (Miscellaneous Provisions) Act, 1975

Commencement: 11th September, 1975; *Gazette* 11th September, 1975, p. 1426.

Business Names Act, 1963

Commencement: 1st July, 1964; *Gazette* 21st May, 1964, p. 1063.
Administration: Committee to the Minister of Corporate Affairs; *Gazette* 18th September, 1979, p. 768.
s. 9. Declaration by Attorney-General: *Gazette* 19th June, 1975, p. 2329.
Regulations: *Gazette* 21st May, 1964, p. 1068; 20th April, 1967, p. 1349; 7th December, 1967, p. 2518; 27th October, 1977, p. 1318; 22nd January, 1981, p. 179.

Canned Fruits Marketing Act, 1980

Commencement: 26th June, 1980; *Gazette* 26th June, 1980, p. 1717 (corrigendum 17th July, 1980, p. 232).
Administration: Committed to the Minister of Agriculture; *Gazette* 26th June, 1980, p. 1717.

Cattle Compensation Act, 1939-1979

Commencement: 1st March, 1940; *Gazette* 15th February, 1940, p. 369.
Commencement of Cattle Compensation Act Amendment Act, 1971: 1st January, 1972; *Gazette* 23rd December, 1971, p. 2628.
Commencement of Cattle Compensation Act Amendment Act, 1972: 1st July, 1974; *Gazette* 13th June, 1974, p. 2332.
Commencement of Cattle Compensation Act Amendment Act, 1976: 20th January, 1977; *Gazette* 20th January, 1977, p. 100.
Commencement of Cattle Compensation Act Amendment Act, 1979: 22nd November, 1979; *Gazette* 22nd November 1979, p. 1309.
Administration: Committed to the Minister of Agriculture; *Gazette* 15th February, 1940, p. 369.
s. 4. Proclamations: *Gazette* 4th November, 1976, p. 1548; 27th April, 1978, p. 1480.
Regulations: *Gazette* 15th February, 1940, p. 403; 17th May, 1979, p. 1462; 22nd November, 1979, p. 1321.

Chaff and Hay Act, 1922-1975

Administration: Committed to the Minister of Agriculture; *Gazette* 14th June, 1979, p. 1824.
Regulations: *Gazette* 17th November, 1938, p. 1269; 20th December, 1973, p. 3430.

Chaff and Hay (Acquisition) Act, 1944

Administration: Committed to the Minister of Agriculture; *Gazette* 5th October, 1944, p. 415.
s. 5. Proclamation: *Gazette* 12th October, 1944, p. 447.
Regulations: *Gazette* 19th October, 1944, p. 514.

Children's Protection and Young Offenders Act, 1979-1980

Commencement: 1st July, 1979; *Gazette* 28th June, 1979, p. 1951 (Operation of ss. 9 (3), (6), 50 (2), (3) and so much of the schedule as relates to the Guardianship of Infants Act, 1940-1975, suspended until a day to be fixed by subsequent proclamation).
Commencement of Children's Protection and Young Offenders Act Amendment Act, 1980: 3rd July, 1980; *Gazette* 3rd July, 1980, p. 3.
Commencement of s. 50 (2): 19th February, 1981; *Gazette* 19th February, 1981, p. 455.
Administration: Committed to the Attorney-General; 13th December, 1979, p. 1986.
Regulations: 28th June, 1979, p. 1957; 10th July, 1980, p. 123; 11th December, 1980, p. 2127; 16th April, 1981, p. 1165.
Rules of Court: 28th June, 1979, p. 1955.

Chiropodists Act, 1950-1973

Commencement: 2nd July, 1951; *Gazette* 10th May, 1951, p. 1033.
Administration: Committed to the Minister of Health; *Gazette* 5th April, 1973, p. 1289.
Regulations: *Gazette* 20th September, 1951, p. 735; 21st August, 1952, p. 532; 15th June, 1967, p. 1817; 3rd December, 1970, p. 2592; 22nd July, 1971, p. 233; 27th June, 1974, p. 2630; 5th August, 1976, p. 327; 11th August, 1977, p. 361; 28th June, 1979, p. 2014; 19th June, 1980, p. 1650.

Chiropractors Act, 1979

Commencement: 27th April, 1981; *Gazette* 9th April, 1981, p. 1090.
Administration: Committed to the Minister of Health; *Gazette* 9th April, 1981, p. 1090.
Regulations: *Gazette* 9th April, 1981, p. 1100.

The Church of England in Australia Constitution Act, 1961

Commencement: 1st January, 1962; *Gazette* 11th January, 1962, p. 47.
Commencement of The Church of England in Australia Constitution Act Amendment Act: 24th August, 1981; *Gazette* 5th February, 1981.

Cigarettes (Labelling) Act, 1971-1972

Commencement: 1st July, 1973; *Gazette* 3rd May, 1973, p. 1927.
Administration: Committed to the Minister of Health; *Gazette* 26th April, 1979, p. 1224.
s. 4. Day fixed for purposes of s. 4: 1st July, 1973; *Gazette* 7th June, 1973, p. 2423.
Regulations: *Gazette* 3rd May, 1973, p. 1931.

Citrus Industry Organization Act, 1965-1972

Commencement: 23rd December, 1965; *Gazette* 23rd December, 1965, p. 2162.
Commencement of Citrus Industry Organization Act Amendment Act, 1967: 14th August, 1969; *Gazette* 14th August, 1969, p. 404.
Commencement of Citrus Industry Organization Act Amendment Act, 1970: 14th January, 1971; *Gazette* 14th January, 1971, p. 92.
Commencement of Citrus Industry Organization Act Amendment Act, 1972: 7th December, 1972; *Gazette* 7th December, 1972, p. 2358.
Administration: Committed to the Minister of Agriculture; *Gazette* 23rd December, 1965, p. 2162.
s. 9. Prescribed Day: 1st February, 1973; *Gazette* 1st February, 1973, p. 377.
Regulations: *Gazette* 28th April, 1966, p. 1795; 9th June, 1966, p. 2150; 13th October, 1966, p. 1600; 23rd May, 1968, pp. 1560, 1561; 30th July, 1970, p. 393; 13th December, 1973, p. 3288; 24th June, 1976, p. 3215; 24th March, 1977, p. 928.
s. 22. Order No. 6: *Gazette* 29th July, 1971, p. 330; Citrus Marketing Orders dated 20th May, 1980; *Gazette* 5th June, 1980, p. 1499; 30th June, 1980; *Gazette* 10th July, 1980, p. 197; 21st August, 1980; *Gazette* 21st August, 1980, p. 615.

City of Adelaide Development Control Act, 1976-1978

Commencement: 23rd December, 1976; *Gazette* 23rd December, 1976, p. 2320.
Commencement of City of Adelaide Development Control Act Amendment Act, 1981: 16th April, 1981; *Gazette* 16th April, 1981, p. 1155.
Administration: Committed to the Minister of Environment and Planning; *Gazette* 18th June, 1981, p. 1840.
s. 10. Proclamations: 8th February, 1979, p. 304; 5th July, 1979, p. 5.
s. 21. Appointed day for purposes of s. 21: 1st March, 1977; *Gazette* 24th February, 1977, p. 492.
Regulations: *Gazette* 24th February, 1977, p. 507; 10th March, 1977, p. 649; 23rd June, 1977, p. 1764; 6th April, 1978, p. 1164; 21st February, 1980, p. 370; 12th June, 1980, p. 1559; 11th December, 1980, p. 2169.

Civil Aviation (Carriers' Liability) Act, 1962-1971

Commencement: 7th November, 1963; *Gazette* 7th November, 1963, p. 1426.
Administration: Committed to the Minister of Transport; *Gazette* 20th May, 1965, p. 1136.

Classification of Publications Act, 1973-1978

Commencement: 18th July, 1974; *Gazette* 11th July, 1974, p. 99.
Administration: Committed to the Attorney-General; *Gazette* 16th August, 1979, p. 386.
Regulations: *Gazette* 11th July, 1974, p. 106; 26th September, 1974, p. 2406; 5th December, 1974, p. 3564; 22nd December, 1977, p. 2274.

Classification of Theatrical Performances Act, 1978

Commencement: 11th May, 1978; *Gazette* 11th May, 1978, p. 1652.
Administration: Committed to the Attorney-General; *Gazette* 16th August, 1979, p. 386.
Regulations: *Gazette* 11th May, 1978, p. 1661.

Coast Protection Act, 1972-1978

Commencement: 3rd July, 1972; *Gazette* 29th June, 1972, p. 2689.
Administration: Committed to the Minister of Environment and Planning; *Gazette* 18th June, 1981, p. 1840.
s. 19. Proclamations: *Gazette* 5th July, 1973, p. 7 (Yorke Coast); 30th May, 1974, p. 2094 (Fleurieu); 16th September, 1976, p. 889 (South East); 8th September, 1977, p. 662 (Metropolitan).
s. 34. Notice: *Gazette* 1st January, 1976, p. 178.
Regulations: *Gazette* 25th March, 1976, p. 1410; 8th July, 1976, p. 91; 9th September, 1976, p. 837; 21st April, 1977, p. 1161; 13th September, 1979, p. 726.

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; 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.

Colleges of Advanced Education Act, 1972-1978

Commencement: 1st January, 1973; *Gazette* 14th December, 1972, p. 2628.
Statutes: *Gazette* 12th December, 1974, p. 3748; 24th July, 1975, p. 563; 10th May, 1979, p. 1430.
By-laws: *Gazette* 26th June, 1974, p. 1571; 27th March, 1975, p. 1266; 29th May, 1975, p. 2087; 24th July, 1975, p. 653; 27th November, 1975, p. 2914; 15th January, 1976, p. 178.

Commercial and Private Agents Act, 1972-1978

Commencement: 12th April, 1973; *Gazette* 12th April, 1973, p. 1461.
Commencement of Commercial and Private Agents Act Amendment Act, 1977-1978: 1st July, 1978; *Gazette* 29th June, 1978, p. 2235.
Administration: Committed to the Minister of Consumer Affairs; *Gazette* 21st February, 1980, p. 364.
s. 6. Proclamation: *Gazette* 17th January, 1974, p. 108.
Regulations: *Gazette* 12th April, 1973, p. 1685; 29th June, 1978, p. 2278; 6th September, 1979, p. 602; 2nd April, 1981, p. 1057.

Commercial Motor Vehicles (Hours of Driving) Act, 1973-1979

Commencement: 1st July, 1974; *Gazette* 28th March, 1974, p. 1046.
Administration: Committed to the Minister of Transport; *Gazette* 3rd May, 1979, p. 1311.
Regulations: 18th April, 1974, p. 1347; 29th August, 1974, p. 1488; 9th January, 1975, p. 113.

Commonwealth Places (Administration of Laws) Act, 1970

Commencement: 18th March, 1971; *Gazette* 18th March, 1971, p. 1143.

Community Welfare Act, 1972-1979

Commencement: 1st July, 1972; *Gazette* 29th June, 1972, p. 2689. Suspending until date to be fixed by Proclamation; Part IV, Division II, Subdivision 6 and s. 112 of the Act.
Commencement of Community Welfare Act Amendment Act, 1973: 20th December, 1973; *Gazette* 20th December, 1973, p. 3337.
Commencement of Community Welfare Act Amendment Act, 1975: 12th June, 1975; *Gazette* 12th June, 1975, p. 2260.
Commencement of Community Welfare Act Amendment Act (No. 2), 1975: 29th January, 1976; *Gazette* 29th January, 1976, p. 356.
Commencement of Community Welfare Act Amendment Act, 1976: 7th April, 1977; *Gazette*, 7th April, 1977, p. 1070.
Commencement of Community Welfare Act Amendment Act, 1979: 5th July, 1979; *Gazette* 5th July, 1979, p. 4.
Administration: Committed to the Minister of Community Welfare; *Gazette* 3rd May, 1979, p. 1313.
Delegation by the Minister of Community Welfare of his powers under ss. 25-31 of the Act to the Minister of Community Development: *Gazette* 21st December, 1978, p. 2309.
Delegation by the Minister of his powers under certain sections of the Act to the Minister of Aboriginal Affairs; *Gazette* 11th October, 1979, p. 919.
s. 84. Proclamations: *Gazette* 10th August, 1972, p. 1033; 9th August, 1973, p. 850; 18th April, 1974, p. 1388; 27th June, 1974, p. 2557; 15th July, 1976, p. 138.
s. 88. Proclamation: *Gazette* 31st January, 1980, p. 192.
Regulations: *Gazette* 29th June, 1972, p. 2882; 15th November, 1973, p. 2908.
Child Care Regulations: *Gazette* 28th June, 1973, p. 2801; 24th July, 1975, p. 566.
Regulations relating to baby-sitting agencies: *Gazette* 15th September, 1977, p. 731.

Companies Act, 1962-1980

Commencement: 1st July, 1963; *Gazette* 28th February, 1963, p. 503
Commencement of Companies Act Amendment Act, 1964: 1st January 1965; *Gazette* 5th November, 1964, p. 1399.
Commencement of Companies Act Amendment Act, 1965: 9th December, 1965; *Gazette* 9th December, 1965, p. 2049.
Commencement of Companies Act Amendment Act, 1971: 1st June, 1971; *Gazette* 20th May, 1971, p. 2509.
Commencement of Companies Act Amendment Act, 1971-1972: 5th October, 1972 (ss. 7, 13, 24, 25, 40, 53, 54 and 55 suspended until 30th June, 1973); *Gazette* 5th October, 1972, p. 1807. A Proclamation fixing 1st October, 1972 as the day of commencement was published in the *Gazette* of 28th September, 1972, p. 1665.
Commencement of Companies Act Amendment Act, 1973: 13th December, 1973; *Gazette* 13th December, 1973, p. 3262.
Commencement of Companies Act Amendment Act, 1979: 9th July, 1979; *Gazette* 5th July, 1979, p. 4. (Operation of ss. 3 *(a)*, 4, 5, *(a), (c), (d), (g)-(n), (p)-(t)*, 6, 7, 9-258, 260, 261, 263-270, suspended until a day to be fixed by subsequent proclamation).
Commencement of ss. 3 *(a)*, 4, 5 *(a), (c), (d), (e), (g)-(n), (p)-(t)*, 6, 7, 9-91, 93-188, 190-258, 260, 261, 263-270 of Companies Act Amendment Act, 1979: 13th December, 1979; *Gazette* 13th December, 1979, p. 1993.
Commencement of s. 189 of Companies Act Amendment Act, 1979: 24th April, 1980; *Gazette* 24th April, 1980, p. 1065.
Commencement of Companies Act Amendment Act, 1980: 24th April, 1980; *Gazette* 24th April, 1980, p. 1068.
Administration: Committed to the Minister of Corporate Affairs; *Gazette* 18th September, 1979, p. 768.
s. 14 (3) Proclamations: *Gazette* 9th November, 1972, p. 2254 (Public Accountant); 14th February, 1974, p. 474 (Architect).
ss. 22 and 353. Notices. *Gazette* 19th June, 1975, p. 2327; 3rd July, 1975, p. 143.
s. 38. Notices: *Gazette* 27th June, 1963, p. 1631; 11th July, 1963, p. 48; 1st August, 1963, p. 275; 19th September, 1963, p. 870; 27th February, 1964, p. 458; 11th June, 1964, p. 1229; 25th March, 1965, p. 675; 10th June 1965, p. 1442; 27th February, 1969, p. 579; 29th April, 1971, p. 2272; 26th June, 1980, p. 1900.
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; 12th March, 1970, p. 1090; 23rd April, 1970, p. 1462; 28th May, 1970, p. 2012; 9th July, 1970, p. 94; 26th November, 1970, p. 2554; 11th February, 1971, p. 493; 25th February, 1971, p. 954; 13th May, 1971, p. 2506; 16th September, 1971, p. 1095; 10th February, 1972, p. 560; 24th February, 1972, p. 730; 2nd March, 1972, p. 828.
s. 162c. Notices: *Gazette* 13th September, 1973, p. 2039 (two); 3rd July, 1975, p. 141; 10th July, 1975, p. 301; 12 June, 1980, p. 1551 (three).
s. 318. Order: *Gazette* 27th June, 1963, p. 1630.
Regulations: *Gazette* 8th April, 1976, p. 1929; 13th December, 1979, p. 2017; 1st May, 1980, p. 1176; 14th August, 1980, p. 536; 11th June, 1981, p. 1777.
Regulations under Fees Regulation Act, 1927, varying second schedule prescribing fees payable: *Gazette* 20th April, 1967, p. 1350; 27th October, p. 1316.
Rules of Court: *Gazette* 20th May, 1965, p. 1151; 13th August, 1970, p. 629; 9th November, 1972, p. 2278; 20th May, 1973, p. 3506; 24th October, 1974, p. 2851; 7th February, 1980, p. 272; 28th February, 1980, p. 426.

Companies (Acquisition of Shares) (Application of Laws) Act, 1981

Commencement: 1st July, 1981; *Gazette* 25th June, 1981.
Regulations: *Gazette* 1st October, 1981, p. 1106.

Company Take-overs Act, 1980

Regulations: *Gazette* 2nd October, 1980, p. 1047.

Consolidation of Regulations Act, 1937-1974

s. 2. Proclamations: *Gazette* 1st June, 1944, p. 673; 20th April, 1950, p. 813.

Constitution Act, 1934-1980

Commencement: 1st January, 1935; *Gazette* 20th December, 1934, p. 1217.
Commencement of Constitution Act Amendment Act, 1972: *Gazette* 28th September, 1972, p. 1665.
Commencement of Constitution Act Amendment Act, 1973: 22nd November, 1973; *Gazette* 22nd November, 1973, p. 2970.

Constitution Act, 1934-1980—*continued*

Commencement of Constitution and Electoral Acts Amendment Act, 1973: 22nd November, 1973; *Gazette* 22nd November, 1973, p. 2970.
Commencement of Constitution Act Amendment Act (No. 5), 1975: 22nd January, 1976; *Gazette* 22nd January, 1976, p. 258.
Commencement of Constitution Act Amendment Act, 1980: 10th July, 1980; *Gazette* 10th July, 1980, p. 118.

Constitutional Museum Act, 1978

Commencement: 11th May, 1978; *Gazette* 11th May, 1978, p. 1652.
Administration: Committed to the Minister of Arts; *Gazette* 18th September, 1979, p. 768.
Regulations: *Gazette* 31st July, 1980, p. 385; 4th December, 1980, p. 2033.

Consumer Credit Act, 1972-1980

Commencement: 3rd September, 1973; *Gazette* 9th August, 1973. p. 849.
Administration: Committed to the Minister for Consumer Affairs; *Gazette* 20th September, 1979, p. 771.
s. 6. Proclamations: *Gazette* 19th September, 1974, p. 2260; 7th April, 1977, p. 1070; 27th March, 1980, p. 679; 14th August, 1980, p. 524; 30th April, 1981, p. 1252.
s. 54. Notices: *Gazette* 3rd January, 1974, p. 8; 9th January, 1975, p. 112; 24th January, 1980, p. 151; 24th April, 1980, p. 1139.
Regulations: *Gazette* 2nd August, 1973, p. 735; 3rd September, 1973, p. 1553; 25th October, 1973, p. 2596; 22nd November, 1973, p. 2977; 20th December, 1973, p. 3349; 27th June, 1974, p. 2609; 20th January, 1977, p. 112; 21st December, 1978, p. 2536; 13th September, 1979, p. 655.
Notice fixing charges for title insurance: *Gazette* 1st November, 1973, p. 2781; 24th April, 1980, p. 1139.
Rules of Supreme Court relating to Appeals from Credit Tribunal (Order 58, Rule 37): *Gazette* 13th September, 1973, p. 1996.

Consumer Transactions Act, 1972-1980

Commencement: 3rd September, 1973: *Gazette* 9th August, 1973, p. 849.
Administration: Committed to the Minister for Consumer Affairs; *Gazette* 20th September, 1979, p. 771.
Regulations: *Gazette* 2nd August, 1973, p. 767; 3rd September, 1973, p. 1558; 25th October, 1973, p. 2594; 20th December, 1973, p. 3392, p. 3421; 21st November, 1974, p. 3325; 14th September, 1978, p. 911; 21st December, 1978, p. 2535; 1st February, 1979, p. 257; 13th September, 1979, p. 661 (revoked; *Gazette* 23rd December, 1980, p. 2421); 24th April, 1980, p. 1137; 23rd December, 1980, p. 2421; 27th August, 1981, p. 703; 10th September, 1981, p. 870.

Control of Advertisements Act, 1916-1935

Administration: Committed to the Minister of Environment and Planning; *Gazette* 18th June, 1981, p. 1840.
Regulations: *Gazette* 5th April, 1928, p. 726; 20th February, 1936, p. 458; 22nd July, 1971, p. 232; 24th February, 1977, p. 503.

Cooper Basin (Ratification) Act, 1975

Commencement: 11th December, 1975; *Gazette* 11th December, 1975, p. 3137.

Coober Pedy (Local Government Extension) Act, 1981

Commencement: 1st January, 1982; *Gazette* 17th December, 1981, p. 2394.

Coroners Act, 1975

Commencement: 3rd April, 1975; *Gazette* 3rd April, 1975, p. 1356.
Rules: *Gazette* 30th October, 1975, p. 2299; 21st July, 1977, p. 152; 1st May, 1980, p. 1175.

Corporal Punishment Abolition Act, 1971-1973

Commencement: 18th November, 1971; *Gazette* 18th November, 1971, p. 2070.

Country Fires Act, 1976-1980

Commencement: 2nd June, 1977; *Gazette* 2nd June, 1977, p. 1584.
Commencement of ss. 33-36: 7th June, 1979; *Gazette* 7th June, 1979, p. 1675.
Commencement of ss. 4, 25-27, 38-62, 64-67: 13th September, 1979; *Gazette* 13th September, 1979, p. 634.
Commencement of Country Fires Act Amendment Act, 1980: 10th December, 1980; *Gazette* 11th December, 1980, p. 2120.
Administration: Committed to the Minister of Agriculture: *Gazette* 2nd June, 1977, p. 1584.
Regulations: *Gazette* 14th July, 1977, p. 83; 13th September, 1979, p. 665.

Credit Unions Act, 1976-1980

Commencement: 28th April, 1977: *Gazette* 7th April, 1977, p. 1070.
Commencement of Credit Unions Act Amendment Act, 1980: 9th October, 1980; *Gazette* 9th October, 1980, p. 1085.
Administration: Committed to the Minister of Consumer Affairs; *Gazette* 20th September, 1979, p. 771.
Regulations: *Gazette* 5th May, 1977, p. 1277; 2nd February, 1978, p. 456; 31st January, 1980, p. 231; 9th October, 1980, p. 1091.
s. 42. Notice: *Gazette* 12th May, 1977, p. 1362.

Cremation Act, 1891-1964

Regulations: *Gazette* 9th March, 1978, p. 801.
Regulation under the Fees Regulation Act, 1927, relating to fees for cremation: *Gazette* 24th November, 1927, p. 1229.

Crimes (Offences at Sea) Act, 1980

Commencement: 8th May, 1980; *Gazette* 8th May, 1980, p. 1263.

Criminal Injuries Compensation Act, 1977-1978

Commencement: 1st July, 1978; *Gazette* 29th June, 1978, p. 2235.
This proclamation incorrectly refers to the Act as the "Statutes Amendment (Criminal Injuries Compensation Act, 1977-1978)." *See Gazette* 1st February, 1979, p. 249.
Regulations: *Gazette* 30th November, 1978, p. 2101.
Rules of Supreme Court: *Gazette* 6th July, 1978, p. 77.
Rules for District Criminal Courts: *Gazette* 2nd May, 1974, p. 1624 (made under Criminal Injuries Compensation Act, 1969); 13th July, 1978, p. 135.

Criminal Law Consolidation Act, 1935-1980

Commencement: 2nd January, 1936; *Gazette* 2nd January, 1936, p. 1.
Commencement of Criminal Law Consolidation Act Amendment Act (No. 2), 1969: 31st August, 1970; *Gazette* 20th August, 1970, p. 701.
Commencement of Criminal Law Consolidation Act Amendment Act (No. 3), 1969: 17th September, 1970; *Gazette* 17th September, 1970, p. 1198.
Commencement of Criminal Law Consolidation Act Amendment Act, 1972: 2nd November, 1972; *Gazette* 28th September, 1972, p. 1671.
Commencement of Criminal Law Consolidation Act Amendment Act (No. 3), 1972: 1st February, 1973; *Gazette* 1st February, 1973, p. 377.
Commencement of Criminal Law Consolidation Act Amendment Act (No. 5), 1972: 15th February, 1973; *Gazette* 15th February, 1973, p. 497.
Commencement of Criminal Law Consolidation Act Amendment Act (No. 6), 1972: 15th February, 1973; *Gazette* 15th February, 1973, p. 496.
Commencement of Criminal Law Consolidation Act Amendment Act, 1980: 11th December, 1980; *Gazette* 11th December, 1980, p. 2119.
s. 321. Proclamations: *Gazette* 6th April, 1911, p. 603; 26th August, 1937, p. 497; 16th May, 1963, p. 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 abortion: *Gazette* 8th January, 1970, p. 4; 2nd April, 1970, p. 1309; 11th June, 1970, p. 2068; 15th July, 1971, p. 178; 18th November, 1971, p. 2078; 28th September, 1972, p. 1671; 8th November, 1973, p. 2808; 26th September, 1974, p. 2400; 10th October, 1974, p. 2598; 21st November, 1974, p. 332; 13th March, 1975, p. 1054; 1st April, 1976, p. 1678; 14th June, 1979, p. 1837; 18th September, 1980, p. 883; 23rd December, 1981, p. 2518.
Regulations as to costs and treatment of appellant: *Gazette* 5th November, 1925, p. 1231; 18th August, 1960, p. 456; 6th February, 1969, p. 413; 21st December, 1972, p. 2816; 24th May, 1973, p. 2201.
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* 19th January, 1978, p. 300.
Regulations as to payments to psychiatrists under section 77a: *Gazette* 3rd February, 1955, p. 203; 26th September, 1974, p. 2400.
Regulation as to places of confinement under section 77 (2): *Gazette* 6th March, 1924, p. 596.

Crown Lands Act, 1929-1980

Commencement of Crown Lands Act Amendment Act, 1968: 30th January, 1969; *Gazette* 30th January, 1969, p. 338.
Commencement of Crown Lands Act Amendment Act, 1969; 21st May, 1970; *Gazette* 21st May, 1970, p. 1842.
Commencement of Crown Lands Act Amendment Act, 1972: 7th December, 1972; *Gazette* 7th December, 1972, p. 2534.
Commencement of Crown Lands Act Amendment Act, 1974: 26th April, 1974; *Gazette* 26th April, 1974, p. 1457.
Commencement of Crown Lands Act Amendment Act, 1976-1977: 28th July, 1977; *Gazette* 28th July, 1977, p. 232.
Commencement of Crown Lands Act Amendment Act, 1978; 15th June, 1978; *Gazette* 15th June, 1978, p. 2034.
s. 5g. Proclamations: *Gazette* 30th November, 1972, p. 2463; 7th December, 1972, p. 2535; 22nd March, 1973, p. 1004.
s. 211a. Proclamation declaring 1st February, 1954, as the day on which the 1939-1945 war ceased: *Gazette* 28th January, 1954, p. 155.
Regulations: *Gazette* 16th October, 1941, p. 789; 29th November, 1956, p. 1236; 15th November, 1962, p. 1395; 3rd March, 1966, p. 1230; 9th December, 1971, p. 2481; 21st December, 1972, p. 2743; 30th January, 1975, p. 350; 25th March, 1976, p. 1411; 23rd November, 1978, p. 2059; 20th June, 1979, p. 1890; 16th July, 1981, p. 145.
Regulations under Crown Lands Act, 1929-1939, and 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.
Rules of the Lyrup Village Association: *Gazette* 15th June, 1978, p. 2037.

Crown Proceedings Act, 1972-1980

Commencement: 14th December, 1972; *Gazette* 14th December, 1972, p. 2630.
Commencement of Crown Proceedings Act Amendment Act, 1980: 17th July, 1980; *Gazette* 17th July, 1980, p. 230.
Regulations: *Gazette* 14th December, 1972, p. 2642.

Dairy Cattle Improvement Act, 1921-1972

Commencement of Dairy Cattle Improvement Act Amendment Act, 1972: 1st July, 1973; *Gazette* 22nd February, 1973, p. 632.
Commencement of Dairy Cattle Improvement Act Amendment Act (No. 2), 1972: 1st July, 1973 (see Section 2 of the said Act).
Administration: Committed to the Minister of Agriculture; *Gazette* 2nd February, 1922, p. 471.
s. 7a. Notice: *Gazette* 30th January, 1941, p. 97.
Regulations: *Gazette* 17th December, 1970, p. 2794; 10th May, 1973, p. 2000.

Dairy Industry Act, 1928-1973

Commencement: 8th August, 1929; *Gazette* 8th August, 1929, p. 329.
Commencement of Dairy Industry Act Amendment Act, 1972: 1st July, 1973; *Gazette* 10th May, 1973, p. 1994.
Commencement of Dairy Industry Act Amendment Act, 1974: 12th February, 1976; *Gazette* 12th February, 1976, p. 611.
s. 3. Proclamations: *Gazette* 16th December, 1965, p. 2098; 10th May 1973, p. 1994.
General Regulations: *Gazette* 8th August, 1974, p. 911; 1st February, 1979, p. 259; 4th June, 1981, p. 1650.

Dairy Produce Act, 1934-1974

Commencement: 13th December, 1934; *Gazette* 13th December, 1934, p. 1185.
Commencement of Dairy Produce Act Amendment Act, 1974: 12th February, 1976; *Gazette* 12th February, 1976, p. 611.
Administration: Committed to the Minister of Agriculture; *Gazette* 27th May, 1937, p. 1205.
Regulations: *Gazette* 11th April, 1935, p. 1119; 9th January, 1936, p. 26; 18th November, 1937, p. 1348.

Dangerous Substances Act, 1979

Commencement: 1st July, 1981; *Gazette* 4th June, 1981, p. 1638 (sections 4, 14, 17, 18, 19 and 20 suspended until 1st October, 1981).
Commencement of Dangerous Substances Act Amendment Act, 1980: 1st July, 1981; *Gazette* 4th June, 1981, p. 1638.
Regulations: *Gazette* 4th June, 1981, p. 1711; 19th November, 1981, p. 1607.

Daylight Saving Act, 1971-1972

Administration: Committed to the Chief Secretary; *Gazette* 17th May, 1979, p. 1453.

Defective Houses Act, 1976

Commencement: 20th January, 1977; *Gazette* 20th January, 1977, p. 100.
Administration: Committed to the Minister of Consumer Affairs; *Gazette* 21st February, 1980, p. 364.

Dentists Act, 1931-1974

Commencement of Dentists Act Amendment Act, 1971: 20th January, 1972; *Gazette* 20th January, 1972, p. 153.
Administration: Committed to the Minister of Health; *Gazette* 5th April, 1973, p. 1289.
Rules of Court: *Gazette* 4th August, 1932, p. 183.
Regulations: *Gazette* 24th May, 1934, p. 1315; 28th June, 1934, p. 1520; 5th July, 1934, p. 2; 20th June, 1940, p. 1399; 5th September, 1940, p. 513; 30th November, 1961, p. 1811; 2nd November, 1972, p. 2138; 15th August, 1974, p. 1285; 5th December, 1974, p. 3569.
Regulation under Fees Regulation Act, 1927, relating to the fee payable on publication of the register of dentists: *Gazette* 11th November, 1937, p. 1307.

Discharged Soldiers Settlement Act, 1934-1978

Commencement: 1st May, 1937; *Gazette* 25th March, 1937, p. 644.
Administration: Committed to the Minister of Lands; *Gazette* 29th June, 1978, p. 2234.
Regulations: *Gazette* 2nd December, 1920, p. 1429; 11th August, 1921, p. 270; 19th January, 1922, p. 100; 2nd March, 1922, p. 729; 6th April, 1922, p. 988; 30th August, 1923, p. 493; 31st January, 1924, p. 211; 7th August, 1924, p. 283; 18th February, 1926, p. 326; 17th February, 1927, p. 339; 28th April, 1927, p. 935; 12th May, 1927, p. 1044; 21st January, 1932, p. 69; 7th June, 1934, p. 1395; 18th April, 1935, p. 1136; 24th December, 1936, p. 1337; 30th January, 1941, p. 98; 25th March, 1976, p. 1409.

Dog Control Act, 1979-1980

Commencement: 1st July, 1979; *Gazette* 24th May, 1979, p. 1498.
Commencement of Dog Control Act Amendment Act (No. 2), 1980: 1st July, 1981; *Gazette* 1st July, 1981, p. 1897.
Commencement of Dog Control Act Amendment Act, 1981: 1st July, 1981; *Gazette* 30th June, 1981, p. 2035.
Administration: Committed to the Minister of Local Government; *Gazette* 24th May, 1979, p. 1498.
Regulations: *Gazette* 24th May, 1979, p. 1569; 20th June, 1979, p. 1888; 12th June, 1980, p. 1558; 3rd July, 1980, p. 82; 25th June, 1981, p. 1909.

Dog Fence Act, 1946-1978

Commencement: 17th June, 1947; *Gazette* 12th June, 1947, p. 1637.
Commencement of Dog Fence Act Amendment Act, 1975: 2nd October, 1975; *Gazette* 2nd October, 1975, p. 1822.
Commencement of Dog Fence Act Amendment Act, 1978: 15th February, 1979; *Gazette* 15th February, 1979, p. 348.
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; 30th March, 1972, p. 1170.
s. 35a. Proclamation: *Gazette* 2nd October, 1975, p. 1819.
s. 35c. Proclamation: *Gazette* 5th February, 1975, p. 304.

Door to Door Sales Act, 1971-1979

Commencement: 1st March, 1972; *Gazette* 20th January, 1972, p. 152.
Commencement of Door to Door Sales Act Amendment Act, 1979: 1st November, 1979; *Gazette* 6th September, 1979, p. 573.
Administration: Committed to the Minister of Consumer Affairs; *Gazette* 20th September, 1979, p. 771.
s. 5. Proclamations: 14th September, 1972, p. 1485; 6th September, 1979, p. 572.
Regulations: 6th September, 1979, p. 604; 8th November, 1979, p. 1196.

Dried Fruits Act, 1934-1972

Commencement of Dried Fruits Act Amendment Act, 1972: 1st July, 1972; *Gazette* 29th June, 1972, p. 2688.
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; 13th May, 1971, p. 2432; 2nd March, 1972, p. 810; 18th July, 1974, p. 569; 3rd April, 1975, p. 1360; 30th August, 1979, p. 509; 7th August, 1980, p. 494; 2nd April, 1981, p. 1062.

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, 1940

Administration: Committed to the Minister of Agriculture; *Gazette* 15th June, 1944, p. 717.
Regulations: *Gazette* 16th October, 1941, p. 802.

Drought Relief Act, 1945

Administration: Committed to the Minister of Agriculture; *Gazette* 7th February, 1946, p. 206.
Regulations: *Gazette* 23rd May, 1946, p. 938.

Easter Act, 1929

Commencement: At 31st December, 1980, this Act had not been brought into operation.

Education Act, 1972-1980

Commencement (except Part IV): 14th December, 1972; *Gazette* 14th December, 1972, p. 2628.
Commencement of Part IV, Division I: 1st July, 1973; *Gazette* 7th June, 1973, p. 2423.
Commencement of Part IV, Divisions II to VI inclusive: 1st February 1974; *Gazette* 24th January, 1974, p. 211.
Commencement of Education Act Amendment Act, 1975: 8th April, 1976; *Gazette* 8th April, 1976, p. 1892.
Commencement of Education Act Amendment Act (No. 2), 1976: 29th January, 1977; *Gazette* 27th January, 1977, p. 179.
Commencement of Education Act Amendment Act, 1979, Part III: 1st July, 1979; *Gazette* 28th June, 1979, p. 1951.

Education Act, 1972-1980—*continued*

Commencement of Education Act Amendment Act (No. 2), 1980: 14th May, 1981; *Gazette* 14th May, 1981, p. 1407.
s. 63(4) Notice: *Gazette* 26th August, 1976, p. 660.
s. 72f. Proclamation: *Gazette* 8th October, 1981, p. 1150.
Regulations: 26th August, 1976, p. 669; 13th January, 1977, p. 56; 18th August, 1977, p. 432; 27th January, 1978, p. 299; 1st February, 1979, p. 262; 24th May, 1979, p. 1512; 14th June, 1979, p. 1836; 5th July, 1979, p. 10; 17th January, 1980, p. 106; 10th April, 1980, p. 968; 21st August, 1980, p. 591, p. 592; 23rd December, 1980, p. 2410; 17th September, 1981, p. 931; 8th October, 1981, p. 1169.
Regulations relating to registration of non-government schools: *Gazette* 8th October, 1981, p. 1168.
Regulations relating to registration of teachers: *Gazette* 26th June, 1975, p. 2469; 22nd June, 1978, p. 2183; 13th July, 1978, p. 133; 13th August, 1981, p. 456.

Egg Industry Stabilization Act, 1973-1980

Commencement of all provisions except s. 2, s. 49 and the first schedule (all of which excepted provisions came into operation on assent to the Act): 23rd May, 1974; *Gazette* 23rd May, 1974, p. 1828.
Commencement of Egg Industry Stabilization Act Amendment Act, 1980: 26th June, 1980; *Gazette* 26th June, 1980, p. 1718.
Administration: Committed to the Minister of Agriculture; *Gazette* 20th June, 1974, p. 2450.
Regulations: *Gazette* 3rd April, 1975, p. 1362.

Eight Mile Creek Settlement (Drainage Maintenance) Act Repeal Act, 1980

Commencement of Eight Mile Creek Settlement (Drainage Maintenance) Act Repeal Act, 1980: 1st February, 1981; *Gazette* 29th January, 1981, p. 259.

Electoral Act, 1929-1976

Commencement: 19th December, 1929; *Gazette* 19th December, 1929, p. 1305.
Commencement of Electoral Act Amendment Act, 1969: 4th December, 1969; *Gazette* 4th December, 1969, p. 1858.
Commencement of Electoral Act Amendment Act, 1972: 8th February, 1973; *Gazette* 8th February, 1973, p. 438.
Commencement of Constitution and Electoral Acts Amendment Act, 1973: 22nd November 1973; *Gazette* 22nd November, 1973, p. 2970.
Commencement of Electoral Act Amendment Act (No. 2), 1973: 13th December, 1973; *Gazette* 13th December, 1973, p. 3266.
Commencement of Electoral Act Amendment Act (No. 4), 1976: 3rd February, 1977; *Gazette* 3rd February, 1977, p. 274.
Administration: Committed to the Attorney-General; *Gazette* 18th October, 1979, p. 1003.
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.
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; 23rd April, 1970, p. 1555; 12th October, 1972, p. 1880; 15th February, 1973, p. 987; 26th June, 1975, p. 2468; 25th March, 1976, p. 1414; 19th January, 1978, p. 328; 9th March, 1978, p. 808; 31st January, 1980, p. 235; 7th February, 1980, p. 269.
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, 1940-1967

Administration: Committed to the Minister of Mines and Energy: *Gazette* 17th July, 1975, p. 310.
s. 10. Proclamations: *Gazette* 16th September, 1954, p. 694; 12th September, 1968, p. 774.
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; 12th September, 1968, p. 774; 27th November, 1969, p. 1783; 11th June, 1970, p. 2062; 21st January, 1971, p. 186; 16th August, 1973, p. 919; 1st May, 1975, p. 1698; 19th February, 1976, p. 685; 8th June, 1978, p. 1974.
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; 12th September, 1968, p. 800; 27th November, 1969, p. 1823; 11th June, 1970, p. 2066; 21st January, 1971, p. 190; 16th August, 1973, p. 965; 1st May, 1975, p. 1706; 16th October, 1975, p. 2025; 19th February, 1976, p. 685; 8th June, 1978, p. 1992; 16th August, 1979, p. 395; 28th August, 1980, p. 657.

Electrical Workers and Contractors Licensing Act, 1965-1978

Administration: Committed to the Minister of Mines and Energy; *Gazette* 29th January, 1976, p. 355.
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; 26th June, 1969, p. 1822; 20th December, 1979, p. 2371.

Electricity Act, 1943-1973

Administration: Committed to the Minister of Mines and Energy; *Gazette* 17th July, 1975, p. 310.

Electricity (Country Areas) Subsidy Act, 1962-1975

Administration: Committed to the Minister of Local Government; *Gazette* 19th April, 1979, p. 1030.

The Electricity Supply (Industries) Act, 1963-1975

s. 3. Notice: *Gazette* 6th May, 1965, p. 1034.

Electricity Trust of South Australia Act, 1946-1975

Commencement: 30th August, 1946; *Gazette* 30th August, 1946, p. 387.
Commencement of Electricity Trust of South Australia Act Amendment Act, 1980: 14th May, 1981; *Gazette* 14th May, 1981, p. 1405.
Commencement of Part IVa: 6th February, 1948; *Gazette* 5th February, 1948, p. 311.
Administration: Committed to the Minister of Mines and Energy; *Gazette* 17th July, 1975, p. 310.
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.
Regulations: *Gazette* 20th July, 1972, p. 284.

Emergency Medical Treatment of Children Act, 1960-1971

Administration: Committed to the Minister of Health; *Gazette* 26th April, 1979, p. 1224.

Emergency Powers Act, 1941-1952

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; 19th October, 1950, p. 949.
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-tyred 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, 1943, 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 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.

Emergency Powers Act, 1941-1952—*continued*

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.
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, 1915-1973

Administration: Committed to the Minister of Industrial Affairs; *Gazette* 18th September, 1979, p. 768.

Encroachments Act, 1944-1969

Commencement of Encroachments Act Amendment Act, 1969: 21st May, 1970; *Gazette* 21st May, 1970, p. 1842.

Enfield General Cemetery Act, 1944-1972

Administration: Committed to the Minister of Local Government; *Gazette* 11th January, 1945, p. 27.
Commencement of Enfield General Cemetery Act Amendment Act, 1972: 18th May, 1972; *Gazette* 11th May, 1972, p. 1759.
s. 5. Appointed day for purposes of s. 5: 18th May, 1972; *Gazette* 11th May, 1972, p. 1759.
s. 38. Notices: *Gazette* 10th March, 1949, p. 634; 25th October, 1956, p. 920; 18th May, 1961, p. 1172; 26th April, 1963, p. 1066; 12th April, 1973, p. 1474; 21st June, 1973, p. 2646.
Regulations: *Gazette* 20th February, 1947, p. 733.

Environmental Protection Council Act, 1972-1980

Commencement: 23rd November, 1972; *Gazette* 23rd November, 1972, p. 2406.
Commencement of Environmental Protection Council Act Amendment Act, 1980: 4th September, 1980; *Gazette* 4th September, 1980, p. 763.
Administration: Committed to the Minister of the Environment and Planning; *Gazette* 18th June, 1981, p. 1840.

Evidence Act, 1929-1978

Commencement of Evidence Act Amendment Act, 1969: 31st August, 1970; *Gazette* 20th August, 1970, p. 701.
Commencement of Evidence Act Amendment Act, 1972: 1st February, 1973; *Gazette* 1st February, 1973, p. 377.
Commencement of Evidence Act Amendment Act, 1974: 28th November, 1974; *Gazette* 28th November, 1974, p. 3372.
Rules of the Supreme Court relating to reciprocal procedures for obtaining evidence: *Gazette* 20th July, 1978, p. 264.

Excessive Rents Act, 1962-1973

Rules of Local Court: *Gazette* 20th December, 1962, p. 1771; 5th March, 1964, p. 522.

Executor's Company's Act Amendment Act, 1980

Commencement: 8th January, 1981; *Gazette* 8th January 1981, p. 4.

Explosives Act, 1936-1974

Commencement: 1st July, 1937; *Gazette* 25th March, 1937, p. 644.
Administration: Committed to the Deputy Premier; *Gazette* 4th October, 1979, p. 871.
s. 5. Proclamation: 9th June, 1977, p. 1651.
s. 6. Notices: 12th January, 1978, p. 58, p. 60; 3rd January, 1980, p. 12; 20th March, 1980, p. 554; 12th June, 1980, p. 1550; 11th December, 1980, p. 2123.
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; 19th July, 1973, p. 345.
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* 17th July, 1975, p. 401; 31st July, 1975, p. 678; 12th February, 1976, p. 624; 8th September, 1977, p. 661; 31st August, 1978, p. 783; 15th November, 1979, p. 1268; 6th December, 1979, p. 1909; 7th May, 1981, p. 1356.

Fair Credit Reports Act, 1974-1975

Commencement: 17th April, 1975; *Gazette* 17th April, 1975, p. 1508.
Administration: Committed to the Minister of Consumer Affairs; *Gazette* 20th September, 1979, p. 771.
Regulations: *Gazette* 17th April, 1975, p. 1513.
Regulations relating to reporting agencies: *Gazette* 17th April, 1975, p. 1604.

Family Relationships Act, 1975

Commencement: 29th January, 1976; *Gazette* 29th January, 1976, p. 356.
Rules of Court: *Gazette* 1st May, 1980, p. 1189.

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.

Fees Regulation Act, 1927

Regulations: *Gazette* 24th November, 1927, p. 1227; 24th November, 1927, p. 1229 (revoked; *Gazette* 31st January, 1980, p. 204); 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 (revoked; *Gazette* 31st January, 1980, p. 204); 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 (revoked; *Gazette* 31st January, 1980, p. 204); 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 (revoked; *Gazette* 31st January, 1980, p. 204); 15th November, 1962, p. 1397; 21st March, 1963, p. 696; 19th September, 1963, p. 907; 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; 30th May, 1968, p. 1642; 19th September, 1968, pp. 856, 857; 26th September, 1968, p. 986; 10th October, 1968, p. 1159; 23rd January, 1969, p. 261; 19th February, 1970, p. 798; 17th December, 1970, p. 2780; 28th October, 1971, p. 1757; 9th December, 1971, p. 2480; 17th August, 1972, p. 1180; 31st August, 1972, p. 1333; 30th January, 1975, p. 337; 27th October, 1977, p. 1316; 1st December, 1977, p. 2075; 2nd April, 1981, p. 1054, p. 1055 (regulation 2 revoked by *Gazette* 7th May, 1981, p. 1357).

Fences Act, 1975-1977

Commencement: 16th October, 1975; *Gazette* 16th October, 1975, p. 2011.
Regulations: *Gazette* 11th August, 1977, p. 362; 20th April, 1978, p. 1270
Rules of Local Court: *Gazette* 16th October, 1975, p. 2020.

Fibre and Sponges Act, 1909-1973

Administration: Committed to the Minister of Fisheries; *Gazette* 15th November, 1973, p. 2898.
Regulations: *Gazette* 2nd June, 1977, p. 1591.

Film Classification Act, 1971-1978

Commencement: 24th February, 1972; *Gazette* 24th February, 1972, p. 655.
Administration: Committed to the Attorney-General; *Gazette* 16th August, 1979, p. 386.
Regulations: *Gazette* 24th February, 1972, p. 659; 30th August, 1973, p. 1521; 15th December, 1977, p. 2214.

Financial Emergency Act, 1931-1936

Commencement: 23rd July, 1931; *Gazette* 23rd July, 1931, p. 93.
Rules of Court: *Gazette* 17th September, 1931, p. 492.

Financial Emergency Act Extension Act, 1931-1939

s. 4. Notice: *Gazette* 29th November, 1934, p. 1113.

Firearms Act, 1977

Commencement: 1st January, 1980; *Gazette* 6th December, 1979, p. 1897 (including sections 11 and 13).
Administration: Committed to the Chief Secretary; *Gazette* 28th February, 1980, p. 420.
Regulations: *Gazette* 6th December, 1979, p. 1911; 1st October, 1981, p. 1105; 22nd October, 1981, p. 1274.

Fire Brigades Act, 1936-1976

Commencement: 1st May, 1937; *Gazette* 25th March, 1937, p. 642.
Commencement of Fire Brigades Act Amendment Act (No. 2), 1973: 20th December, 1973; *Gazette* 20th December, 1973, p. 3334.
Commencement of Fire Brigades Act Amendment Act, 1981: 3rd December, 1981; *Gazette* 3rd December, 1981, p. 2206.
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. 254; 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, 1954, p. 310; 26th July, 1945, p. 99; 17th January, 1956, p. 72; 24th January, 1946, p. 119; 15th August, 1946, p. 251; 26th September, 1946, p. 673; 4th 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, 1961, pp. 913, 914; 27th April, 1961, p. 993; 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; 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; 26th May, 1966, p. 1996; 28th July, 1966, p. 292; 28th July, 1966, p. 293; 15th September, 1966, p. 1275; 23rd February, 1967, p. 506; 23rd May, 1968, pp. 1553, 1554; 25th July, 1968, p. 217; 10th October, 1968, p. 1133; 28th November, 1968, p. 2313; 16th October, 1969, p. 1269; 16th October, 1969, p. 1270; 6th November, 1969, p. 1482; 11th December, 1969, p. 1955; 11th December, 1969, p. 1958; 5th February, 1970, p. 598; 3rd March, 1970, p. 927; 11th June, 1970, p. 2061; 2nd July, 1970, p. 2; 1st October, 1970, p. 1399; 8th October, 1970, p. 1505; 19th November, 1970, p. 2326; 22nd April, 1971, p. 2185; 27th May, 1971, p. 2620; 5th August, 1971, p. 397; 12th August, 1971, p. 523; 13th January, 1972, p. 48; 6th April, 1972, p. 1368; 13th July, 1972, p. 131; 24th August, 1972, p. 1243; 23rd November, 1972, p. 2406; 6th December, 1973, p. 3166; 31st January, 1974, p. 311; 18th April, 1974, p. 1339, p. 1340; 5th June, 1975, p. 2178 (two); 20th November, 1975, p. 2800; 27th November, 1975, p. 2902; 24th June, 1976, p. 3168; 1st July, 1976, p. 3; 2nd December, 1976, p. 1813; 13th January, 1977, p. 42 (two), p. 43; 22nd December, 1977, p. 2269; 20th August, 1981, p. 552.
s. 7. Notices: *Gazette* 20th April, 1916, p. 823; 6th July, 1916, p. 34; 17th January, 1918, p. 89; 13th June, 1929, p. 1400; 20th June, 1929, p. 1487; 18th October, 1945, p. 95; 17th June, 1948, p. 1248; 24th June, 1948, p. 1307; 30th September, 1954, p. 846; 22nd June, 1961, p. 1378; 29th June, 1961, p. 1544; 23rd May, 1963, p. 1334; 6th June, 1963, p. 1473; 15th April, 1965, p. 883; 24th June, 1965, p. 1638; 1st July, 1965, p. 16; 7th April, 1966, p. 1638; 30th June, 1966, p. 2310; 29th September, 1966, p. 1520; 29th June, 1967, p. 1962; 13th July, 1967, p. 430; 27th June, 1968, p. 1921; 16th October, 1969, p. 1269; 16th October, 1969, p. 1270; 12th March, 1970, p. 1017; 29th October, 1970, p. 1899.

Fire Brigades Act, 1936-1976—*continued*

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.
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); 9th December, 1976, p. 1887 (charges for services rendered outside brigade's area).

Fisheries Act, 1971-1980

Commencement: 1st December, 1971; *Gazette* 30th November, 1971, p. 2261.
Commencement of Fisheries Act Amendment Act, 1976-1977: 26th January, 1978; *Gazette* 26th January, 1978, p. 368. *See* the text of this proclamation for reference to an earlier proclamation purporting to fix the date of commencement as 23rd June, 1977.
Commencement of Fisheries Act Amendment Act, 1980: 27th June, 1980; *Gazette* 26th June, 1980, p. 1718.
Administration: Committed to the Minister of Fisheries; *Gazette* 5th July, 1973, p. 8.
Proclamations (General): *Gazette* 30th November, 1971, p. 2262; 23rd December, 1971, p. 2630; 6th April, 1972, p. 1369; 9th November, 1972, p. 2252; 22nd March, 1973, p. 1002; 26th July, 1973, p. 372; 6th September, 1973, p. 1900; 1st November, 1973, p. 2722; 8th November, 1973, p. 2798; 17th January, 1974, p. 109; 14th March, 1974, p. 896; 21st March, 1974, p. 988; 27th June, 1974, p. 2553; 19th February, 1976, p. 676; 5th August, 1976, p. 322; 2nd December, 1976, p. 1813; 12th January, 1978, p. 52; 16th February, 1978, p. 539; 24th April, 1980, pp. 1065 and 1067; 26th June, 1980, p. 1718; 10th July, 1980, p. 118; 11th September, 1980, p. 824; 25th September, 1980, p. 949; 16th October, 1980, p. 1154; 11th December, 1980, p. 2119, p. 2121 (corrigendum 18th December, 1980, p. 2216); 18th December, 1980, p. 2364; 23rd December, 1980, p. 2369, p. 2371; 26th March, 1981, p. 794, p. 796; 18th June, 1981, p. 1841.
s. 24 (1). Proclamations: *Gazette* 22nd January, 1976, p. 262; 26th February, 1976, p. 780; 2nd August, 1979, p. 278; 1st November, 1979, p. 1105.
s. 24 (9). Notices: *Gazette* 23rd December, 1971, p. 2644; 23rd August, 1973, p. 1005.
s. 46. Proclamation: *Gazette* 16th April, 1981; 25th June, 1981, p. 1898.
s. 49. Proclamation: *Gazette* 22nd January, 1976, p. 262; 10th December, 1981, p. 2342.
s. 55. Proclamation: *Gazette* 5th February, 1981, p. 306.
General Regulations: *Gazette* 30th November, 1971, p. 2270; 23rd March, 1972, p. 1134; 9th November, 1972, p. 2261; 16th December, 1976, p. 2259; 2nd June, 1977, p. 1595; 6th September, 1979, p. 606; 12th June, 1980, p. 1557; 28th August, 1980, p. 653; 4th June, 1981, p. 1651, p. 1652; 23rd July, 1981, p. 235; 13th August, 1981, p. 457; 17th September, 1981, p. 932.
Managed Fisheries regulations: *Gazette* 30th November, 1971, p. 2285; 9th November, 1972, p. 2264; 27th January, 1977, p. 190; 21st September, 1978, p. 984; 10th October, 1978, p. 1175; 28th August, 1980, p. 654; 2nd October, 1980, p. 1045; 17th September, 1981, p. 932; 24th September, 1981, p. 994.

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Proclamation: *Gazette* 30th October, 1980, p. 1256.

Flammable Clothing Act, 1973

Commencement: 1st January, 1974; *Gazette* 20th December, 1973, p. 3336.
Administration: Committed to the Minister of Consumer Affairs: *Gazette* 20th September, 1979, p. 771.
s. 3. Appointed day, 1st July, 1977: *Gazette* 30th June, 1977, p. 1850; 22nd March, 1979, p. 731.
Regulations: *Gazette* 22nd March, 1979, p. 739.

The Flinders University of South Australia Act, 1966-1973

Commencement: 1st July, 1966; *Gazette* 12th May, 1966, p. 1887.
Commencement of Flinders University of South Australia Act Amendment Act, 1973: 10th January, 1974; *Gazette* 20th December, 1973, p. 3336.
Administration: Committed to the Minister of Education; *Gazette* 19th July, 1979, p. 168.
By-laws: *Gazette* 17th November, 1966, p. 1957; 27th June, 1974, p. 2560; 4th March, 1976, p. 946; 18th March, 1976, p. 1207; 24th February, 1977, p. 492.

Food and Drugs Act, 1908-1976

Commencement of Food and Drugs Act Amendment Act, 1972: 25th January, 1973; *Gazette* 25th January, 1973, p. 274.
Commencement of Food and Drugs Act Amendment Act, 1975-1976: 5th May, 1977; *Gazette* 5th May, 1977, p. 1264.
Commencement of Food and Drugs Act Amendment Act, 1976: 14th July, 1977; *Gazette* 14th July, 1977, p. 74.
Administration: Committed to the Minister of Health; *Gazette* 5th April, 1973, p. 1289.
s. 5. Proclamation defining "metropolitan area": *Gazette* 17th February, 1916, p. 299.
s. 5. Proclamations declaring poison schedule: *Gazette* 21st December, 1978, p. 2288; 22nd February, 1979, p. 416; 13th December, 1979, p. 1995; 24th July, 1980, p. 294; 11th June, 1981, p. 1766; 13th August, 1981, p. 454.
s. 5b. Proclamations declaring controlled therapeutic substances: *Gazette* 23rd August, 1962, p. 384; 25th June, 1964, p. 1600; 27th November, 1969, p. 1778; 21st December, 1978, p. 2288; 8th October, 1981, p. 1142.
s. 15. Proclamation: *Gazette* 26th April, 1963, p. 1018.
s. 30a. Proclamation: *Gazette* 25th July, 1935, p. 138.
s. 39. Proclamations: *Gazette* 29th July, 1909, p. 190; 14th August, 1975, p. 883.
General regulations: *Gazette* 21st December, 1978, p. 2319; 22nd February, 1979, p. 428; 13th December, 1979, p. 2241; 31st January, 1980, p. 234; 4th December, 1980, p. 2034; 5th March, 1981, p. 608; 13th August, 1981, p. 458, p. 459.

Foot and Mouth Disease Eradication Fund Act, 1958-1971

Commencement: 14th March, 1968; *Gazette* 14th March, 1968, p. 849.
Commencement of Foot and Mouth Disease Eradication Fund Act Amendment Act, 1971: 1st November, 1971; *Gazette* 28th October, 1971, p. 1752.

Footwear Regulation Act, 1969-1972

Commencement: 1st January, 1970; *Gazette* 18th December, 1969, p. 2019.
Commencement of Footwear Regulation Act, 1972: 1st January, 1974; *Gazette* 21st June, 1973, p. 2565.
Administration: Committed to the Minister of Consumer Affairs; *Gazette* 20th September, 1979, p. 771.
Regulations: *Gazette* 18th December, 1969, p. 2061.

Foreign Judgments Act, 1971

Commencement: 23rd December, 1971; *Gazette* 23rd December, 1971, p. 2629.
s. 6. Proclamations: *Gazette* 21st August, 1975, p. 995; 18th December, 1975, p. 3283; 15th April, 1976, p. 1978; 20th May, 1976, p. 2620; 15th July, 1976, p. 138; 4th August, 1977, p. 296; 21st February, 1980, p. 361.
Rules of the Supreme Court: *Gazette* 10th August, 1972, p. 1134.

Forestry Act, 1950-1974

Commencement of Forestry Act Amendment Act, 1974: 29th May, 1975; *Gazette* 27th May, 1975, p. 2083.
s. 2b. Proclamations: *Gazette* 25th March, 1976, p. 1406; 1st April, 1976, p. 1668; 8th April, 1976, p. 1894; 6th May, 1976, p. 2357; 23rd September, 1976, p. 969; 7th October, 1976, p. 1108 (three); 28th October, 1976, p. 1475; 10th March, 1977, p. 638 (two), 9th June, 1977, p. 1652 (two), p. 1653; 18th August, 1977, p. 400; 23rd March, 1978, p. 948 (three); p. 949 (two); 27th April, 1978, p. 1484; 4th May, 1978, p. 1540, p. 1541; 18th May, 1978, p. 1737 (three); 8th June, 1978, p. 1973; 27th July, 1978, p. 287; 21st September, 1978, p. 976; 12th October, 1978, p. 1181; 23rd November, 1978, p. 2046 (two); 21st December, 1978, p. 2304; 15th February, 1979, p. 414; 13th September, 1979, p. 644; 10th January, 1980, p. 33; 21st February, 1980, p. 364; 20th March, 1980, p. 538; 20th November, 1980, p. 1922; 26th February, 1981, p. 526; 25th June, 1981, p. 1895; 6th August, 1981, p. 397; 3rd September, 1981, p. 804; 3rd December, 1981, p. 2208.

Friendly Societies Act, 1919-1975

Commencement of Friendly Societies Act Amendment Act, 1968: 30th January, 1969; *Gazette* 30th January, 1969, p. 339.
Commencement of Friendly Societies Act Amendment Act (No. 2) 1975: 5th June, 1975; *Gazette* 5th June, 1975, p. 2180.
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; 19th July, 1973, p. 287; 28th March, 1974, p. 1046; 25th June, 1981, p. 1901.
Regulation under 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 Plant Protection Act, 1968-1976

Commencement: 1st July, 1975; *Gazette* 22nd May, 1975, p. 1987.
Administration: Committed to the Minister of Agriculture; *Gazette* 22nd May, 1975, p. 1987.
ss. 3 and 4. Proclamations: *Gazette* 3rd June, 1976, p. 2880; 2nd December, 1976, p. 1811; 16th December, 1976, p. 2254; 5th May, 1977, p. 1265; 24th November, 1977, p. 1562.
s. 7. Proclamations: *Gazette* 19th December, 1975, p. 3483; 12th February, 1976, p. 611; 17th February, 1976, p. 673.
Regulations: *Gazette* 19th December, 1975, p. 3484; 3rd June, 1976, p. 2885; 17th June, 1976, p. 3150; 24th November, 1977, p. 1572.

Fruit and Vegetables (Grading) Act, 1934

Administration: Committed to the Minister of Agriculture; *Gazette* 28th January, 1937, p. 187.
s. 4. Proclamations: *Gazette* 14th February, 1935, p. 463; 8th July, 1971, p. 92.
Regulations: *Gazette* 7th December, 1961, p. 1899; 20th August, 1964, p. 426; 29th May, 1969, p. 1575; 8th July, 1971, p. 94; 27th January, 1972, p. 260.

Fruit and Vegetables (Prevention of Injury) Act, 1927-1975

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; 20th December, 1973, p. 3435.

Fruit Fly Act, 1947-1978

Regulations: *Gazette* 19th January, 1950, p. 106.

Fruit Fly (Compensation) Acts, 1967-1972

Regulations: *Gazette* 19th January, 1950, p. 106.

Fruitgrowing Industry (Assistance) Act, 1972

Commencement: 2nd November, 1972; *Gazette* 2nd November, 1972, p. 2135.
Administration: Committed to the Minister of Agriculture; *Gazette* 15th September, 1977, p. 727.

Further Education Act, 1975-1980

Commencement: 29th April, 1976; *Gazette* 29th April, 1976, p. 2218 (Operation of Part V suspended until a day to be fixed by subsequent proclamation).
Commencement of Part V: 3rd November, 1977; *Gazette* 3rd November, 1977, p. 1350.
Commencement of Further Education Act Amendment Act, 1979: 3rd May, 1979; *Gazette* 3rd May, 1979, p. 1313 (Part II of this Act deemed to have come into operation on 1st January, 1978 by virtue of section 2 of the Act).
Day fixed for purposes of s. 35: 16th September, 1976; *Gazette* 16th September, 1976, p. 889.
Regulations: 29th April, 1976, p. 2233; 10th June, 1976, p. 2951; 16th September, 1976, p. 897; 2nd December, 1976, p. 1818; 1st March, 1977, p. 651; 2nd November, 1978, p. 1435; 5th April, 1979, p. 916; 15th January, 1981, p. 90, p. 91; 22nd January, 1981, p. 178; 25th June, 1981, p. 1935; 12th November, 1981, p. 1504.

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, 1919-1973

Regulations: 22nd May, 1975, p. 1994.

Gas Act, 1924-1980

Commencement of Gas Act Amendment Act, 1974: 2nd May, 1974; *Gazette* 2nd May, 1974, p. 1614.
Commencement of Gas Act Amendment Act, 1980: 9th October, 1980; *Gazette* 9th October, 1980, p. 1085.
Administration: Committed to the Minister of Mines and Energy; *Gazette* 1st March, 1979, p. 681.
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.

Gas Act, 1924-1980—*continued*

Regulations: *Gazette* 19th November, 1925, p. 1346; 24th February, 1955, p. 389; 18th January, 1962, p. 90; 13th May, 1965, p. 1084; 26th September, 1968, p. 985; 4th March, 1976, p. 949; 9th September, 1976, p. 829; 28th September, 1978, p. 1044.

Geographical Names Act, 1969

Commencement: 21st May, 1970; *Gazette* 21st May, 1970, p. 1842.
s. 10. Notices: *Gazette* 22nd February, 1973, p. 639 (Mount Madjuri); 8th March, 1973, p. 863 (Para Vista); 25th October, 1973, p. 2675 (Kilburn); 30th September, 1976, p. 1035; 23rd June, 1977, p. 1761; 11th August, 1977, p. 359; 22nd September, 1977, p. 811; 29th September, 1977, p. 890; 19th January, 1978, p. 345; 18th May, 1978, p. 1740 (two), p. 1741 (three); 13th July, 1978, p. 165 (two); 9th November, 1978, p. 1479; 7th December, 1978, p. 2201; 14th December, 1978, p. 2222; 9th August, 1979, p. 345; 10th January, 1980, p. 61; 17th January, 1980, p. 96; 14th February, 1980, p. 320; 3rd April, 1980, p. 916; 10th July, 1980, p. 122; 11th September, 1980, p. 827; 18th September, 1980, p. 877; 27th November, 1980, p. 2002; 5th November, 1981, p. 1432; 12th November, 1981, p. 1492; 19th November, 1981, p. 1533.

Goods (Trade Descriptions) Act, 1935-1969

Commencement: 1st March, 1937; *Gazette* 28th January, 1937, p. 187.
Commencement of Goods (Trade Descriptions) Act Amendment Act, 1969: 1st January, 1970; *Gazette* 11th December, 1969, p. 1959.
Administration: Committed to Minister of Consumer Affairs; *Gazette* 20th September, 1979, p. 771.
s. 5. Proclamation: 16th February, 1956, p. 300.
Regulations: *Gazette* 16th February, 1956, p. 303.

Governor's Pensions Act, 1976

Commencement: 1st July, 1976; *Gazette* 1st July, 1976, p. 2.
Administration: Committed to the Treasurer; *Gazette* 5th July, 1979, p. 3.

Guardianship of Infants Act, 1940-1975

Commencement of Guardianship of Infants Act Amendment Act, 1975: 29th January, 1976; *Gazette* 29th January, 1976, p. 356.
Rules of Court: *Gazette* 1st May, 1890, p. 1215; 5th March, 1964, p. 522; 10th April, 1969, p. 1055; 1st May, 1969, p. 1240.

Hairdressers Registration Act, 1939-1978

Commencement: 1st March, 1940; *Gazette* 11th January, 1940, p. 33.
Commencement of Hairdressers Registration Act, 1978: 1st April, 1979 (Operation of section 6 suspended until 1st October, 1979); *Gazette* 30th March, 1979, p. 893.
Administration: Committed to the Minister of Industrial Affairs; *Gazette* 18th September, 1979, p. 768.
Regulations: *Gazette* 30th March, 1979, p. 894; 7th May, 1981, p. 1357.
Regulation under Fees Regulation Act, 1927, relating to the fee payable under section 21: *Gazette* 28th October, 1971, p. 1757; 19th December, 1974, p. 3789.

Harbors Act, 1936-1978

Commencement: 1st April, 1937; *Gazette* 25th March, 1937, p. 641.
Commencement of Harbors Act Amendment Act, 1966: 20th March, 1967; *Gazette* 2nd March, 1967, p. 681.
Commencement of Harbors Act Amendment Act, 1973: 20th May, 1974; *Gazette* 16th May, 1974, p. 1777.
Commencement of Harbors Act Amendment Act, 1978: 21st December, 1978; *Gazette* 21st December, 1978, p. 2303.
Administration of Parts II and III: Committed to the Minister of Marine; *Gazette* 25th March, 1937, p. 642.
s. 87. Proclamations (made under 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.
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 Marine Board and Navigation Act, 1881): *Gazette* 10th June, 1926, p. 1462.
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; 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; 31st January, 1963, p. 193; 17th December, 1964, p. 1897; 11th December, 1969, p. 1954; 5th March, 1970, p. 928; 9th April, 1970, p. 1348; 11th June, 1970, p. 2061; 21st August, 1975, p. 996; 19th August, 1976, p. 578; 16th December, 1976, p. 2253; 12th March, 1981, p. 646; 17th December, 1981, p. 2394.
Regulations made under Marine Board and Navigation Acts, 1881-1933, relating to matters provided for in Harbors Act, 1936, as amended:—
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; 2nd April, 1903, p. 618.
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.
Mooring regulations: *Gazette* 4th June, 1891, p. 1462; 5th May, 1892, p. 986; 30th November, 1893, p. 1326.
Pilotage regulations: *Gazette* 26th September, 1889, p. 1354; 4th June, 1891, p. 1462; 16th February, 1899, p. 301; 2nd October, 1934, p. 825.
River Murray navigation regulations: *Gazette* 30th October, 1884, p. 1641; 26th January, 1893, p. 147; 4th October, 1906, p. 714.
Regulations made under Harbors Act, 1913-1933, and Harbors Act, 1936-1978:—
General harbor regulations: *Gazette* 14th October, 1926, p. 923; 15th July, 1937, p. 115; 12th March, 1942, p. 395; 19th August, 1954, p. 375; 20th September, 1956, p. 677; 17th November, 1960, p. 1375; 29th June, 1961, p. 1468; 11th January, 1962, p. 52; 31st May, 1962, p. 1433; 28th May, 1964, p. 1183; 11th November, 1965, p. 1688; 25th April, 1968, p. 1299; 12th March, 1970, p. 1026; 5th August, 1971, p. 412; 27th April, 1972, p. 1635; 31st January, 1974, p. 313.

Harbors Act, 1936-1978—*continued*

Harbors and Wharves regulations: covering pilotage; tonnage rates and conservancy dues; management of wharves, harbors and departmental land; licensing of cranes and forklifts; wharfage; sorting stacking and delivery of cargo; conduct of vessels in harbors; *Gazette* 30th March, 1972, p. 1215; 22nd March, 1973, p. 1192; 5th July, 1973, p. 13; 12th July, 1973, p. 117; 11th July, 1974, p. 101; 2nd October, 1975, p. 1823; 19th August, 1976, p. 623; 26th August, 1976, p. 666; 9th September, 1976, p. 831; 6th October, 1977, p. 1046; 21st December, 1978, p. 2504, p. 2507, p. 2509; 15th February, 1979, p. 400; 12th July, 1979, p. 119, p. 123; 1st November, 1979, p. 1141; 17th April, 1980, p. 1008; 8th May, 1980, p. 1274; 19th June, 1980, p. 1676; 19th February, 1981, p. 478.

Helm orders, Regulations for: *Gazette* 22nd December, 1932, p. 1188.

Inflammable Liquids Regulations made under Inflammable Liquids Act, 1961 and Harbors Act, 1936, as amended: "Inflammable Liquids (Ships and Wharves) Regulations, 1967"; *Gazette* 29th August, 1968, p. 627; 21st August, 1969, p. 463; 12th August, 1971, p. 526; 15th June, 1972, p. 2356; 17th October, 1974, p. 2692; 26th August, 1976, p. 667; 31st August, 1978, p. 789.

Miscellaneous regulations: *Gazette* 23rd September, 1915, p. 925; 23rd March, 1916, p. 570; 4th January, 1917, p. 7; 8th May, 1919, p. 832; 3rd July, 1919, p. 2; 23rd June, 1921, p. 1318; 22nd December, 1932, p. 1188; 21st July, 1966, p. 221; 17th July, 1969, p. 164; 4th May, 1978, p. 1549.

Port MacDonnell Boat Haven: *Gazette* 12th July, 1979, p. 119; 12th February, 1981, p. 372.

Port Pirie, Fishing and other boats at: *Gazette* 12th September, 1940, p. 567 revoked and replaced by Port Pirie Boat Haven regulations, *Gazette* 18th June, 1981, p. 1847.

Port Vincent, regulations for use of Fishermen's Jetty: *Gazette* 17th July, 1969, p. 164.

Robe Boat Haven: *Gazette* 25th November, 1965, p. 1887; 12th July, 1979, p. 123; 12th February, 1981, p. 370.

Sixty ton crane, hire of: *Gazette* 25th April, 1968, p. 1229.

Survey, etc., 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; 3rd October, 1974, p. 2529.

Regulations made under Harbors Act, 1936, as amended, and Boating Act, 1974: *Gazette* 16th January, 1975, p. 153.

Restriction of speed of vessels (River Murray Harbor): *Gazette* 27th November, 1975, p. 2927.

River Murray (Murray Bridge) Zoning Regulations: *Gazette* 6th November, 1975, p. 2351; 13th November, 1975, p. 2441.

Regulations for the operation of the North Arm Fishing Haven: *Gazette* 21st December, 1978, p. 2504; 31st January, 1980, p. 232; 12th February, 1981, p. 371.

Hartley College of Advanced Education Act, 1978

Commencement: 1st January, 1979; *Gazette* 14th December, 1978, p. 2219.

Administration: Committed to the Minister of Education; *Gazette* 19th July, 1979, p. 168.

Hawkers Act, 1934-1960

Regulations: *Gazette* 14th February, 1935, p. 523.

Health Act, 1935-1978

Commencement of Health Act Amendment Act, 1968 (other than ss. 12 and 13): 15th May, 1969; *Gazette* 15th May, 1969, p. 1413.

Commencement of ss. 12 and 13 of Health Act Amendment Act, 1968: 26th February, 1970; *Gazette* 26th February, 1970, p. 859.

Commencement of Health Act Amendment Act, 1971: 6th July, 1972; *Gazette* 6th July, 1972, p. 3.

Commencement of Health Act Amendment Act, 1972: 5th July, 1973; *Gazette* 5th July, 1973, p. 8.

Commencement of Health Act Amendment Act, 1975: 5th May, 1977; *Gazette* 5th May, 1977, p. 1264.

Commencement of Health Act Amendment Act, 1976: 14th July, 1977; *Gazette* 14th July, 1977, p. 74.

Commencement of Health Act Amendment Act, 1980: 12th February, 1981; *Gazette* 12th February, 1981, p. 359.

Administration: Committed to the Minister of Health; *Gazette* 28th February, 1952, p. 465; Minister of Health's powers and functions under ss. 94a, 94b, 94c and 94d delegated to the Minister of Environment; *Gazette* 10th July, 1980, p. 121.

s. 5. Proclamation: *Gazette* 20th August, 1981, p. 553.

s. 5a. Proclamations: *Gazette* 9th February, 1956, p. 223; 4th November, 1965, p. 1557; 20th August, 1981, p. 553 (two).

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; 17th July, 1969, p. 161.

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.

s. 146x. Proclamation: 26th October, 1978, p. 1320.

Clean Air Regulations: *Gazette* 13th November, 1969, p. 1541 (to come into force 1st January, 1972); 6th July, 1972, p. 53 (to come into force 1st January, 1973); 25th January, 1973, p. 308; 25th January, 1973, p. 310; 28th August, 1975, p. 1134; 27th May, 1976, p. 2766; 29th July, 1976, p. 266; 12th August, 1976, p. 534; 12th January, 1978, p. 63.

Model regulations for the guidance of local boards: *Gazette* 29th June, 1899, p. 1442.

General regulations: *Gazette* 13th March, 1969, p. 789; 26th June, 1969, p. 1820; 26th February, 1970, p. 863; 5th July, 1973, p. 11; 26th April, 1974, p. 1535; 18th July, 1974, p. 623; 2nd October, 1975, p. 1831; 12th February, 1976, p. 613; 13th May, 1976, p. 2530; 29th July, 1976, p. 266; 5th May, 1977, p. 1269; p. 1306; 14th July, 1977, pp. 89, 90, 91; 2nd March, 1978, p. 735; 8th June, 1978, p. 1987; 18th September, 1980, p. 884; 29th January, 1981, p. 272; 5th March, 1981, p. 605; 26th November, 1981, p. 2159; 3rd December, 1981, p. 2312.

Regulations under Part IXA: *Gazette* 16th September, 1954, p. 734.

Regulations under Part IXB: *Gazette* 29th March, 1962, p. 661; 24th February, 1972, p. 665; 19th January, 1978, p. 325; 1st February, 1979, p. 261.

Regulations under 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; 19th February, 1970, p. 798.

Regulations under s. 115: *Gazette* 25th November, 1954, p. 1295; 5th July, 1956, p. 4; 12th September, 1963, p. 863; 19th December, 1968, p. 2672; 13th March, 1969, p. 839.

Regulations under s. 126: *Gazette* 26th April, 1962, p. 1020; 29th October, 1964, p. 1395; 7th October, 1965, p. 1345; 16th January, 1969, p. 241.

Proclamation exempting from provisions of Part IXaa: *Gazette* 6th September, 1973, p. 1899.

Hide, Skin and Wool Dealers Act, 1915-1965

Commencement of sections 4 and 6 of Hide, Skin and Wool Dealers Act Amendment Act, 1959: 29th September, 1960; *Gazette* 29th September, 1960, p. 846.
Administration: Committed to the Minister of Agriculture; *Gazette* 14th June, 1979, p. 1824.
Regulations: *Gazette* 26th November, 1936, p. 1150; 29th September, 1960, p. 849; 17th June, 1965, p. 1539; 12th May, 1966, p. 1934; 20th December, 1973, p. 3424; 9th December, 1976, p. 1884; 18th May, 1978, p. 1750; 14th September, 1978, p. 913.

Highways Act, 1926-1980

Commencement: 3rd February, 1927; *Gazette* 3rd February, 1927, p. 258.
Commencement of Highways Act Amendment Act (No. 2), 1969: 21st May, 1970; *Gazette* 21st May, 1970, p. 1842.
Commencement of Highways Act Amendment Act, 1972: 6th April, 1972; *Gazette* 6th April, 1972, p. 1369.
Commencement of Highways Act Amendment Act (No. 2), 1972: 7th December, 1972; *Gazette* 7th December, 1972, p. 2534.
Administration: Committed to the Minister of Transport; *Gazette* 17th May, 1973, p. 2092.
s. 27aa. Proclamations: *Gazette* 15th February, 1973, p. 499; 12th April, 1973, p. 1460; 19th April, 1973, p. 1777, 19th July, 1973, p. 288; 26th July, 1973, p. 372, p. 373; 20th September, 1973, p. 2052, p. 2053; 11th October, 1973, p. 2353 (four); 18th October, 1973, p. 2465; 15th November, 1973, p. 2897; 10th January, 1974, p. 38; 31st January, 1974, p. 312; 30th May, 1974, p. 2096; 6th June, 1974, p. 2196; 19th September, 1974, p. 2259 (two) p. 2260; 17th October, 1974, p. 2687 (two), p. 2688; 21st November, 1974, p. 3261; 19th December, 1974, p. 3766; 20th March, 1975, p. 1086 (three); 17th April, 1975, p. 1511; 8th May, 1975, p. 1802 (two); 15th May, 1975, p. 1917 (two); 22nd May, 1975, p. 1987; 3rd July, 1975, p. 3; 31st July, 1975, p. 676; 14th August, 1975, p. 884; 21st August, 1975, p. 994 (two); 11th September, 1975, p. 1426; 18th September, 1975, p. 1573; 30th October, 1975, p. 2265; 18th December, 1975, p. 3282; 25th March, 1976, p. 1405; 29th April 1976, p. 2218; 20th May, 1976, p. 2619; 12th August, 1976, p. 520; 16th September, 1976, p. 891; 25th November, 1976, p. 1744, p. 1745; 16th December, 1976, p. 2254; 23rd December, 1976, p. 2321; 17th February, 1977, p. 433; 18th August, 1977, p. 412; 3rd November, 1977, p. 1352; 17th November, 1977, p. 1506; 8th December, 1977, p. 2140, p. 2143; 6th April, 1978, p. 1112; 8th June, 1978, p. 1973; 22nd June, 1978, p. 2120, p. 2126; 18th January, 1979, p. 96; 25th October, 1979, p. 1057; 31st January, 1980, p. 192; 22nd May, 1980, p. 1372; 4th June, 1981, p. 1639; 17th December, 1981, p. 2391.
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, p. 1380; 4th January, 1940, p. 2 (republished 18th January, 1940, p. 70); 15th February, 1940, p. 369; 22nd February, 1940, pp. 409, 410; 28th March, 1940, pp. 645, 646; 8th August, 1940, pp. 222, 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; 8th July, 1976, p. 74, p. 79; 16th September, 1976, p. 886; 30th September, 1976, p. 1030.
s. 30a. Proclamations: *Gazette* 22nd December, 1960, p. 1702; 24th October, 1963, p. 1236; 27th August, 1964, p. 548; 17th December, 1964, p. 1901; 9th March, 1967, p. 786; 19th November, 1970, p. 2328; 14th January, 1971, p. 93; 1st April, 1971, p. 1384; 29th April, 1971, p. 2264; 27th January, 1972, p. 230; 27th January, 1972, p. 234; 25th May, 1972, p. 2007; 27th July, 1972, p. 681; 10th August, 1972, p. 1034; 3rd May, 1973, p. 1927; 13th September, 1973, p. 1989; 6th December, 1973, p. 3167; 20th December, 1973, p. 3339; 7th March, 1974, p. 722; 4th April, 1974, p. 1126; 6th June, 1974, p. 2196; 9th January, 1975, p. 4; 10th April, 1975, p. 1436; 17th April, 1975, p. 1508; 29th May, 1975, p. 2053; 17th July, 1975, p. 307; 24th July, 1975, p. 554; 27th November, 1975, p. 2902; 11th December, 1975, p. 3128; 13th January, 1977, p. 46; 3rd February, 1977, p. 274; 24th March, 1977, p. 868; 31st March, 1977, p. 996; 30th June, 1977, p. 1836; 18th August, 1977, p. 400; 9th March, 1978, p. 796; 30th March, 1978, p. 1034; 6th April, 1978, p. 1106; 3rd August, 1978, p. 406 (two), p. 408 (three); 28th September, 1978, p. 1030, p. 1032, p. 1033; 12th October, 1978, p. 1178; 18th January, 1979, p. 78; 29th March, 1979, p. 834; 12th April, 1979, p. 968; 28th June, 1979, p. 1942; 26th July, 1979, p. 220; 13th September, 1979, p. 634; 25th October, 1979, p. 105; 13th December, 1979, p. 1986, p. 1991, p. 1993; 26th February, 1981, p. 526; 5th March, 1981, p. 594; 26th March, 1981, p. 789, p. 792, p. 794; 14th May, 1981, p. 1405; 21st May, 1981, p. 1554; 23rd July, 1981, p. 215; 6th August, 1981, p. 398; 27th August, 1981, p. 684; 17th September, 1981, p. 922; 8th October, 1981, p. 1142, p. 1144, p. 1147, p. 1150; 15th October, 1981, p. 1204; 29th October, 1981, p. 1338; 3rd December, 1981, p. 2206.
s. 30d. Notices: *Gazette* 22nd December, 1960, p. 1704; 24th October, 1963, p. 1239; 27th August, 1964, p. 549; 17th December, 1964, p. 1903; 19th November, 1970, p. 2330; 14th January, 1971, p. 93; 1st April, 1971, p. 1388; 29th April, 1971, p. 2268; 27th January, 1972, pp. 232, 238; 25th May, 1972, p. 2019; 27th July, 1972, p. 687; 10th August, 1972, p. 1037.
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; 14th June, 1973, p. 2498.
Regulations as to the control of traffic, etc., at Birkenhead and Jervois Bridges: *Gazette* 8th November, 1945, p. 696.
Regulation as to the control of traffic, etc., South-Eastern Freeway: *Gazette* 14th August, 1969, p. 408. Revoked: *Gazette* 21st December, 1972, p. 2749.

Historic Shipwrecks Act, 1981

Commencement: 3rd December, 1981; *Gazette* 3rd December, 1981, p. 2206.

History Trust of South Australia Act, 1981

Commencement: 26th March, 1981; *Gazette* 26th March, 1981, p. 796.
Administration: Committed to the Minister of Arts; *Gazette* 26th March, 1981, p. 796.

Holidays Act, 1910-1980

Commencement of Holidays Act Amendment Act, 1958: 8th January, 1960; *Gazette* 17th December, 1959, p. 1504.

Homes Act, 1941-1968

s. 10. Proclamation: *Gazette* 5th July, 1945, p. 1.
Regulations: *Gazette* 15th January, 1942, p. 67; 13th June, 1946, p. 1095; 16th June, 1955, p. 1395.

Hospitals Act, 1934-1971

Commencement: 1st May, 1937; *Gazette* 25th March, 1937, p. 642.
Commencement of 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; 9th August, 1934, p. 251; 24th September, 1936, p. 626; 3rd December, 1936, p. 1195; 1st July, 1937, p. 1; 2nd November, 1939, p. 1213; 11th February, 1954, p. 226; 10th December, 1964, p. 1804; 19th February, 1970, p. 794; 17th June, 1971, p. 2924; 2nd March, 1972, p. 738; 18th April, 1974, p. 1339; 2nd May, 1974, p. 1614.
s. 15. Proclamations: *Gazette* 25th March, 1964, p. 525; 1st April, 1976, p. 1670.
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; 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; 31st July, 1969, p. 285; 7th August, 1969, p. 340; 21st May, 1970, p. 1844; 17th June, 1971, p. 2925; 1st March, 1973, p. 739; 10th May, 1974, p. 1683.
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; 31st July, 1952, p. 253; 2nd August, 1956, p. 257; 20th April, 1961, p. 914; 31st July, 1969, p. 285; 21st May, 1970, p. 1844; 21st May, 1970, p. 1844; 17th June, 1971, p. 2924; 1st March, 1973, p. 739; 10th May, 1974, p. 1680; 3rd July, 1975, p. 3; 28th August, 1975, p. 1126.
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, 1975, 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; 2nd September, 1971, p. 743.
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.
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* 24th December, 1970, p. 2948; 25th February, 1971, p. 826; 6th May, 1971, p. 2347; 2nd September, 1971, p. 743; 3rd December, 1971, p. 2302; 31st August, 1972, p. 1339; 28th Septmber, 1972, p. 1671; 31st May, 1971, p. 2323; 16th August, 1973, p. 982; 1st November, 1973, p. 2737; 31st July, 1975, p. 682; 23rd September, 1976, p. 978; 23rd December, 1976, p. 2377; 21st December, 1978, p. 2514; 7th June, 1979, p. 1687; 23rd August, 1979, p. 450; 13th December, 1979, p. 2015; 22nd January, 1981, p. 181; 27th August, 1981, p. 707, p. 709.

Housing Agreement Act, 1978

Commencement: 30th August, 1979; *Gazette* 30th August, 1979, p. 498.

Housing Grants Administration Act, 1971

Commencement: 1st January, 1972; *Gazette* 16th December, 1971, p. 2498.

Housing Improvement Act, 1940-1978

Commencement: 19th December, 1940; *Gazette* 19th December, 1940, p. 1551.
Administration: Committed to the Minister for Planning; *Gazette* 13th November, 1975, p. 2430.
s. 5. Proclamation committing execution of Act to the South Australian Housing Trust: *Gazette* 19th December, 1940, p. 1551.
s. 6. Proclamation: *Gazette* 19th May, 1949, p. 1212.
s. 49. Proclamations: *Gazette* 9th October, 1941, p. 713; 24th September, 1970, p. 1303.
Regulations under section 6: *Gazette* 19th December, 1940, p. 1587; 18th November, 1971, p. 2077; 3rd August, 1972, p. 983; 26th April, 1974, p. 1564; 1st May, 1975, p. 1712.
Regulations as to standards of habitation: *Gazette* 8th January, 1942, p. 57; 25th September, 1952, p. 897; 11th April, 1968, p. 1199; 26th February, 1970, p. 866; 24th September, 1970, p. 1307.
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, 1962-1974

Commencement: 1st November, 1962; *Gazette* 1st November, 1962, p. 1198.

Impounding Act, 1920-1977

Commencement of Impounding Act Amendment Act, 1974: 5th December, 1974; *Gazette* 5th December, 1974, p. 3558.
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 Taxation Act, 1884, and its amendments: *Gazette* 22nd January, 1885, p. 203; 29th December, 1904, p. 1205; 24th December, 1908, p. 1257.
Regulations under 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 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 Income Tax Assessment Act, 1936: *Gazette* 24th December, 1936, p. 1367; 18th February, 1937, p. 375; 27th May, 1937, p. 1206.

Industrial and Commercial Training Act, 1981

Commencement: 19th May, 1981; *Gazette* 7th May, 1981.
Regulations: *Gazette* 21st May, 1981, p. 1512; 21st May, 1981, p. 1529 revoked by *Gazette* 28th May, 1981, p. 1567; 19th November, 1981, p. 1589.

Industrial and Provident Societies Act, 1923-1974

Administration: Committed to the Minister of Corporate Affairs; *Gazette* 18th September, 1979, p. 768.
Regulations: *Gazette* 20th August, 1964, p. 437.
Rules of Court under section 9 (3): *Gazette* 2nd October, 1924, p. 830.

Industrial Code, 1967-1971

Commencement of Parts I to XI and XIII: 1st March, 1968; *Gazette* 8th February, 1968, p. 344.
Commencement of Parts XII and XIV: 1st November, 1968; *Gazette* 10th October, 1968, p. 1132.
Commencement of Industrial Code Amendment Act (No. 2), 1970: 1st January, 1971; *Gazette* 10th December, 1970, p. 2646.
Commencement of Industrial Code Amendment Act, 1972: 1st September, 1975; *Gazette* 26th June, 1975, p. 2456.
Administration: Committed to the Minister of Industrial Affairs; *Gazette* 18th September, 1979, p. 768.
s. 38. Proclamation: *Gazette* 10th October, 1968, p. 1131.
Rules of Industrial Court and Industrial Commission, 1968: *Gazette* 29th February, 1968, p. 689; 31st July, 1969, p. 321; 25th March, 1971, p. 1315. (Revoked except as to proceedings to which s. 5 (3) *(d)* of the Industrial Conciliation and Arbitration Act, 1972 (q.v.) applies; *Gazette* 4th January, 1973, p. 55).
Regulations: *Gazette* 28th November, 1968, p. 2329; 5th June, 1969, p. 1650; 20th August, 1970, p. 853; 27th August, 1970, p. 905; 17th December, 1970, p. 2789; 10th June, 1971, p. 2833; 4th November, 1971, p. 1821; 6th June, 1974, p. 2220.

Industrial Commission Jurisdiction (Temporary Provisions) Act, 1975-1977

Administration: Committed to the Minister of Industrial Affairs; *Gazette* 18th September, 1979, p. 768.

Industrial Conciliation and Arbitration Act, 1972-1979

Commencement: 4th January, 1973; *Gazette* 4th January, 1973, p. 51.
Commencement of Industrial Conciliation and Arbitration Act Amendment Act, 1981: 31st August, 1981; *Gazette* 31st August, 1981, p. 801.
Administration: Committed to the Minister of Industrial Affairs; *Gazette* 18th September, 1979, p. 768.
s. 89. Proclamations: *Gazette* 30th August, 1973, p. 1400 (Whyalla Sheltered Workshop); 15th November, 1973, p. 2899 (Prisoners' Aid Association); 8th April, 1976, p. 1894 (Goodwill Industries); 6th August, 1981, p. 396; 5th November, 1981, p. 1429.
Regulations: 4th January, 1973, p. 52; 15th June, 1978, p. 2048.
Rules of Court: *Gazette* 4th January, 1972, p. 55; 24th May, 1972, p. 2202; 15th January, 1976, p. 182; 13th April, 1978, p. 1209.

Industrial Safety, Health and Welfare Act, 1972-1978

Commencement: 1st April, 1974; *Gazette* 7th March 1974, p. 729.
Commencement of Industrial Safety, Health and Welfare Act Amendment Act, 1976: 1st April, 1977; *Gazette* 10th February, 1977, p. 314.
Commencement of Industrial Safety, Health and Welfare Act Amendment Act, 1978: 1st April, 1978; *Gazette* 30th March, 1978, p. 1037.
Administration: Committed to the Minister of Industrial Affairs; 18 September, 1979, p. 768.
s. 7. Proclamations: *Gazette* 31st November, 1974, p. 3260; 6th October, 1977, p. 940; 1st December, 1977, p. 2062 (three), p. 2064; 15th February, 1979, p. 349; 22nd February, 1979, p. 415; 22nd November, 1979, p. 1308.
s. 23. Proclamations: *Gazette* 1st December, 1977, p. 2063; 27th June, 1978, p. 2458 (two).
s. 24. Proclamation: *Gazette* 1st December, 1977, p. 2063.
s. 26. Proclamation: *Gazette* 16th October, 1975, p. 2010.
Regulations relating to power driven machinery: *Gazette* 21st November, 1974, p. 3265.
Regulations relating to rural industries (Machine Safety): *Gazette* 21st November, 1974, p. 3268; 13th March, 1975, p. 1508; 14th August, 1980, p. 537.
Regulations relating to the logging industry; *Gazette* 6th October, 1977, p. 946; 14th August, 1980, p. 537; 18th June, 1981, p. 1851.
Industrial Safety Code Regulations: *Gazette* 26th June, 1975, p. 2503; 10th July, 1975, p. 151; 18th December, 1975, p. 3291; 30th September, 1976, p. 1043; 29th June, 1978, p. 2259; 27th July, 1978, p. 298; 31st August, 1978, p. 790; 22nd January, 1981, p. 176; 29th January, 1981, p. 271.
Construction Safety Regulations: *Gazette* 7th March, 1974, p. 767; 26th September, 1974, p. 2404; 10th October, 1974, p. 2595; 11th December, 1975, p. 1341; 30th September, 1976, p. 1044; 24th March, 1977, p. 891, p. 892; 14th August, 1980, p. 537, p. 538; 25th June, 1981, p. 1929.
Commercial Safety Code Regulations: *Gazette* 27th July, 1978, p. 349; 29th January, 1981, p. 270.
Regulations relating to handling of pesticides: 22nd February, 1979, p. 544.

Industries Development Act, 1941-1978

Commencement of Industries Development Act Amendment Act, 1971: 1st June, 1971; *Gazette* 13th May, 1971, p. 2428.
Commencement of Industries Development Act Amendment Act, 1972: 9th August, 1973; *Gazette* 9th August, 1973, p. 850.

Industries Development Act, 1941-1978—*continued*

Commencement of Industries Development Act Amendment Act, 1974: 23rd January, 1975; *Gazette* 23rd January, 1975, p. 258.
Commencement of Industries Development Act Amendment Act (No. 2), 1977: 4th May, 1978; *Gazette* 4th May, 1978, p. 1541.
Commencement of Industries Development Act Amendment Act, 1978: 4th May, 1978; *Gazette* 4th May, 1978, p. 1540.
Commencement of Industries Development Act Amendment Act, 1981: 1st January, 1982; *Gazette* 23rd December, 1981, p. 2467.
Delegation: function vested in Treasurer by s. 10 delegated to Minister of Industrial Affairs; *Gazette* 4th September, 1980, p. 765.
s. 2a. Proclamation: *Gazette* 20th February, 1975, p. 578.
Regulations relating to the bread industry: *Gazette* 17th April, 1980, p. 1003.
Regulations relating to bread pricing: *Gazette* 22nd July, 1980, p. 289.

Infectious Diseases Hospital Transfer Act, 1947

s. 3. Notice fixing 1st April, 1948, as the "appointed day": *Gazette* 25th March, 1948, p. 645.
s. 8. Commencement: 16th September, 1948; *Gazette* 16th September, 1948, p. 1068.

Inflammable Liquids Act, 1961-1976

Commencement: 1st October, 1963; *Gazette* 19th September, 1963, p. 870.
Administration: Committed to the Minister of Industrial Affairs; *Gazette* 18th September, 1979, p. 768.
Regulations: *Gazette* 19th September, 1963, p. 883; 6th October, 1966, p. 1546; 27th October, 1966, p. 1761; 10th October, 1968, p. 1162; 9th March, 1972, p. 838.
Regulations made under the Inflammable Liquids Act and the Harbors Act: *Gazette* 29th August, 1968, p. 627; 21st August, 1969, p. 463; 12th August, 1971, p. 526; 15th June, 1972, p. 2356; 17th October, 1974, p. 2692; 26th August, 1976, p. 667; 31st August, 1978, p. 789.

Inheritance (Family Provision) Act, 1972-1975

Commencement: 1st June, 1972; *Gazette* 1st June, 1972, p. 2163.
Commencement of Inheritance (Family Provision) Act Amendment Act, 1975: 29th January, 1975; *Gazette* 29th January, 1976, p. 356.
Rules of Supreme Court: *Gazette* 1st March, 1973, p. 820.

Institute of Medical and Veterinary Science Act, 1937-1978

Commencement: 9th June, 1938; *Gazette* 9th June, 1938, p. 1270.
Regulations: *Gazette* 30th June, 1938, p. 1568; 21st December, 1949, p. 1581; 4th October, 1956, p. 790; 30th June, 1960, p. 1696; 10th August, 1961, p. 648; 3rd September, 1964, p. 811; 15th August, 1968, p. 439; 9th October, 1969, p. 1191; 10th May, 1974, p. 1692.

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; 9th March, 1972, p. 846; 19th July, 1973, p. 291; 11th July, 1974, p. 103; 24th April, 1980, p. 1071.
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; 9th March, 1972, p. 840; 19th July, 1973, p. 291; 11th July, 1974, p. 103; 24th April, 1980, p. 1071.

Irrigation Act, 1930-1978

Commencement: 5th February, 1931; *Gazette* 5th February, 1931, p. 189.
Commencement of Irrigation Act Amendment Act, 1971: 3rd February, 1972; *Gazette* 3rd February, 1972, p. 431.
Commencement of Irrigation Act Amendment Act, 1981: 26th November, 1981; *Gazette* 26th November, 1981, p. 2135.
Administration: Committed to the Minister of Lands; *Gazette* 29th June, 1978, p. 2236.
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; 3rd October, 1963, p. 1019; 18th November, 1971, 2070; 26th April, 1974, p. 1456; 1st July, 1976, p. 7; 18th September, 1980, p. 873.
Regulations: *Gazette* 29th June, 1978, p. 2266.

Irrigation on Private Property Act, 1939-1978

Commencement: 5th January, 1940; *Gazette* 4th January, 1940, p. 1.
Administration: Committed to the Minister of Water Resources; *Gazette* 26th April, 1979, p. 1226.
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; 30 September, 1965, p. 1197; 14th December, 1972, p. 2628; 21st February, 1974, p. 541.
s. 10. Proclamation: *Gazette* 1st November, 1962, p. 1198.

Judges' Pensions Act, 1971-1974

Commencement: 1st May, 1971; *Gazette* 22nd April, 1971, p. 2186.
Commencement of Judges' Pensions Act Amendment Act, 1972: 2nd August, 1973; *Gazette* 2nd August, 1973, p. 720.

Judges' Pensions Act, 1971-1974—*continued*

Commencement of Judges' Pensions Act Amendment Act, 1974: 28th November, 1974; *Gazette* 28th November, 1974, p. 3372.
s. 4. Proclamations: 14th December, 1972, p. 2630; 31st January, 1974, p. 310.
s. 12. Proclamations: *Gazette* 3rd December, 1971, p. 2300; 21st September, 1972, p. 1536; 2nd August, 1973, p. 720; 20th September, 1973, p. 2053.

Juries Act, 1927-1976

Commencement: 6th January, 1928; *Gazette* 5th January, 1928, p. 1.
Commencement of Juries Act Amendment Act, 1965: 2nd December, 1965; *Gazette* 2nd December, 1965, p. 1953.
Commencement of Juries Act Amendment Act, 1969: 31st August, 1970; *Gazette* 20th August, 1970, p. 696.
Commencement of Juries Act Amendment Act, 1974; 12th September, 1974, *Gazette* 12th September, 1974, p. 1736.
Commencement of Juries Act Amendment Act, 1976: 4th March, 1976; *Gazette* 4th March, 1976, p. 940.
ss. 9 and 10. Proclamations: *Gazette* 28th September, 1950, p. 738; 29th November, 1956, p. 1231; 31st August, 1961, p. 824; 14th July, 1966, p. 156; 20th August, 1970, p. 702; 17th December, 1970, p. 2768; 20th October, 1977, p. 1180; 26th January, 1978, p. 368.
s. 77. Proclamations: *Gazette* 17th December, 1970, p. 2768; 18th October, 1973, p. 2465; 21st December, 1978, p. 2304.
Rules of Court (Supreme Court and District Criminal Court): 7th November, 1974, p. 3051.

Justices Act, 1921-1980

Commencement: 26th July, 1922; *Gazette* 29th June, 1922, p. 1575.
Commencement of Justices Act Amendment Act, 1957: 1st February, 1958; *Gazette* 19th December, 1957, p. 1529.
Commencement of Justices Act Amendment Act, 1969: 2nd January, 1970; *Gazette* 18th December, 1969, p. 2019.
Commencement of Justices Act Amendment Act (No. 2), 1969: 31st August, 1970; *Gazette* 20th August, 1970, p. 696.
Commencement of Justices Act Amendment Act, 1972: 30th November, 1972; *Gazette* 16th November, 1972, p. 2334.
Commencement of Justices Act Amendment Act (No. 2), 1972: 15th February, 1973; *Gazette* 15th February, 1973, p. 496.
Commencement of Justices Act Amendment Act (No. 2), 1975: 22nd May, 1975; *Gazette* 22nd May, 1975, p. 1987.
s. 4a. Proclamations: *Gazette* 24th May, 1973, p. 2195; 28th March, 1974, p. 1046; 31st March, 1977, p. 1010; 15th February, 1979, p. 350.
s. 57a. Proclamations: *Gazette* 21st August, 1975, p. 994; 18th September, 1975, p. 1574.
Rule fixing fees payable in substitution for fees and exemptions in second schedule of Act: *Gazette* 3rd July, 1980, p. 16 revoked and replaced by *Gazette* 16th April, 1981, p. 1168, 11th June, 1981, p. 1787.
Rules of the Supreme Court as to appeals under Part VI: *Gazette* 13th December, 1956, p. 1329; 12th January, 1967, p. 56; 9th November, 1972, p. 2276.
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; 5th February, 1970, p. 597; 14th May, 1970, p. 1733; 20th August, 1970, p. 854; 24th February, 1972, p. 658; 16th November, 1972, p. 2345; 23rd September, 1976, p. 981; 2nd March, 1978, p. 739; 3rd December, 1981, p. 2216.
Rules as to payment to witnesses and others for attendance at courts of summary jurisdiction: *Gazette* 19th January, 1978, p. 302.
Rules under Maintenance Orders (Facilities for Enforcement) Act, 1922, and Justices Act, 1921: *Gazette* 25th October, 1923, p. 953; 26th February, 1931, p. 374; 14th June, 1956, p. 1384.

Kindergarten Union Act, 1974-1975

Commencement: 8th May, 1975; *Gazette* 8th May, 1975, p. 1804.
Administration: Committed to the Minister of Education; *Gazette* 19th July, 1979, p. 168.
Statutes: *Gazette* 17th June, 1976, p. 3138; 3rd March, 1977, p. 593; 10th November, 1977, p. 1428.

Kingston College of Advanced Education Act—*See* Hartley College of Advanced Education Act.

Kingswood Recreation Ground (Vesting) Act, 1970

s. 3 (1). Notice: *Gazette* 29th April, 1971, p. 2272.

Land Acquisition Act, 1969-1972

Commencement: 28th May, 1970; *Gazette* 28th May, 1970, p. 1954.
Commencement of Land Acquisition Act Amendment Act, 1972: 8th February, 1973; *Gazette* 8th February, 1973, p. 439.
Administration: Committed to the Attorney-General; *Gazette* 28th May, 1970, p. 1954.
Regulations: *Gazette* 28th May, 1970, p. 1967; 14th December, 1972, p. 2639.

Land and Business Agents Act, 1973-1979

Commencement: 24th June, 1974; *Gazette* 16th May, 1974, p. 1775.
Commencement of Land and Business Agents Act Amendment Act, 1974: 1st April, 1975; *Gazette* 27th February, 1975, p. 665.
Administration: Committed to the Minister of Consumer Affairs; *Gazette* 21st February, 1980, p. 364.
Regulations relating to Land and Business Agents: *Gazette* 23rd May, 1974, p. 1955; 27th February, 1975, p. 670; 6th September, 1979, p. 600; 2nd April, 1981, p. 1058.
Regulation relating to Code of Conduct for Land and Business Agents: *Gazette* 27th February, 1975, p. 677.
Regulations relating to Land Brokers: *Gazette* 23rd May, 1974, p. 1993; 2nd April, 1981, p. 1059.

Land Commission Act, 1973-1977

Commencement: 8th November, 1973; *Gazette* 8th November, 1973, p. 2797.
Administration: Committed to the Minister of Environment and Planning; *Gazette* 18th June, 1981, p. 1840.
Regulations: *Gazette* 28th February, 1974. p. 622.
s. 14. Notice: *Gazette* 25th September, 1975, p. 1665.

Landlord and Tenant Act, 1936-1978

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.

Landlord and Tenant (Control of Rents) Act, 1942-1961—*continued*

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, 1944-1978

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; 29th April, 1976, p. 2232; 27th October, 1977, p. 1305; 14th February, 1980, p. 317.

Land Settlement (Development Leases) Act, 1949-1969

Commencement of Land Settlement (Development Leases) Act Amendment Act, 1969: 21st May, 1970; *Gazette* 21st May, 1970, p. 1842.

Lands for Public Purposes Acquisition Act, 1914-1972

s. 5. Proclamations: *Gazette* 13th May, 1971, p. 2429; 26th August, 1971, p. 667; 27th April, 1972, p. 1633; 13th July, 1972, p. 133; 10th January, 1974, p. 38.

Land Tax Act, 1936-1979

Commencement: 7th January, 1937; *Gazette* 7th January, 1937, p. 1.
Commencement of Land Tax Act Amendment Act, 1969: 21st May, 1970; *Gazette* 21st May, 1970, p. 1842.
Commencement of Land Tax Act Amendment Act, 1970: *Gazette* 10th June, 1971, p. 2830.
Commencement of Land Tax Act Amendment Act, 1975: 2nd June, 1975; *Gazette* 22nd May, 1975, p. 1987.
s. 12c. Proclamations: *Gazette* 2nd November, 1961, p. 1409; 25th August, 1966, p. 1073; 27th June, 1968, p. 1864; 24th June, 1971, p. 3077; 26th June, 1975, p. 2457.
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; 19th January, 1967, p. 122; 7th December, 1967, p. 2443.
Regulations: *Gazette* 2nd April, 1953, p. 699; 29th May, 1975, p. 2094; 22nd December, 1977, p. 2281; 26th June, 1980, p. 1729.

Land Valuers Licensing Act, 1969-1974

Commencement: 1st May, 1970; *Gazette* 23rd April, 1970, p. 1461.
Administration: Committed to the Attorney-General; *Gazette* 23rd April, 1970, p. 1461: Committed to the Minister of Consumer Affairs; *Gazette* 21st February, 1980, p. 364.
Regulations: *Gazette* 23rd April, 1970, p. 1565; 6th September, 1979, p. 599; 2nd April, 1981, p. 1060.

Law of Property Act, 1936-1980

Commencement: 1st November, 1937; *Gazette* 25th March, 1937, p. 646.
Commencement of Law of Property Act Amendment Act, 1969: 21st May, 1970; *Gazette* 21st May, 1970, p. 1841.
Commencement of Law of Property Act Amendment Act (No. 2), 1969: 31st August, 1970; *Gazette* 20th August, 1970, p. 696.
Commencement of Law of Property Act Amendment Act, 1972: 1st November, 1973; *Gazette* 6th September, 1973, p. 1899.
Commencement of Law of Property Act Amendment Act (No. 2), 1972: 1st November, 1973; *Gazette* 6th September, 1973, p. 1899.
Commencement of Law of Property Act Amendment Act, 1975: 29th January, 1976; *Gazette* 29th January, 1976, p. 357.
Regulations: *Gazette* 13th February, 1947, p. 681.

Legal Practitioners Act, 1936-1979

Commencement: 1st May, 1937; *Gazette* 25th March, 1937, p. 645.
Commencement of Legal Practitioners Act Amendment Act, 1964: 12th November, 1964; *Gazette* 12th November, 1964, p. 1500.
Commencement of Legal Practitioners Act Amendment Act, 1969: 4th December, 1969; *Gazette* 4th December, 1969, p. 1858.
Commencement of Legal Practitioners Act Amendment Act, 1972: 14th December, 1972; *Gazette* 14th December, 1972, p. 2628.
Commencement of Legal Practitioners Act Amendment Act, 1979: 9th July, 1979; *Gazette* 5th July, 1979, p. 4.
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; 13th August, 1970, p. 628.
Admission Rules: *Gazette* 4th August, 1977, p. 309; 29th June, 1978, p. 2258; 13th July, 1978, p. 134.

Legal Services Commission Act, 1977-1979

Commencement: 4th May, 1978; *Gazette* 4th May, 1978, p. 1541 (Suspending ss. 4, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23, 26, 28, 29, 30 and 31 and the schedule to a day to be fixed by subsequent proclamation).
Commencement of ss. 10 (except subsection (1) (*b*)), 11, 12, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23, 26, 28, 29, 30 and 31: 21st December, 1978; *Gazette* 21st December, 1978; p. 2305.
Commencement of ss. 4 and 10 (1) (*b*) and the schedule: 30th January, 1979; *Gazette* 21st December, 1978, p. 2305.
Commencement of Legal Services Commission Act Amendment Act: 15th March, 1979; *Gazette* 15th March, 1979, p. 681.

Levi Park Act, 1948-1976

Administration: Committed to the Minister of Local Government; *Gazette* 19th April, 1979, p. 1030.
s. 7. Notice: *Gazette* 27th January, 1949, p. 191.
By-laws: *Gazette* 26th November, 1953, p. 1339.

Libraries and Institutes Act, 1939-1979

Commencement: 1st February, 1940; *Gazette* 18th January, 1940, p. 69.
Commencement of Libraries and Institutes Act Amendment Act, 1974: 26th April, 1974; *Gazette* 26th April, 1974, p. 1457.
Commencement of Libraries and Institutes Act Amendment Act, 1975: 24th April 1975; *Gazette* 24th April, 1975, p. 1626.
Commencement of Libraries and Institutes Act Amendment Act, 1979: 26th April, 1979; *Gazette* 26th April, 1979, p. 1224.
Administration: Committed to the Minister of Local Government; *Gazette* 18th September, 1979, p. 768.
s. 36. Proclamations: *Gazette* 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; 25 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, 1952, 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, 1965, p. 230; 23rd June, 1966, p. 2244; 25th August, 1966, p. 1076; 27th October, 1966, p. 1752; 22nd December, 1966, p. 2267; 20th June, 1968, p. 1799; 25th July, 1968, p. 218; 9th January, 1969, pp. 46, 47; 2nd April, 1970, p. 1301; 11th June, 1970, p. 2060; 5th November, 1970, p. 2086; 7th October, 1971, p. 1338; 21st October, 1971, p. 1610; 25th November, 1971, p. 2164; 24th February, 1972, p. 655; 27th July, 1972, p. 680; 24th August, 1972, p. 1242; 18th January, 1973, p. 187; 5th July, 1973, p. 6; 10th January, 1974, p. 36; 27th June, 1974, p. 2557; 25th July, 1974, p. 684; 26th September, 1974, p. 2392; 24th July, 1974, p. 2758; 19th December, 1974, p. 3766 (two); p. 3767 (two); 31st July, 1975, p. 677; 24th July, 1976, p. 254; 30th September, 1976, p. 1034; 10th March, 1977, p. 641; 8th September, 1977, p. 648; 1st December, 1977, p. 2062, p. 2064; 29th June, 1978, p. 2234; 19th October, 1978, p. 1266, p. 1267; 23rd November, 1978, p. 2046; 14th December, 1978, p. 2218; 1st March, 1979, p. 551; 10th May, 1979, p. 1396; 24th May, 1979, p. 1499; 28th June, 1979, p. 1950; 26th July, 1979, p. 225 (two); 25th October, 1979, p. 1057; 28th February, 1980, p. 420 (two); 6th March, 1980, p. 472; 22nd May, 1980, p. 1372, p. 1373 (two); 10th July, 1980, p. 116; 14th August, 1980, p. 524 (three); 27th November, 1980, p. 1969; 23rd April, 1981, p. 1199; 25th June, 1981, p. 1895; 23rd July, 1981, p. 214 (three); 20th August, 1981, p. 554; 3rd September, 1981, p. 804; 10th September, 1981, p. 858; 8th October, 1981, p. 1144 (three), p. 1147; 5th November, 1981, p. 1427.
Regulations: *Gazette* 28th November, 1974, p. 3377; 1st May, 1975, p. 1711; 26th April, 1979, p. 1234; 8th November, 1979, p. 1192; 10th July, 1980, p. 127.
Regulations relating to the Institutes Association: *Gazette* 6th October, 1910, p. 714; 26th August, 1926, p. 609; 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; 27th March, 1926, p. 976; 8th April, 1971, p. 1479.

Libraries (Subsidies) Act, 1955-1977

Administration: Committed to the Minister of Local Government; *Gazette* 18th September, 1979, p. 768.

Licensing Act, 1967-1977

Commencement: 28th September, 1967; *Gazette* 28th September, 1967, p. 1485.
Commencement of Licensing Act Amendment Act 1972: 18th May, 1972; *Gazette* 18th May, 1972, p. 1927.
Commencement of Licensing Act Amendment Act (No. 2), 1972: 7th December, 1972; *Gazette* 7th December, 1972, p. 2538.
Commencement of Licensing Act Amendment Act, 1974: 30th May, 1974; *Gazette* 30th May, 1974, p. 2094.
Commencement of Licensing Act Amendment Act (No. 2), 1974: 5th December, 1974, *Gazette* 5th December, 1974, p. 3558.
Commencement of Licensing Act Amendment Act (No. 2), 1976: 9th December, 1976; *Gazette* 9th December, 1976, p. 1880.
Commencement of Licensing Act Amendment Act, 1980: 22nd January, 1980; *Gazette* 22nd January, 1981, p. 169.
Administration: Committed to the Minister of Consumer Affairs; *Gazette* 20th September, 1979, p. 771: Minister of Tourism's powers and functions under s. 192a delegated to the Minister of Consumer Affairs; *Gazette* 10th January, 1980, p. 48.
s. 192. Proclamations: *Gazette* 29th December, 1973, p. 3056 (Inglewood Inn); 18th December 1975, p. 3283 (Caledonian Inn, Robe).
Licensing Court Rules of Court: *Gazette* 29th September, 1967, p. 1573; 22nd February, 1968, p. 530; 5th November, 1970, p. 2101; 18th May, 1972, p. 1976; 9th November, 1972, p. 2258; 29th March, 1973, p. 1266; 5th December, 1974, p. 3567; 19th December, 1974, p. 3788; 16th December, 1976, p. 2262; 23rd December, 1981, p. 2505.
Regulations: *Gazette* 26th September, 1968, p. 955; 24th July, 1980, p. 300.
Regulations under Fees Regulation Act, 1927, varying fees payable under Licensing Act, 1967: *Gazette* 19th September, 1968, p. 856; 9th July, 1981, p. 80.

Life Assurance Companies Act, 1936-1941

Regulations: *Gazette* 27th June, 1889, p. 1800; 2nd October, 1941, p. 676.

Lifts and Cranes Act, 1960-1978

Commencement: 1st March, 1966; *Gazette* 24th February, 1966, p. 1129.
Commencement of Lifts Act Amendment Act, 1971: 1st December, 1972; *Gazette* 2nd November, 1972, p. 2135.
Commencement of Lifts and Cranes Act Amendment Act, 1972: 1st April, 1974; *Gazette* 28th February, 1974, p. 720.
Administration: Committed to the Minister of Industrial Affairs; *Gazette* 18th September, 1979, p. 768.
Regulations: *Gazette* 2nd November, 1972, p. 2111; 24th June, 1976, p. 3179; 25th June, 1981, p. 1933.

Liquefied Petroleum Gas Act, 1960-1973

Commencement: 1st April, 1965: *Gazette* 13th May, 1965, p. 1081
Administration: Committed to the Minister of Industrial Affairs; *Gazette* 18th September, 1979, p. 768.
Regulations: *Gazette* 27th May, 1965, p. 1315; 22nd December, 1966, p. 2311; 9th March, 1972, p. 834; 1st July, 1976, p. 25.

Liquefied Petroleum Gas Subsidy Act, 1980

Administration: Committed to the Minister of Mines and Energy; *Gazette* 26th February, 1981, p. 526.

Listening Devices Act, 1972-1975

Commencement: 2nd April, 1973; *Gazette* 8th March, 1973, p. 856.
Administration: Committed to the Chief Secretary; *Gazette* 8th March, 1973, p. 856.
s. 8. Notice: *Gazette* 14th February, 1974, p. 477.

Loans for Fencing and Water Piping Act, 1938-1975

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

Administration: Committed to the Treasurer; *Gazette* 9th October, 1980, p. 1085.
Commencement of Loans to Producers Act Amendment Act, 1980: 9th April, 1981; *Gazette* 9th April, 1981, p. 1092.
Regulations: *Gazette* 21st July, 1927, p. 126; 6th March, 1930, p. 484; 8th April, 1948, p. 768; 9th October, 1980, p. 1092.

Local and District Criminal Courts Act, 1926-1980

Commencement: 7th March, 1927; *Gazette* 10th February, 1927, p. 297.
Commencement of Local Courts Act Amendment Act, 1956: 18th March, 1957; *Gazette* 14th March, 1957, p. 519.
Commencement of Local Courts Act Amendment Act, 1962: 1st March, 1963; *Gazette* 14th February, 1963, p. 277.
Commencement of Statutes Amendment (Local Courts and Workmen's Liens) Act, 1964: 3rd December, 1964; *Gazette* 3rd December, 1964, p. 1715.
Commencement of Local Courts Act Amendment Act, 1969: 31st August, 1970; *Gazette* 20th August, 1970, p. 699.
Commencement of Local and District Criminal Courts Act Amendment Act, 1972: 9th November, 1972; *Gazette* 9th November, 1972, p. 2252.
Commencement of Local and District Criminal Courts Act Amendment Act, 1974: 30th May, 1974; *Gazette* 30th May, 1974, p. 2095.
Commencement of Local and District Criminal Courts Act Amendment Act (No. 2), 1974: 1st January, 1975; *Gazette* 12th December, 1974, p. 3649.
s. 7. (*see also* s. 8a). Proclamations: *Gazette* 15th June, 1967, p. 1811; 26th September, 1968, p. 942; 26th August, 1971, p. 667; 26th July, 1979, p. 224; 23rd August, 1979, p. 437; 11th December, 1980, p. 2121.
s. 8a. Proclamations: *Gazette* 20th August, 1970, p. 762; 23rd September, 1971, p. 1099; 17th February, 1972, p. 575; 18th December, 1975, p. 3281; 20th January, 1977, p. 99; 14th June, 1979, p. 1824; 6th August, 1981, p. 396.
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; 20th August, 1970, p. 697; 31st October, 1974, p. 2877; 20th January, 1977, p. 99; 8th September, 1977, p. 653; 22nd November, 1979, p. 1309; 27th March, 1980, p. 678; 10th July, 1980, p. 119; 4th September, 1980, p. 763; 5th February, 1981, p. 306; 9th April, 1981, p. 1091; 11th June, 1981, p. 1766.
General rules of Court: *Gazette* 17th December, 1953, p. 1460; 27th October, 1960, p. 1137; 20th August, 1970, p. 725; ("Local Court Rules, 1970"); 3rd September, 1970, p. 1020; 25th May, 1972, p. 2101; 4th April, 1974, p. 1181, 13th March, 1975, p. 1070; 7th September, 1978, p. 851; 7th February, 1980, p. 273; 10th April, 1980, p. 967; 25th June, 1981, p. 1905 ("Local Court Rules", 1970-1981).
Rules of Court as to bailiffs' fees: *Gazette* 20th October, 1932, p. 802.
Rules of Court as to practitioner's costs: See General Rules of Court.
Rules of Court as to appeals under 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 Bush Fires Act, 1960; *Gazette* 4th November, 1965, p. 1642.
Rules of Court under Excessive Rents Act, 1962: *Gazette* 20th December 1962, p. 1771; 5th March, 1964, p. 522.
Rules of Court under Fences Act, 1975: *Gazette* 16th October, 1975, p. 2011.
Rules of Court under section 13 of Firearms Act, 1958: *Gazette* 17th September, 1959, p. 708 (repealed; *Gazette* 10th January, 1980, p. 67); 5th March, 1964, p. 522.
Rules of Court under Guardianship of Infants Act, 1940: *Gazette* 1st May, 1969, p. 1240.
Rules of Court as to appeals under 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 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 in respect of section 309 of Local Government Act, 1934: *Gazette* 4th November, 1948, p. 1425; 4th November, 1965, p. 1616.
Rules of Court in respect of section 666b of Local Government Act, 1934: *Gazette* 3rd July, 1958, p. 7; 5th March, 1964, p. 522.
Regulations as to applications under section 10 of Marine Stores Act, 1898: *Gazette* 22nd June, 1899, p. 1357.
Rules of Court as to applications under Mortgagors Relief Act, 1931: *Gazette* 28th January, 1932, p. 158.
Rules of Court as to appeals against refusal of drivers' licences under Motor Vehicles Act, 1959: *Gazette* 5th March, 1964, p. 522; 24th December, 1964, p. 2026.
Rules of Court as to appeals relating to the Points Demerit Scheme: *Gazette* 27th November, 1975, p. 2925.
Rules of Court as to proceedings under National Security (Landlord and Tenant) Regulations: *Gazette* 20th September, 1945, p. 487.
Rules of Court in aid of 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 Second-hand Dealers Act, 1919: *Gazette* 26th March, 1936, p. 705.
Rules of Court as to appeals under section 53 or section 96 of South-Eastern Drainage Act, 1931: *Gazette* 5th May, 1932, p. 779.
Rules of Court under Warehousemen's Liens Act, 1941: *Gazette* 26th March, 1942, p. 477; 5th March, 1964, p. 522.

Local and District Criminal Courts Act, 1926-1980—*continued*

Rules of Supreme Court as to Local Court Appeals: Order 71A: *Gazette* 7th January, 1971, p. 67; 9th November, 1972, p. 2267; 28th June, 1973, p. 2849.
Rules of Court under Residential Tenancies Act, 1978: *Gazette* 20th July, 1978, p. 262.
Rules for District Criminal Courts as to reciprocal proceedings for obtaining evidence: *Gazette* 31st August, 1978, p. 769; 7th September, 1978, p. 855.
Rules for District Criminal Courts under Criminal Injuries Compensation Acts, 1969 and 1977-1978: *Gazette* 2nd May, 1974, p. 1624; 13th July, 1978, p. 135.
Rules of Court under Minors' Contracts (Miscellaneous Provisions) Act, 1979: *Gazette* 25th October, 1979, p. 1068.

Local Government Act, 1934-1980

Commencement: 2nd November, 1934; *Gazette* 25th October, 1934, p. 845.
Commencement of Local Government Act Amendment Act, 1963: 1st July, 1964; *Gazette* 5th March, 1964, p. 521.
Commencement of Local Government Act Amendment Act (No. 3), 1969: 21st May, 1970; *Gazette* 21st May, 1970, p. 1841.
Commencement of Local Government Act Amendment Act, 1972: 14th December, 1972; *Gazette* 14th December, 1972, p. 2630.
Commencement of Local Government Act Amendment Act, 1974: 24th October, 1974; *Gazette* 24th October, 1974, p. 2758.
Commencement of Local Government Act Amendment Act, 1975: 22nd May, 1975; *Gazette* 22nd May, 1975, p. 1987.
Commencement of Local Government Act Amendment Act (No. 2), 1975: 4th March, 1976; *Gazette* 4th March, 1976, p. 940; (paragraph (3) of s. 3, paragraphs *(b), (c)* and *(e)* of s. 4 and ss. 9, 17, 18, 19, 20, 21, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 42, 43, 44, 45, 68, 70 and 71 suspended until a day to be fixed by subsequent proclamation).
Commencement of ss. 4 *(b), (c)* and *(e)*, 22-39 and 42-45 of Local Government Act Amendment Act (No. 2), 1975: 1st July, 1976; *Gazette* 24th June, 1976, p. 3169.
Commencement of s. 9 of Local Government Act Amendment Act (No. 2), 1975: 12th August, 1976; *Gazette* 24th June, 1976, p. 3169.
Commencement of ss. 3 *(c)*, 68, 70 and 71 of Local Government Act Amendment Act (No. 2), 1975: 1st September, 1976; *Gazette* 26th August, 1976, p. 658.
Commencement of Local Government Act Amendment Act, 1976: 21st April, 1977; *Gazette* 21st April, 1977, p. 1154.
Commencement of Local Government Act Amendment Act, 1977: 21st April, 1977; *Gazette* 21st April, 1977, p. 1154.
Commencement of Local Government Act Amendment Act, 1978: 27th April, 1978; *Gazette* 27th April, 1978, p. 1483 (sections 4, 9, 10, 15, 17, 20, 23, 24, 25, 26, 27, 28, 33, 34, 35, 59, 78, 79, 80 and 81 suspended until a day to be fixed by subsequent proclamation).
Commencement of sections 4, 20, 23, 24, 26, 27, 28, 79, 80 and 81 of Local Government Act Amendment Act, 1978: 13th July, 1978; *Gazette* 13th July, 1978, p. 120.
Commencement of sections 9, 10, 15, 17, 25, 33, 34, 35, 59 and 78 of Local Government Act Amendment Act, 1978: 1st September, 1978; *Gazette* 13th July, 1978, p. 120 (with reference to section 78 *see Gazette* of 24th August, 1978, p. 613).
Commencement of Local Government Act Amendment Act (No. 2), 1978: 8th June, 1978, p. 1974; *Gazette* 8th June, 1978, p. 1974 (sections 3, 4, 5, 6, 8 and 9 suspended until a day to be fixed by subsequent proclamation).
Commencement of ss. 3, 4, 5, 6, 8 and 9 of Local Government Act Amendment Act (No. 2), 1978: 1st July, 1979; *Gazette* 24th May, 1979, p. 1498.
Commencement of Local Government Act Amendment Act, 1979, 1st July, 1979; *Gazette* 24th May, 1979, p. 1498.
Commencement of Local Government Act Amendment Act, 1980: 12th February, 1981; *Gazette* 12th February, 1981, p. 359.
Commencement of Local Government Act Amendment Act (No. 2), 1980: 19th February, 1981; *Gazette* 19th February, 1981, p. 457.
Commencement of Local Government Act Amendment Act (No. 3), 1980: 4th December, 1980; *Gazette* 4th December, 1980, p. 2025.
Administration: Committed to the Minister of Local Government; *Gazette* 25th October, 1934, p. 845.
s. 6. Proclamation: *Gazette* 22nd April, 1976, p. 2082.
s. 7. Proclamations: *Gazette* 21st March, 1935, p. 824; 21st March, 1935, p. 825; 21st March, 1935, pp. 825-6; 21st March, 1935, pp. 826-35; 21st March, 1935, p. 827; 21st March, 1935, p. 835; 21st March, 1935, p. 836; 21st March, 1935, p. 837; 21st March, 1935, pp. 849-56; 21st March, 1935, p. 859; 21st March, 1935, p. 865; 21st March, 1935, pp. 867-9; 21st March, 1935, p. 870; 21st March, 1935, pp. 876-7; 25th April, 1935, p. 1195; 2nd May, 1935, p. 1225; 16th May, 1935, pp. 1308-9; 27th June, 1935, pp. 1631-2; 11th July, 1935, p. 38; 18th July, 1935, p. 88; 26th July, 1935, p. 163; 12th September, 1935, p. 586; 14th November, 1935, pp. 1134-5; 12th December, 1935, p. 824; 12th December, 1935, p. 1391; 13th December, 1935, p. 1392; 19th March, 1936, p. 650; 26th March, 1936, p. 692; 9th May, 1936, pp. 967-8; 14th May, 1936, p. 1002; 11th June, 1936, p. 1175; 11th June, 1936, p. 1176; 8th October, 1936, p. 699; 25th March, 1937, pp. 647-8; 8th April, 1937, p. 746; 15th April, 1937, p. 790; 22nd April, 1937, pp. 849-50; 17th June, 1937, p. 1305; 14th October, 1937, pp. 986-7; 10th February, 1938, p. 295; 7th April, 1938, p. 792; 5th May, 1938, pp. 938-9; 26th May, 1938, p. 1101; 26th May, 1938, pp. 1101-3; 26th May, 1938, pp. 1103-4; 18th August, 1938, pp. 333-4; 1st September, 1938, pp. 471-2; 8th December, 1938, p. 1451; 9th March, 1939, p. 569; 5th May, 1939, pp. 938-9; 6th July, 1939, p. 2; 27th February, 1941, p. 278; 1st May, 1941, pp. 625-6; 12th February, 1942, p. 243; 19th March, 1942, p. 428; 9th December, 1943, pp. 753-4; 16th December, 1943, p. 781; 23rd March, 1944, p. 355; 30th March, 1944, p. 381; 30th March, 1944, pp. 415-6; 8th June, 1944, pp. 699-700; 24th August, 1944, pp. 221-2; 7th December, 1944, p. 779; 15th February, 1945, pp. 271-2; 14th April, 1945, p. 939; 21st April, 1945, pp. 902-6; 31st May, 1945, pp. 829-30; 13th September, 1945, p. 381; 13th December, 1945, p. 861; 11th April, 1946, pp. 569-70; 11th April, 1946, pp. 570-2; 30th May, 1946, p. 977; 15th August, 1946, p. 252; 26th September, 1946, pp. 674-5; 20th February, 1947, p. 685; 24th April, 1947, pp. 1065-6; 24th April, 1947, p. 1068; 9th October, 1947, p. 1033; 29th April, 1948, p. 875; 29th April, 1948, pp. 875-6; 20th May, 1948, p. 1047; 16th September, 1948, pp. 1068-9; 16th September, 1948, p. 1070; 30th September, 1948, p. 1167; 5th May, 1949, p. 1092; 24th November, 1949, pp. 1287-8; 9th March, 1950, p. 533; 27th April, 1950, p. 901; 21st December, 1950, p. 1853; 26th July, 1951, p. 174; 24th January, 1952, p. 138; 10th April, 1952, p. 774; 24th April, 1952, p. 885; 22nd May, 1952, pp. 1106-7; 31st May, 1952, p. 1451; 23rd October, 1952, pp. 1108-10; 26th March, 1953, p. 581; 5th November, 1953, pp. 1165-7; 12th November, 1953, p. 1195; 12th November, 1953, pp. 1195-6; 29th April, 1954, p. 853; 25th November, 1954, p. 1261; 14th April, 1955, p. 859; 26th April, 1956, p. 856; 26th April, 1956, p. 858; 1st May, 1956, pp. 1061-3; 21st June, 1956, p. 1550; 6th September, 1956, p. 521; 6th September, 1956, p. 522; 20th September, 1956, p. 625; 18th April, 1957, pp. 750-1; 30th May, 1957, pp. 1377-8; 30th May, 1957, p. 1378; 27th June, 1957, p. 1563; 18th July, 1957, p. 111; 26th July, 1957, p. 174; 30th January, 1958, p. 160; 20th February, 1958, p. 629; 20th March, 1958, p. 866; 9th April, 1958, pp. 895-6; 29th May, 1958, p. 1587; 21st August, 1958, p. 442; 25th September, 1958, p. 923; 6th November, 1953, p. 1252; 12th February, 1959, p. 278; 30th April, 1959, pp. 919-20; 14th May, 1959,

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s. 8. Proclamation: *Gazette* 24th December, 1964, pp. 2013-5; 26th March, 1981, p. 788; 25th June, 1981, p. 1899; 26th November, 1981, p. 2135.

s. 24. Proclamation: *Gazette* 21st September, 1978, p. 980.

s. 48. Proclamations: *Gazette* 25th April, 1935, p. 1195; 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 February, 1960, p. 575; 29th October, 1963, p. 1236; 25th June, 1964, p. 1597; 30th July, 1964, p. 225; 10th September, 1964, pp. 876-7; 8th February, 1968, p. 341; 21st January, 1970, p. 188; 16th April, 1970, p. 1412; 11th June, 1970, p. 2060.

s. 65a. Proclamations: *Gazette* 17th April, 1969, p. 1090; 24th April, 1969, pp. 1175-6; 9th April, 1970, p. 1348; 22nd April, 1971, p. 2185; 13th January, 1972, p. 52; 13th January, 1972, p. 53; 2nd May, 1974, p. 1614 (2); 31st October, 1974, p. 2877; 20th November, 1975, p. 2799; 20th May, 1976, p. 2620; 15th May, 1973, p. 1264; 13th April, 1978, p. 1202; 20th July, 1978, p. 190; 26th February, 1981, p. 526.

s. 74. Proclamations: *Gazette* 14th May, 1936, p. 1002; 18th May, 1939, p. 1206; 20th December, 1947, p. 685; 9th April, 1953, p. 895; 24th November, 1955, p. 1185; 15th December, 1960, pp. 1646-7; 13th August, 1964, p. 315; 27th May, 1965, p. 1301; 10th February, 1966, p. 593; 2nd September, 1971, p. 739; 19th March, 1981, p. 743.

s. 163b. Notice: *Gazette* 28th September, 1939, p. 868.

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s. 196. Proclamations: *Gazette* 2nd May, 1963, pp. 1085-6; 11th May, 1967, p. 1352; 24th June, 1971, p. 3076; 2nd March, 1972, p. 739; 25th July, 1974, p. 685; 5th December, 1974, p. 3559; 27th April, 1978, p. 1485.

s. 214b. Proclamations: *Gazette* 19th August, p. 577; 26th August, 1967, p. 658 (two); p. 659; 9th September, 1976, p. 825; 7th October, 1976, p. 1107; 18th November, 1976, p. 1649; 18th June, 1981, p. 1840.

s. 244a. Proclamation: *Gazette* 31st May, 1962, p. 1431.

s. 395. Proclamations: *Gazette* 10th November, 1977, p. 1427; 24th November, 1977, p. 1563; 13th July, 1978, p. 120; 14th February, 1980, p. 310; 30th October, 1980, p. 1256; 4th June, 1981, p. 1640.

s. 476. Proclamations: *Gazette* 21st December, 1972, p. 2725; 27th November, 1975, p. 2909.

s. 495. Proclamations: *Gazette* 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; 11th October, 1973, p. 354; 23rd May, 1974, p. 1828; 10th July, 1975, p. 147; 4th December, 1975, p. 2993; 18th December, 1975, p. 3282; 24th March, 1977, p. 882; 20th October, 1977, p. 1180; 27th October, 1977, p. 1266; 4th December, 1980, p. 2025.

s. 555a. Proclamation: *Gazette* 24th August, 1961, p. 740.

s. 587. Proclamations: *Gazette* 14th May, 1970, p. 1730; 7th August, 1975, p. 770; 4th December, 1975, p. 2993; 10th November, 1977, p. 1426; 27th April, 1978, p. 1480.

s. 601. Proclamation: *Gazette* 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; 6th February, 1955, p. 489; 28th April, 1955, p. 948; 28th April, 1955, pp. 984-8; 14th July, 1955, p. 59; 11th August, 1955, p. 290; 10th November, 1955, pp. 1057-8; 22nd December, 1955, pp. 1503-4; 9th May, 1957, pp. 877-8; 27th June, 1957, p. 1563; 23rd January, 1958, pp. 121-2; 30th January, 1958, p. 159; 20th February, 1958, p. 627; 7th April, 1960, p. 987; 14th January, 1971, p. 91.

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Regulations relating to instruments of unlawful gaming: *Gazette* 2nd July, 1981, p. 20.
Regulations relating to trade promotion lotteries: *Gazette* 2nd July, 1981, p. 21.
Rules as to bookmakers: *Gazette* 13th February, 1947, p. 651; 2nd December, 1948, p. 1686; 21st July, 1949, p. 208; 28th July, 1949, p. 280; 1st December, 1949, p. 1361; 30th March, 1950, p. 718; 30th November, 1950, p. 1311; 18th December, 1952, p. 1593; 24th December, 1952, p. 1648; 30th July, 1953, p. 409; 8th April, 1954, p. 710; 29th July, 1954, p. 228; 24th February, 1955, p. 426; 17th April, 1958, p. 1087; 3rd August, 1961, p. 584; 1st February, 1962, p. 209; 22nd February, 1962, p. 419; 22nd August, 1963, p. 593; 27th January, 1966, p. 250; 13th July, 1967, p. 430; 7th September, 1967, p. 1306; 27th March, 1969, p. 960; 10th July, 1969, p. 69; 31st July, 1969, p. 316; 4th February, 1971, p. 386; 22nd July, 1971, p. 231.
Rules under section 22a: *Gazette* 28th April, 1955, p. 990.
Rules and regulations as to the totalizator: *Gazette* 13th April, 1978, p. 1213; 23rd November, 1978, p. 2057.
Rules relating to investments with or through the South Australian Totalizator Agency Board: *Gazette* 23rd March, 1967, p. 1102.
Rules relating to trotting: (s. 31xk) 18th November, 1971, p. 2143; 26th September, 1974, p. 2503.

Lower River Broughton Irrigation Trust Act, 1938-1972

Commencement: 2nd February, 1939; *Gazette* 2nd February, 1939, p. 334.
Administration: Committed to the Minister of Water Resources; *Gazette* 26th April, 1979, p. 1226.
ss. 7 and 8. Proclamation: *Gazette* 20th July, 1939, p. 114.

Manufacturers Warranties Act, 1974

Commencement: 10th April, 1975; *Gazette* 10th April, 1975, p. 1442.
Administration: Committed to the Minister of Consumer Affairs; *Gazette* 21st February, 1980, p. 364.

Manufacturing Industries Protection Act, 1937

Administration: Committed to the Minister of Industrial Affairs; *Gazette* 18th September, 1979, p. 768.
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, 1939-1975

Commencement: 14th December, 1939; *Gazette* 14th December, 1939, p. 1565.
Commencement of Margarine Act Amendment Act, 1974: 1st April, 1975; *Gazette* 27th March, 1975, p. 1263.
Commencement of Margarine Act Amendment Act, 1974: 12th February, 1976; *Gazette* 12th February, 1976, p. 611.
Administration: Committed to the Minister of Agriculture, 14th December, 1939; *Gazette* 14th December, 1939, p. 1565.
Regulations: *Gazette* 14th October, 1976, p. 1272.
Regulations under s. 3a: *Gazette* 7th June, 1962, p. 1491.

Marginal Dairy Farms (Agreement) Act, 1971

Administration: Committed to the Minister of Agriculture; *Gazette* 15th September, 1977, p. 727.

Marine Act, 1936-1976

Commencement: 1st July, 1937; *Gazette* 25th March, 1937, p. 641.
Commencement of Marine Act Amendement Act, 1968: 1st September, 1969; *Gazette* 28th August, 1969 p. 556.
Commencement of Marine Act Amendment Act, 1970: 25th March, 1971; *Gazette* 18th March, 1971, p. 1143.
Commencement of Marine Act Amendment Act, 1973: 21st March, 1974; *Gazette* 21st March, 1974, p. 988.
Commencement of Marine Act Amendment Act, 1976: 31st March, 1977; *Gazette* 31st March, 1977, p. 1010.
Administration: Committed to the Minister of Marine; *Gazette* 25th March, 1937, p. 641.

Marine Act, 1936-1976—*continued*

Regulations and rules made under Marine Board and Navigation Acts, 1881-1933, and Marine Act, 1936, as amended and other Acts:—

Prevention of collisions at sea: *Gazette* 24th February, 1966, p. 1125.
Vessels in South Australian Waters: *Gazette* 7th July, 1977, p. 17 (Revoking regulations and rules in Second Schedule, Part I, of the Act).
River Murray navigation: *Gazette* 30th October, 1884, p. 1641; 26th January, 1893, p. 157; 4th October, 1906, p. 714; 20th January, 1977, p. 145.
Adjustment of compasses: *Gazette* 12th September, 1974, p. 1917.
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; 3rd October, 1974, p. 2529.
Examination for Certificates of Competency and Safety Manning: *Gazette* 22nd January, 1981, p. 183; 3rd August, 1981, p. 393.
Examination of masters and mates: *Gazette* 8th March, 1973, p. 887; 30th August, 1973, p. 1526.
Examination of engineers: *Gazette* 18th June, 1970, p. 2129; 15th October, 1970, p. 1765.
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.
Radiotelephony equipment: *Gazette* 16th February, 1978, p. 644.
Manning of fishing vessels: *Gazette* 4th July, 1963, p. 5; 27th October, 1966, p. 1756; 11th October, 1973, p. 2362; 22nd January, 1981, p. 198.
River Murray (Murray Bridge) Zoning Regulations: *Gazette* 6th November, 1975, p. 2351; 13th November, 1975, p. 2441; 11th June, 1981, p. 1779.
Operation of commercial houseboats: *Gazette* 21st October, 1976, p. 1403.
Survey and equipment of fishing vessels: *Gazette* 7th August, 1969, p. 353t; 13th May, 1971, p. 2430; 23rd September, 1971, p. 1198; 4th May, 1972, p. 1683; 26th April, 1979, p. 1231.
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.

Marine Stores Act, 1898-1975

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; 8th October, 1970, p. 1517; 17th June, 1971, p. 2938.
Regulations under Fees Regulation Act, 1927, as to fee for dealer's licence: *Gazette* 24th November, 1927, p. 1227.

Marketable Securities Act, 1971

Commencement: 1st July, 1971; *Gazette* 1st July, 1971.
Administration: Committed to the Minister of Corporate Affairs; *Gazette* 18th September, 1979, p. 768.
Declaration under s. 3 (2): *Gazette* 1st July, 1971, p. 3.
Regulations: *Gazette* 1st July, 1971, p. 62; 20th April, 1972, p. 1501; 29th March, 1973, p. 1265.

Marketing of Eggs Act, 1941-1980

Commencement of Marketing of Eggs Act Amendment Act, 1972: 18th January, 1973; *Gazette* 18th January, 1973, p. 190. s. 6. Notice: *Gazette* 1st July, 1965, p. 1
Regulations: *Gazette* 29th August, 1974, p. 1499; 29th January, 1976, p. 365.
Regulations as to election of producer members of the board: *Gazette* 27th February, 1964, p. 515; 23rd February 1967, p. 513; 15th February, 1973, p. 589.

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.

Meat Hygiene Act, 1980

Commencement of ss. 19-65: 12th February, 1981; *Gazette* 12th February, 1981, p. 359.
Administration: Committed to the Minister of Agriculture; *Gazette* 12th February, 1981, p. 359.
Regulations: *Gazette* 12th February, 1981, p. 373; 9th April, 1981, p. 1099.
Rules of Court: *Gazette* 27th August, 1981, p. 713.
Commencement: 12th June, 1980; *Gazette* 12th June, 1980, p. 1549. (Operation of ss. 19-65 suspended until a day to be fixed by subsequent proclamation).

Medical Practitioners Act, 1919-1974

Commencement of s. 29c: 31st March, 1971; *Gazette* 25th February, 1971, p. 823.
Commencement of Medical Practitioners Act Amendment Act, 1971: 1st December, 1971; *Gazette* 25th November, 1971, p. 2164.
Administration: Committed to the Minister of Health; *Gazette* 5th April, 1973, p. 1289.
s. 29a. Proclamations: *Gazette* 4th December, 1969, p. 1858; 18th June, 1970, p. 2115. Regulations: *Gazette* 13th November, 1975, p. 2443.
Regulations: *Gazette* 19th January, 1967, p. 137; 17th September, 1981, p. 933.

Mental Health Act, 1935-1974

Commencement: 2nd January, 1936; *Gazette* 2nd January, 1936, p. 1.
Commencement of Part VIIA: 1st January, 1942; *Gazette* 17th July, 1941, p. 83.
Commencement of Mental Health Act Amendment Act, 1967: 1st July 1970; *Gazette* 11th June, 1970, p. 2062.
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; 20th March, 1969, p. 863; 18th February, 1971, p. 496; 9th September, 1971, p. 849; 24th January, 1974, p. 212; 9th October, 1975, p. 1946; 12th October, 1978, p. 1180.
s. 16. Proclamations: *Gazette* 24th October, 1940, p. 841; 22nd November, 1973, p. 2967; 24th January, 1974, p. 213.
s. 122. Proclamations: *Gazette* 21st January, 1915, p. 127; 26th October, 1922, p. 941; 6th November, 1952, p. 1200; 16th June, 1955, p. 1391; 27th February, 1969, p. 575.
s. 123. Proclamation: *Gazette* 27th February, 1969, p. 575.
Regulations relating to charges for accommodation: *Gazette* 23rd September, 1976, p. 976.
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, 935, 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; 11th June, 1970, p. 2067.
Rules of Court: *Gazette* 3rd September, 1914, p. 585.

Mental Health Act, 1976-1979

Commencement: 1st October, 1979; *Gazette* 13th September, 1979, p. 644.
Administration: Committed to the Minister of Health; *Gazette* 13th September, 1979, p. 645.
Regulations: *Gazette* 13th September, 1979, p. 714; 31st July, 1980, p. 389.

Metropolitan Adelaide Road Widening Plan Act, 1972-1976

Commencement: 1st January, 1974; *Gazette* 1st November, 1973, p. 2722.
Commencement of Metropolitan Adelaide Road Widening Plan Act Amendment Act, 1976; 1st May, 1977; *Gazette* 24th March, 1977, p. 885.
Administration: Committed to the Minister of Transport; *Gazette* 3rd May, 1979, p. 1311.
Regulations: *Gazette* 28th July, 1977, p. 243.

Metropolitan Drainage Act, 1935-1974

Administration: Committed to the Minister of Water Resources; *Gazette* 26th April, 1979, p. 1226.
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, 1946-1980

Commencement of Part III: 2nd October, 1947; *Gazette* 2nd October, 1947, p. 970.
Commencement of Metropolitan Milk Supply Act Amendment Act, 1957: 6th March, 1958; *Gazette* 6th March, 1958, p. 757.
Commencement of Statutes Amendment (Metropolitan Milk Supply, Food and Drugs, and Health) Act, 1967: 1st January, 1968; *Gazette* 7th December, 1967, p. 2445.
s. 18. Notice: *Gazette* 2nd September, 1971, p. 740.
s. 28. Notice: *Gazette* 18th November, 1954, p. 1245.
s. 31. Notice: *Gazette* 2nd May, 1968, p. 1380.
Regulations: *Gazette* 23rd October, 1975, p. 2099; 13th January, 1977, p. 53; 7th July, 1977, p. 13, p. 15; 17th April, 1980, p. 1005; 26th March, 1981, p. 803; 2nd July, 1981, p. 25; 3rd September, 1981, p. 808.
Regulations fixing the price of cream: *Gazette* 20th December, 1979, p. 2416; 14th August, 1980, p. 569.
Regulations fixing the price of milk: *Gazette* 30th August, 1979, p. 502; 24th April, 1980, p. 1140; 14th August, 1980, p. 569; 4th December, 1980, p. 2084.

Metropolitan Taxi-Cab Act, 1956-1978

Commencement of Metropolitan Taxi-Cab Act Amendment Act, 1972: 10th August, 1972; *Gazette* 10th August, 1972, p. 1033.
Commencement of Metropolitan Taxi-Cab Act Amendment Act, 1974: 1st April, 1975; *Gazette* 14th November, 1974, p. 3140.
Commencement of Metropolitan Taxi-Cab Act Amendment Act, 1978: 19th February, 1979; *Gazette* 18th January, 1979, p. 98.
Administration: Committed to the Minister of Transport; *Gazette* 18th March, 1965, p. 619.
s. 3. Proclamations: *Gazette* 19th March, 1959, p. 587; 17th October, 1963, p. 1140; 11th June, 1964, p. 1227; 15th January, 1970, p. 115; 23rd August, 1973, p. 1004; 19th February, 1976, p. 676.
s. 25. Proclamation of 1st April, 1958, as the proclaimed day: *Gazette* 28th November, 1957, p. 1277.
Regulations under s. 4: *Gazette* 7th February, 1957, p. 182.
General regulations: *Gazette* 6th October, 1977, p. 955 (Consolidation); 1st September, 1977, p. 606; 3rd November, 1977, p. 1354; 9th March, 1978, p. 809; 9th November, 1978, p. 1522; 8th February, 1979, p. 309, p. 310; 29th November, 1979, p. 1839; 14th February, 1980, p. 313; 5th June, 1980, p. 1479; 4th December, 1980, p. 2032; 19th March, 1981, p. 753; 19th November, 1981, p. 1606.

Mines and Works Inspection Act, 1920-1978

Commencement: 20th January, 1921; *Gazette* 20th January, 1921, p. 106.
Commencement of Mines and Works Inspection Act Amendment Act, 1978: 18th January, 1979; *Gazette* 18th January, 1979, p. 95.

Mines and Works Inspection Act, 1920-1978—*continued*

Administration: Committed to the Minister of Mines and Energy; *Gazette* 4th September, 1975, p. 1276.
s. 4. Proclamation: *Gazette* 18th January, 1979, p. 95.
s. 5a. Proclamations: *Gazette* 31st October, 1968, pp. 1395, 1397; 12th November, 1970, p. 2214; 12th August, 1970, p. 523; 16th March, 1972, p. 888; 13th December, 1973, p. 3265.
Regulations: *Gazette* 19th August, 1965, p. 477; 2nd November, 1967, p. 1975; 3rd October, 1968, p. 1071; 30th September, 1971, p. 1232; 24th May, 1973, p. 2198; 5th July 1973, p. 12; 6th June, 1974, p. 2221; 18th January, 1979, p. 107.

Mining Act, 1971-1978

Commencement: 3rd July, 1972; *Gazette* 29th June, 1972, p. 2689.
Commencement of Mining Act Amendment Act, 1972: 25th January, 1973; *Gazette* 25th January, 1973, p. 274.
Commencement of Mining Act Amendment Act, 1976: 23rd December, 1976; *Gazette* 23rd December, 1976, p. 2317.
Commencement of Mining Act Amendment Act, 1981: 5th November, 1981; *Gazette* 5th November, 1981, p. 1431.
Administration: Committed to the Minister of Mines and Energy: *Gazette* 4th September, 1975, p. 1276.
Delegation of certain powers to the Minister Assisting the Premier: *Gazette* 29th June, 1972, p. 2690.
s. 6. Proclamation: *Gazette* 29th June, 1971, p. 2690.
s. 8. Proclamations: *Gazette* 29th June, 1972, p. 2690; 19th April, 1973, p. 1777; 17th January, 1974, p. 109; 21st February, 1974, p. 542; 20th June, 1974, p. 2450; 18th July, 1974, p. 564; 10th October, 1974, p. 2592; 20th March, 1975, p. 1087; 22nd May, 1975, p. 1986; 28th August, 1975, p. 1127; 23rd October, 1975, p. 2084; 13th November, 1975, p. 2431; 18th December, 1975, p. 3282; 25th March, 1976, p. 1405; 8th April, 1976, p. 1894; 22nd July, 1976, p. 190, p. 192; 2nd December, 1976, p. 1812; 3rd November, 1977, p. 4350; 2nd March, 1978, p. 728; 16th March, 1978, p. 878; 1st June, 1978, p. 1878; 22nd June, 1978, p. 2126; 13th July, 1978, p. 120; 31st August, 1978, p. 716; 7th December, 1978, p. 2155; 17th April, 1980, p. 998; 27th November, 1980, p. 1972; 15th January, 1981, p. 82; 5th November, 1981, p. 1428; 3rd December, 1981, p. 2204; 17th December, 1981, p. 2390.
Rules of Warden's Court: *Gazette* 29th June, 1972, p. 2806; 10th November, 1977, p. 1500.
Regulations: 29th June 1972, p. 2810; 10th May, 1973, p. 1998; 13th September, 1972, p. 1998; 26th August, 1976, p. 664; 11th November, 1976, p. 1616; 10th November, 1977, p. 1481; 18th October, 1979, p. 1017.

Ministers' Titles Act, 1944

Administration: Committed to the Minister of Public Works; *Gazette* 15th March, 1979, p. 681.

Minors Contracts (Miscellaneous Provisions) Act, 1979

Commencement: 1st November, 1979; *Gazette* 1st November, 1979, p. 1104.
Rules of Supreme Court: 25th October, 1979, p. 1069.
Rules of Local Court: 25th October, 1979, p. 1068.

Misrepresentation Act, 1971-1972

Commencement: 18th May, 1972; *Gazette* 18th May, 1972, p. 1927.
Administration: Committed to the Minister of Consumer Affairs; *Gazette* 20th September, 1979, p. 771.

Mobil Lubricating Oil Refinery (Indenture) Act, 1976

Commencement: 24th February, 1977; *Gazette* 24th February, 1977, p. 491.

Mock Auctions Act, 1972

Commencement: 6th April, 1972; *Gazette* 6th April, 1972, p. 1368.
Administration: Committed to the Minister of Consumer Affairs; *Gazette* 20th September, 1979, p. 771.

Monarto Legislation Repeal Act, 1980

Commencement: 19th December, 1980; *Gazette* 18th December, 1980, p. 2214.
Administration: Committed to the Minister of Lands; *Gazette* 18th December, 1980, p. 2216.

Morphett Street Bridge Act, 1964-1974

Administration: Committed to the Minister of Transport; *Gazette* 3rd May, 1979, p. 1311.

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 Fuel Distribution Act, 1973

Commencement: 1st July, 1974; *Gazette* 28th February, 1974, p. 617.
Administration: Committed to the Minister of Industrial Affairs; *Gazette* 18th September, 1979, p. 768.
s. 26. Proclamation (Appointed day for purposes of Part III): *Gazette* 28th February, 1974, p. 618.
s. 53. Notice: *Gazette* 23rd September, 1976, p. 1000.
Regulations: *Gazette* 20th June, 1974, p. 2455; 19th December, 1974, p. 3784; 2nd June, 1977, p. 1593.
Regulations under Trade Measurements Act and Motor Fuel Distribution Act: *Gazette* 22nd July, 1976, p. 200; 18th August, 1977, p. 431.

Motor Fuel (Temporary Restriction) Act, 1980

s. 5 (1) *(a)*. Proclamations: *Gazette* 11th November, 1980, p. 1863; 18th November, 1980, p. 1919; 20th November, 1980, p. 1926; 27th November, 1980, p. 1972.
s. 11. Directions: *Gazette* 11th November, 1980, p. 1863; 13th November, 1980, p. 1876.

Motor Vehicles Act, 1959-1980

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 Motor Vehicles Act Amendment Act, 1960: 1st December, 1960; *Gazette* 10th November, 1960, p. 1301.
Commencement of Motor Vehicles Act Amendment Act (No. 2), 1960: 1st July, 1961; *Gazette* 18th May, 1961, p. 1139.
Commencement of sections 6 *(a)*, 8 and 9 Motor Vehicles Act Amendment Act, 1961: 1st March, 1962; *Gazette* 1st March, 1962, p. 430.
Commencement of sections 4, 10 and 11 of Motor Vehicles Act Amendment Act, 1961: 1st May, 1962; *Gazette* 1st March, 1962, p. 430.

Motor Vehicles Act, 1959-1980—*continued*

Commencement of Statutes Amendment (Stamp Duties and Motor Vehicles) Act, 1964: 19th October, 1964; *Gazette* 15th October, 1964, p. 1203.
Commencement of Motor Vehicles Act Amendment Act (No. 2), 1966: 1st January, 1968; *Gazette* 16th November, 1967, p. 2199.
Commencement of Motor Vehicles Act Amendment Act (No. 2), 1968: 1st January, 1969; *Gazette* 5th December, 1968, p. 2429.
Commencement of Motor Vehicles Act Amendment Act (No. 3), 1971: 1st January, 1972; *Gazette* 9th December, 1971, p. 2370.
Commencement of ss. 11, 13, 14 and 16 of Motor Vehicles Act Amendment Act, 1972: 1st April, 1973; *Gazette* 8th March, 1973, p. 861.
Commencement of Motor Vehicles Act Amendment Act (No. 2), 1972: 21st December, 1972; *Gazette* 21st December, 1972, p. 2722.
Commencement of Motor Vehicles Act Amendment Act, 1973: 18th February, 1974; *Gazette* 17th January, 1974, p. 109.
Commencement of Motor Vehicles Act Amendment Act, 1974: 1st October, 1974; *Gazette* 30th August, 1974, p. 1605.
Commencement of Motor Vehicles Act Amendment Act (No. 2), 1974: 1st March, 1975; *Gazette* 13th February, 1975, p. 506.
Commencement of Motor Vehicles Act Amendment Act, 1975: 1st January, 1976; *Gazette* 11th December, 1975, p. 3137.
Commencement of Motor Vehicles Act Amendment Act, 1976: 13th May, 1976; *Gazette* 13th May, 1976, p. 2460; Operation of s. 52 suspended until 7th July, 1976.
Commencement of Motor Vehicles Act Amendment Act (No. 2), 1976: 17th January, 1977; *Gazette* 13th January 1977, p. 44.
Commencement of Motor Vehicles Act Amendment Act, 1978 (excepting ss. 4 (2), 13, 17, 35, 36, 37, 38, 39, 40, 45, 75): 18th January, 1979; *Gazette* 18th January, 1979, p. 98.
Commencement of s. 13 of Motor Vehicles Act Amendment Act, 1978: 19th February, 1979; *Gazette* 18th January, 1979, p. 98.
Commencement of ss. 40 and 45 of Motor Vehicles Act Amendment Act, 1978: 19th March 1979; *Gazette* 18th January, 1979, p. 98.
Commencement of ss. 35, 36, 37, 38 and 39 of Motor Vehicles Act Amendment Act, 1978: 1st April, 1979: *Gazette* 18th January, 1979, p. 98.
Commencement of ss. 4 (2) and 17 of Motor Vehicles Act Amendment Act, 1978: Operation suspended until day to be fixed by subsequent proclamation; *Gazette* 18th January, 1979, p. 98.
Commencement of s. 75 of Motor Vehicles Act Amendment Act, 1978: 31st May, 1979; *Gazette* 31st May, 1979, p. 1611.
Commencement of Motor Vehicles Act Amendment Act, 1980: 1st June, 1980; *Gazette* 22nd May, 1980, p. 1372.
Commencement of Motor Vehicles Act Amendment Act, 1981: 4th June, 1981; *Gazette* 4th June, 1981, p. 1641.
Commencement of Motor Vehicles Act Amendment Act (No. 2), 1981: 18th June, 1981; *Gazette* 18th June, 1981, p. 1841.
s. 5 (3a). Proclamation: *Gazette* 18th January, 1979, p. 99.
Administration: Committed to the Minister of the Environment; *Gazette* 17th May, 1979, p. 1452.
s. 98c. Proclamation: *Gazette* 13th May, 1976, p. 2460.
s. 102. Proclamation: *Gazette* 15th December, 1966, p. 2219.
s. 118a. Proclamation: *Gazette* 22nd July, 1971, p. 221.
s. 118a. Notice: *Gazette* 21st November, 1974, p. 3262.
Regulations: *Gazette* 14th April, 1960, p. 1055; 16th November, 1967, p. 2205; 8th February, 1968, p. 346; 14th March, 1968, p. 865; 30th May, 1968, p. 1642; 23rd April, 1970, p. 1570; 17th December, 1970, p. 2779; 14th October, 1971, p. 1458; 14th October, 1971, p. 1460; 23rd December, 1971, p. 2741; 12th October, 1972, p. 1877; 2nd November, 1972, p. 2142; 29th March, 1973, p. 1263; 6th September, 1973, p. 1902; 13th March, 1975, p. 1056; 13th May, 1976, p. 2569; 2nd December, 1976, p. 1820, p. 1822; 16th December, 1976, p. 2265; 3rd March, 1977, p. 604; 2nd June, 1977, p. 1594; 22nd September, 1977, p. 819, p. 820; 10th November, 1977, p. 1440; 18th January, 1979, p. 109; 3rd May, 1979, p. 1381; 31st May, 1979, p. 1622; 2nd August, 1979, p. 282; 8th November, 1979, p. 1195; 20th December, 1979, p. 2299; 24th April, 1980, p. 1070; 22nd May, 1980, p. 1377; 18th September, 1980, p. 882; 30th October, 1980, p. 1268; 27th November, 1980, p. 1975; 11th December, 1980, p. 2167; 23rd December, 1980, p. 2411; 8th January, 1981, p. 16; 22nd January, 1981, p. 177; 2nd April, 1981, p. 1053; 23rd April, 1981, p. 1202; 4th June, 1981, p. 1648; 25th June, 1981, p. 1907; 25th June, 1981, p. 1907; 9th July, 1981, p. 81; 30th July, 1981, p. 332; 23rd December, 1981, p. 2503.
Regulations as to determining load capacity: *Gazette* 12th March, 1964, p. 588; 1st October, 1964, p. 1088.
Regulations under Fees Regulation Act, 1927, as to fees for searchers, issue of duplicate registration cards, licences, etc.: *Gazette* 8th August, 1957, p. 313; 19th September, 1963, p. 907; 30th May, 1968, p. 1642; 10th October, 1968, p. 1159.
Regulations under Road Maintenance (Contribution) Act, 1963: *Gazette* 12th March, 1964, p. 588; 1st October, 1964, p. 1088.
Rules of Court as to appeal against refusal of drivers' licences: *Gazette* 16th December, 1976, p. 936.
Rules of Court cited as "Cancellation of Probationary Licences Appeal Rules": *Gazette* 21st August, 1980, p. 589.
Rules of Court cited as "Points Demerit Scheme Appeal Rules": *Gazette* 27th November, 1975, p. 2925.

Municipal Tramways Trust Act—*See* Bus and Tramways Act.

Murray New Town (Land Acquisition) Act, 1972-1973

Commencement of Murray New Town (Land Acquisition) Act Amendment Act, 1972: 7th December, 1972; *Gazette* 7th December, 1972.
Commencement of Murray New Town (Land Acquisition) Act Amendment Act, 1973: 17th January, 1974; *Gazette* 17th January, 1974, p. 111.
See also Crown Lands Act, 1929-1980; s. 5g. Proclamations.

Narcotic and Psychotropic Drugs Act, 1934-1978

Commencement of Dangerous Drugs Act, 1934: 1st October, 1937; *Gazette* 15th April, 1937, p. 789.
Commencement of Dangerous Drugs Act Amendment Act (No. 2), 1970: 25th January, 1971; *Gazette* 21st January, 1971, p. 186.
Commencement of Narcotic and Psychotropic Drugs Act Amendment Act, 1972: 29th January, 1973; *Gazette* 25th January, 1973, p. 274.
Commencement of Narcotic and Psychotropic Drugs Act Amendment Act, 1976; 14th July, 1977, p. 74.
Administration: Committed to the Chief Secretary; *Gazette* 15th April, 1937, p. 789: Committed to the Minister of Health; *Gazette* 22nd March, 1973, p. 1001.

Narcotic and Psychotropic Drugs Act, 1934-1978—*continued*

ss. 4 and 6. Proclamations: *Gazette* 19th August, 1971, p. 586; 13th June, 1974, p. 2330; 11th November, 1976, p. 1604; 19th January, 1978, p. 290; 31st July, 1980, p. 363; 25th September, 1980, p. 949 (corrigendum 2nd October, 1980, p. 1026).

Regulations: *Gazette* 19th January, 1978, p. 305; 14th September, 1978, p. 908; 31st July, 1980, p. 387; 21st August, 1980, p. 596.

National Companies and Securities Commission (State Provisions) Act, 1981

Commencement: 1st July, 1981; *Gazette* 25th June, 1981, p. 1901.
Regulations: *Gazette* 25th June, 1981, p. 1908.

National Parks and Wildlife Act, 1972-1978

Commencement: 3rd July, 1972; *Gazette* 29th June, 1972, p. 2689.
Commencement of National Parks and Wildlife Act Amendment Act, 1974: 1st February, 1975; *Gazette* 30th January, 1975, p. 341.
Commencement of National Parks and Wildlife Act Amendment Act, 1978: 8th June, 1978: *Gazette* 8th June, 1978, p. 1973.
Commencement of National Parks and Wildlife Act Amendment Act (No. 2), 1978: 14th August, 1980; *Gazette* 14th August, 1980, p. 528.
Commencement of National Parks and Wildlife Act Amendment Act, 1981: 2nd April, 1981; *Gazette* 2nd April, 1981, p. 1017.
Administration: Committed to the Minister of Environment and Planning; *Gazette* 18th June, 1981, p. 1840.
ss. 27 and 28. Proclamations: *Gazette* 11th December, 1975, p. 3137; 8th July, 1976, p. 74; 22nd July, 1976, p. 191; 2nd September, 1976, p. 768; 9th September, 1976, p. 827 (two); 23rd September, 1976, p. 970; 14th September, 1978, p. 903; 7th December, 1978, p. 2156; 31st May, 1979, p. 1641; 16th August, 1979, p. 386; 4th December, 1980, p. 2025; 16th July, 1981, p. 134.
ss. 29 and 30. Proclamations: *Gazette* 17th August, 1972, p. 1171; 9th November, 1972, p. 2253 (two); 14th December, 1972, p. 2629; 11th January, 1973, p. 101; 15th February, 1972, p. 449; 8th March, 1973, p. 857, p. 859 (two); 12th July, 1973, p. 114; 2nd August, 1973, p. 723; 16th August, 1973, p. 918; 13th September, 1973, p. 1988; 11th October, 1973, p. 2353; 25th October, 1973, p. 2584; 22nd November, 1973, p. 2967, p. 2968; 6th December, 1973, p. 3167; 20th December, 1973, p. 3337; 14th February, 1974, p. 475; 14th March, 1974, p. 895; 28th March, 1974, p. 1048; 4th April, 1974, p. 1124; 16th May, 1974, p. 1774; 30th May, 1974, p. 2094; 11th July, 1974, p. 97; 18th August, 1974, p. 1256; 12th September, 1974, p. 1736; 27th February, 1975, p. 663; 10th July, 1975, p. 146; 21st August, 1975, p. 994; 29th January, 1976, p. 354; 12th February, 1976, p. 610; 4th March 1976, p. 941; 11th March, 1976, p. 1133; 8th April, 1976, p. 1895; 27th May, 1976, p. 2753; 11th June, 1976, p. 3056; 24th June, 1976, p. 3168; 1st July, 1976, p. 7; 9th September, 1976, p. 825 (two) p. 826 (six) p. 827 (four) p. 828 (two); 23rd September, 1976, p. 971; 30th September, 1976, p. 1028; 14th October, 1976, p. 1269; 28th October, 1976, p. 1475; 4th November, 1976, p. 1547; 23rd December, 1976, p. 3218; 17th February, 1977, p. 433; 24th March, 1977, p. 868; 12th May, 1977, p. 1359; 19th May, 1977, p. 1415; 28th July, 1977, p. 234; 24th November, 1977, p. 1564; 1st December, 1977, p. 2062; 12th January, 1978, p. 50; 6th July, 1978, p. 2 (four); 20th July, 1978, p. 190; 27th July, 1978, p. 287; 25th January, 1979, p. 186 (two); 1st February, 1979, p. 248 (two); 1st March, 1979, p. 552; 26th April, 1979, p. 1224; 3rd May, 1979, p. 1313; 17th May, 1979, p. 1453; 24th May, 1979, p. 1499; 7th June, 1979, p. 1675; 14th June, 1979, p. 1824; 28th June, 1979, p. 1951; 8th November, 1979, p. 1182; 6th December, 1979, p. 1896; 10th January, 1980, p. 36 (two); 14th August, 1980, p. 526; 18th September, 1980, p. 872; 2nd October, 1980, p. 1014.
ss. 31 and 32. Proclamations: *Gazette* 13th September, 1973, p. 1988; 29th November, 1973, p. 3054; 29th August, 1974, p. 1481; 19th June, 1975, p. 2315; 27th May, 1976, p. 2752; 2nd September, 1976, p. 768; 14th November, 1977, p. 1565; 10th January, 1980, p. 36.
ss. 33 and 34. Proclamations: *Gazette* 12th July, 1973, p. 114; 23rd August, 1973, p. 1004; 30th August, 1973, p. 1400; 4th October, 1973, p. 2205; 29th January, 1975, p. 354; 24th June, 1976, p. 3168; 8th July, 1976, p. 74.
s. 42. Notice: *Gazette* 26th April, 1974, p. 1459.
s. 44. Declaration of Sanctuary: *Gazette* 14th February, 1974, p. 482; 7th March, 1974, p. 857; 6th June, 1974, p. 2217, p. 2218; 18th July, 1974, p. 624, p. 625.
s. 45b. Proclamations: *Gazette* 8th June, 1978, p. 1972; 10th May, 1979, p. 1396; 26th June, 1980, p. 1717.
s. 61. Proclamations; *Gazette* 18th July, 1974, p. 566; 17th July, 1980, p. 228.
Regulations: *Gazette* 29th June, 1972, p. 2865; 30th January, 1975, p. 348, p. 366; 18th December, 1975, p. 3298; 26th August, 1976, p. 665; 28th October, 1976, p. 1487; 3rd February, 1977, p. 281; 16th June, 1977, p. 1717; 28th February, 1980, p. 422; 12th June, 1980, p. 1560; 17th July, 1980, p. 236; 31st July, 1980, p. 390; 25th June, 1981, p. 1922, p. 1936, p. 1937.
Regulation relating to hunting: *Gazette* 30th January, 1975, p. 346.
Regulations relating to kangaroo sealed tags: *Gazette* 18th July, 1974, p. 574; 5th February, 1976, p. 468.
Regulations relating to wildlife: *Gazette* 18th December, 1975, p. 3299; 17th July, 1980, p. 240.

National Trust of South Australia Act, 1955-1975

Administration: Committed to the Minister of Environment and Planning; *Gazette* 8th October, 1981, p. 1147.
s. 8. Regulations made by The National Trust of South Australia: *Gazette* 19th June, 1980, p. 1644 (corrigendum 26th June, 1980, p. 1900).
s. 9. Rules and Branch By-laws made and passed by The National Trust of South Australia: *Gazette* 19th June, 1980, p. 1644 (corrigendum 26th June, 1980, p. 1900).

Natural Gas Pipelines Authority Act—*See* Pipelines Authority Act.

Noise Control Act, 1976-1977

Commencement: 18th August, 1977; *Gazette* 18th August, 1977, p. 415 (Parts III and IV to come into operation on a day to be fixed by subsequent proclamation).
Commencement of Parts III and IV: 6th July, 1978; *Gazette* 6th July, 1978, p. 5.
Administration: Committed to the Minister of Environment and Planning; *Gazette* 18th June, 1981, p. 1840.
s. 6. Proclamations: *Gazette* 18th August, 1977, p. 415; 6th July, 1978, p. 3.
Regulations relating to hearing conservation: *Gazette* 6th July, 1978, p. 104.
Regulations relating to industrial noise: *Gazette* 6th July, 1978, p. 109.
Regulations relating to machine noise: *Gazette* 6th July, 1978, p. 102.

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.

North Haven Development Act, 1972

Commencement: 7th December, 1972; *Gazette* 7th December, 1972, p. 2538.

North Haven Trust Act, 1979

Commencement: 31st May, 1979; *Gazette* 31st May, 1979, p. 1613.

Administration: Committed to the Minister of Environment and Planning; *Gazette* 18th June, 1981, p. 1840.

Noxious Insects Act, 1934-1974

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; 26th September, 1974, p. 2401.

Noxious Trades Act, 1943-1974

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, 164, p. 1145; 25th January, 1968, p. 205; 2nd May, 1974, p. 1622; 11th March, 1976, p. 1138, p. 1139; 24th March, 1977, p. 890; 14th July, 1977, p. 93; 19th March, 1981, p. 754.

Nurses Registration Act, 1920-1970

Commencement: 2nd May, 1921; *Gazette* 28th April, 1921, p. 939.
Commencement of Nurses Registration Act Amendment Act, 1959: 1st March, 1962; *Gazette* 1st March, 1962, p. 429.
Commencement of Nurses Registration Act Amendment Act, 1960: 1st March, 1962; *Gazette* 1st March, 1962, p. 429.
Commencement of sections 4, 6(c), 6(d), 9-11, 13-18 of Nurses Registration Act Amendment Act, 1963: 2nd April, 1964; *Gazette* 2nd April, 1964, p. 730.
Administration: Committed to the Minister of Health; *Gazette* 22nd March, 1973, p. 1000.
Regulations as to registration: *Gazette* 23rd September, 1971, p. 1129; 12th December, 1974, p. 3656; 19th December, 1974, p. 3790.
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 the practice of midwives: *Gazette* 7th February, 1924, p. 324; 3rd May, 1962, p. 1179.

Occupational Therapists Act, 1974

Commencement: 1st June, 1976; *Gazette* 27th May, 1976, p. 2754.
Administration: Committed to the Minister of Health; *Gazette* 27th May, 1976, p. 2754.
Regulations: *Gazette* 27th May, 1976, p. 2767; 12th July, 1979, p. 128.

Offenders Probation Act, 1913-1971

Commencement of Offenders Probation Act Amendment Act, 1969: 31st August, 1970; *Gazette* 20th August, 1970, p. 696.
Commencement of Offenders Probation Act Amendment Act, 1971: 25th May, 1972; *Gazette* 25th May, 1972, p. 2031.
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.

Off-shore Waters (Application of Laws) Act, 1976-1980

Commencement of Off-Shore Waters (Application of Laws) Act Amendment Act, 1980: 8th May, 1980; *Gazette* 8th May, 1980, p. 1263.

Ombudsman Act, 1972-1974

Commencement: 14th December, 1972; *Gazette* 14th December, 1972, p. 2629.
Administration: Committed to the Premier; *Gazette* 8th March, 1973, p. 858.
ss. 3 and 5. Proclamations: *Gazette* 6th December, 1973, p. 3166; 10th January, 1974, p. 38; 14th February, 1974, p. 475; 20th June, 1974, p. 2450; 8th January, 1981, p. 2.

Opticians Act, 1920-1974

Commencement: 23rd June, 1921; *Gazette* 23rd June, 1921, p. 1315.
Administration: Committed to the Minister of Health; *Gazette* 5th April, 1973, p. 1289.
General Regulations: *Gazette* 16th October, 1975, p. 2034 (Consolidation); 17th November, 1977, p. 1510; 20th December, 1979, p. 2301.
Regulations under 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, 1962-1967

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; 28th September, 1972, p. 1668.

Outback Areas Community Development Trust Act, 1978

Commencement: 25th May, 1978; *Gazette* 25th May, 1978, p. 1826.
Administration: Committed to the Minister of Local Government; *Gazette* 24th August, 1978, p. 615.
Regulations as to licensing: *Gazette* 17th December, 1981, p. 2404.

Packages Act, 1967-1972

Commencement (other than ss. 15, 21, 24, 25, 27, 33, 34 and 35): 1st October, 1968; *Gazette* 26th September, 1968, p. 940.
Commencement (s. 15): 1st November, 1969; *Gazette* 24th April, 1969, p. 1175.
Commencement (ss. 21, 24 and 25): 1st November, 1969; *Gazette* 26th September, 1968, p. 940.
Commencement (s. 27): 1st May, 1970; *Gazette* 24th April, 1969, p. 1175.
Commencement (ss. 33, 34 and 35): 1st May, 1970; *Gazette* 26th September, 1968, p. 940.
Commencement of Packages Act Amendment Act, 1972: 13th April, 1972; *Gazette* 13th April, 1972, p. 1248.
Administration: Committed to the Minister of Consumer affairs; *Gazette* 20th September, 1979, p. 771.
Appointment of day for purposes of s. 16: 1st November, 1969; *Gazette* 26th September, 1968, p. 983; 1st January, 1972; *Gazette* 23rd December, 1971, p. 2635.
Appointment of day for purposes of s. 18: 1st November, 1969; *Gazette* 26th September, 1968, p. 983.
Appointment of day for purposes of s. 28: 1st May, 1970; *Gazette* 26th September, 1968, p. 983; 1st January, 1972; *Gazette* 23rd December, 1971, p. 2637.
Appointment of day for purposes of s. 30: 1st May, 1970; *Gazette* 26th September, 1968, p. 984.
Exemption of Articles: *Gazette* 26th September, 1968, p. 984; 30th November, 1972, p. 2491; 26th July, 1972, p. 415.
Regulations: 24th August, 1978, p. 627; 31st August, 1978, p. 813; 2nd April, 1981, p. 1056.

Parliamentary Salaries and Allowances Act, 1965-1978

Commencement of sections 3 to 11, and 16: 10th March, 1966; *Gazette* 10th March, 1966, p. 1315.
Administration: Committed to the Treasurer; *Gazette* 5th July, 1979, p. 3.

Parliamentary Superannuation Act, 1974-1978

Commencement: 4th April, 1974; *Gazette* 4th April, 1974, p. 1132.
Commencement of Parliamentary Superannuation Act Amendment Act, 1978: 1st June, 1978; *Gazette* 1st June, 1978, p. 1878.
Commencement of Parliamentary Superannuation Act Amendment Act (No. 2), 1978: 21st December, 1978; *Gazette* 21st December, 1978, p. 2307.
s. 5 (2). Proclamations: *Gazette* 2nd May, 1974, p. 1614; 16th May, 1974, p. 1774; 6th June, 1974, p. 2215; 11th July, 1974, p. 97.
Regulations: *Gazette* 1st June, 1978, p. 1886.

Pastoral Act, 1936-1980

Commencement: 1st June, 1937; *Gazette* 25th March, 1937, p. 645.
Commencement of Pastoral Act Amendment Act, 1968: 30th January, 1969; *Gazette* 30th January, 1969, p. 337.
Commencement of Pastoral Act Amendment Act, 1969: 21st May, 1970; *Gazette* 21st May, 1970, p. 1841.
Commencement of Pastoral Act Amendment Act (No. 2), 1976; 24th February, 1977: *Gazette* 24th February, 1977, p. 489.
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; 9th December, 1971, p. 2476; 21st December, 1972, p. 2742; 30th January, 1975, p. 349; 15th June, 1978, p. 2046; 20th June, 1979, p. 1892; 16th July, 1981, p. 147.

Pay-roll Tax Act, 1971-1980

Commencement of Pay-roll Tax Act Amendment Act, 1980: 1st January, 1981; *Gazette* 23rd December, 1980, p. 2368.
Regulations: *Gazette* 18th January, 1979, p. 116; 6th December, 1979, p. 1902; 23rd December, 1980, p. 2415.
Regulations: Pay-roll Tax Tribunal Regulations; *Gazette* 17th August, 1972, p. 1174; 6th July, 1978, p. 74.
Regulations relating to exemptions: *Gazette* 6th December, 1979, p. 1904.
Regulations relating to refunds: *Gazette* 6th December, 1979, p. 1900.

Pest Plants Act, 1975

Commencement: 15th April, 1976; *Gazette* 8th April, 1976, p. 1894.
Administration: Committed to the Minister of Agriculture; *Gazette* 7th October, 1976, p. 1107.
s. 35. Proclamations: *Gazette* 10th March, 1977, p. 640; 4th August, 1977, p. 296; 27th October, 1977, p. 1266; 12th January, 1978, p. 52; 29th June, 1978, p. 2233; 6th July, 1978, p. 5; 27th July, 1978, p. 288; 21st September, 1978, p. 980; 5th October, 1978, p. 1106, p. 1107; 25th January, 1979, p. 189; 3rd May, 1979, p. 1414; 7th June, 1979, p. 1674; 5th July, 1979, p. 2; 23rd August, 1979, p. 436; 4th October, 1979, p. 871; 11th October, 1979, p. 916; 14th February, 1980, p.310; 28th February, 1980, p. 420; 17th July, 1980, p. 228; 14th August, 1980, p. 527; 2nd October, 1980, p. 1014; 11th December, 1980, p. 2114, p. 2119 (two); 5th March, 1981, p. 594; 19th March, 1981, p. 742; 2nd April, 1981, p. 1018; 23rd April, 1981, p. 1198; 3rd September, 1981, p. 805.
Regulations: *Gazette* 4th August, 1977, p. 474.

Petroleum Act, 1940-1978

Commencement (as Mining (Petroleum) Act, 1940): 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.
Commencement of Petroleum Act Amendment Act, 1978: 7th July, 1978; *Gazette* 7th July, 1978, p. 2158.
Commencement of Petroleum Act Amendment Act, 1981: 9th April, 1981; *Gazette* 9th April, 1981, p. 1092.
Administration: Committed to the Minister of Mines and Energy; *Gazette* 4th September, 1975, p. 1277.
Regulations: *Gazette* 11th July, 1968, p. 66; 6th August, 1970, p. 509.

Petroleum Products Subsidy Act, 1965-1978

Commencement: 16th September, 1965; *Gazette* 16th September, 1965, p. 1050.
Regulations: *Gazette* 16th September, 1965, p. 1053; 26th October, 1978, p. 1367.

Petroleum Shortages Act, 1980

Administration: Committed to the Minister of Mines and Energy: *Gazette* 21st May, 1981, p. 1503.

Petroleum (Submerged Lands) Act, 1967-1974

Commencement: 1st April, 1968; *Gazette* 28th March, 1968, p. 1070.
Administration: Committed to the Minister of Mines and Energy; *Gazette* 4th September, 1975, p. 1276.

Pharmacy Act, 1935-1973

Commencement of Pharmacy Act Amendment Act, 1972: 20th April, 1972, p. 1248.
Administration: Committed to the Minister of Health; *Gazette* 5th April, 1973, p. 1289.
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; 28th November, 1968, p. 2322; 5th August, 1971, p. 399.
Regulations under 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, 1936-1975

Commencement: 1st June, 1937; *Gazette* 25th March, 1937, p. 645.

Physiotherapists Act, 1945-1973

Commencement: 6th June, 1946; *Gazette* 6th June, 1946, p. 1021.
Commencement of Physiotherapists Act Amendment Act, 1972: 30th November, 1972; *Gazette* 30th November, 1972, p. 2467.
Commencement of Physiotherapists Act Amendment Act, 1973: 26th April, 1974; *Gazette* 26th April, 1974, p. 1457.
Administration: Committed to the Minister of Health; *Gazette* 5th April, 1973, p. 1289.
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, 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; 27th November, 1969, p. 1822; 15th January, 1970, p. 120; 8th October, 1970, p.1517; 29th April, 1971, p. 2273; 31st May, 1973, p. 2322; 10th January, 1974, p. 46; 26th April, 1974, p. 1567; 24th October, 1974, p. 2764; 14th November, 1974, p. 3149; 8th May, 1975, p. 1815; 10th July, 1975, p. 153; 27th January, 1977, p. 191; 12th May, 1977, p. 1365; 8th December, 1977, p. 2146; 24th August, 1978, p. 657; 31st August, 1978, p. 808.

Pipelines Authority Act, 1967-1980

Commencement (as Natural Gas Pipelines Authority Act, 1967): 20th April, 1967; *Gazette* 20th April, 1967, p. 1343.
Commencement of Natural Gas Pipelines Authority Act Amendment Act, 1974: 1st January, 1975; *Gazette* 19th December, 1974, p. 3766.
Administration: Committed to the Minister of Mines and Energy; *Gazette* 4th September, 1975, p. 1278.
s. 11. Proclamation: *Gazette* 23rd May, 1968, p. 1554.

Pitjantjatjara Land Rights Act, 1981

Commencement: 2nd October, 1981; *Gazette* 2nd October, 1981, p. 1139.

Places of Public Entertainment Act, 1913-1972

Commencement of Places of Public Entertainment Act Amendment Act, 1971: 1st July, 1971; *Gazette* 3rd June, 1971, p. 2716.
Commencement of Places of Public Entertainment Act Amendment Act, 1971-1972: 10th August, 1972; *Gazette* 10th August, 1972, p. 1034.
Administration: Committed to the Minister of Consumer Affairs; *Gazette* 20th September, 1979, p. 771.
Delegation to the Premier of powers and functions vested in the Minister under s. 25: *Gazette* 11th October, 1973, p. 2355.
Regulations: *Gazette* 18th July, 1974, p. 579; 3rd July, 1975, p. 104; 3rd December, 1981, p. 2313.

Planning and Development Act, 1966-1980

Commencement: 1st July 1967; *Gazette* 29th June, 1967, p. 1962.
Commencement of Planning and Development Act Amendment Act, 1969: 21st May, 1970; *Gazette* 21st May, 1970, p. 1841.
Commencement of Planning and Development Act Amendment Act, 1972: 19th October, 1972; *Gazette* 19th October, 1967, p. 1927.
Commencement of Planning and Development Act Amendment Act (No. 2), 1972: 5th October, 1972; *Gazette* 5th October, 1972, p. 1807.
Commencement of Planning and Develoment Act Amendment Act (No. 3), 1972: 1st December, 1972; *Gazette* 1st December, 1972, p. 2531.
Commencement of Planning and Development Act Amendment Act (No. 4), 1972: 25th January, 1973; *Gazette* 25th January, 1973, p. 274.
Commencement of Planning and Development Act Amendment Act (No. 2), 1975: 1st May, 1975; *Gazette* 1st May, 1975, p. 1698.
Administration: Committed to the Minister of Environment and Planning; *Gazette* 18th June, 1981, p. 1840.
s. 28. Proclamations: *Gazette* 21st March, 1968, p. 961; 24th September, 1970, p. 1305; 15th October, 1970, p. 1688; 21st January, 1971, p. 186; 30th March, 1972, p. 1169.
s. 33. Proclamations: 15th June, 1972, p. 2322; 21st March, 1974, p. 899; 20th March, 1975, p. 1089; 26th February, 1976, p. 780; 2nd December, 1976, p. 1812; 19th October, 1978, p. 1267.
Notices: *Gazette* 16th December, 1971, p. 2502; 23rd December, 1971, p. 2631; 13th January, 1972, p. 52; 17th February, 1972, p. 577; 24th February, 1972, p. 656; 23rd March, 1972, p. 1084; 18th May, 1972, p. 1928; 1st June, 1972, p. 2162 (two), p. 2163; 15th June, 1972, p. 2323; 6th July, 1972, p. 5; 26th April, 1974, p. 1458 (three), p. 1459; 2nd May, 1974, p. 1616; 30th May, 1974, p. 2178 (two), p. 2179; 19th September, 1974, p. 2262 (three); 26th September, 1974, p. 2395 (two), 14th November, 1974, p. 3245 (three); 19th December, 1974, p. 3771; 6th February, 1975, p. 415; 6th March, 1975, p. 872; 10th April, 1975, p. 1477; 17th April, 1975, p. 1512 (two).
Regulations: *Gazette* 30th September, 1965, p. 1211*, 9th November, 1967, p. 2153; 28th August, 1969, p. 571; 2nd October, 1969, p. 1091; 20th November, 1969, p. 1617; 12th March, 1970, p. 1027; 2nd April, 1970, p. 1308; 18th June, 1970, p. 2126; 19th November, 1970, p. 2327; 4th March, 1971, p. 989; 3rd June, 1971, p. 2731; 5th August, 1971, p. 427; 9th September, 1971, p. 879; 16th December, 1971, p. 2513; 13th January, 1972, p. 56; 2nd March, 1972, p. 751; 16th March, 1972, pp. 983, 1015; 23rd March, 1972, p. 1099; 30th March, 1972, p. 1183; 25th May, 1972, p. 2037;

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9th June, 1972, p. 2285; 6th July, 1972, p. 17, p. 1183; 13th July, 1972, p. 161; 13th July, 1972, p. 193; 3rd August, 1972, p. 981; 10th August, 1972, p. 1047; 21st September, 1972, p. 1551, p. 1583; 9th November, 1972, p. 2260; 7th December, 1972, p. 2549; 14th December, 1972, p. 2641; 15th February, 1973, p. 594; 22nd March, 1973, p. 1015, p. 1047; 12th April, 1973, p. 1708; 19th April, 1973, p. 1791. 10th May, 1973, p. 2069; 9th August, 1973, p. 853; 30th August, 1973, p. 1463; 4th October, 1973, p. 2212; 11th October, 1973, p. 2363; 1st November, 1973, p. 2725; 29th November, 1973, p. 3079; 6th December, 1973, p. 3176; 13th December, 1973, p. 3276; 20th December, 1973, p. 3451; 24th January, 1974, p. 223, p. 224; 31st January, 1974, p. 318; 7th March, 1974, p. 869; 14th March, 1974, p. 902, p. 903, p. 904, p. 905, p. 906, p. 907; 4th April, 1974, p. 1139, p. 1144, p. 1150, p. 1154, p. 1155, p. 1166, p. 1171, p. 1175, p. 1179, p. 1180; 26th April, 1974, p. 1556, p. 1559, p. 1560, p. 1565, p. 1566; 2nd May, 1974, p. 1620; 16th May, 1974, p. 1773; 30th May, 1974, p. 2099, p. 2106, p. 2108; 18th July, 1974, p. 620; 1st August, 1974, p. 820; 8th August, 1974, p. 885; 29th August, 1974, p. 1492; 12th September, 1974, p. 1751; 16th September, 1974, p. 1934A; 19th September, 1974, p. 2267, p. 2268, p. 2269, p. 2359; 26th September, 1974, p. 2402, p. 2403; 10th October, 1974, p. 2599; 24th October, 1974, p. 2767, p. 2769; 31st October, 1974, p. 2882; 14th November, 1974, p. 3144, p. 3145, p. 3146, p. 3147, p. 3150; 21st November, 1974, p. 3271; 28th November, 1974, p. 3383; 12th December, 1974, p. 3655, p. 3658, p. 3659; 19th December, 1974, p. 3781; 9th January, 1975, p. 106; 23rd January, 1975, p. 269; 20th February, 1975, p. 588; 6th March, 1975, p. 873; 20th March, 1975, p. 1119, p. 1193; 10th April, 1975, p. 1445, p. 1447; 17th April, 1975, p. 1576, p. 1577; 15th May, 1975, p. 1922; 29th May, 1975, p. 2096; 12th June, 1975, p. 2272; 3rd July, 1975, p. 105; 17th July, 1975, p. 312, p. 313, p. 314, p. 315, p. 316, p. 317, p. 318, p. 320, p. 529; 24th July, 1975, p. 568; 31st July, 1975, p. 681; 21st August, 1975, p. 1005, p. 1006, p. 1007, p. 1008; 28th August, 1975, p. 1138, p. 1139; 4th September, 1975, p. 1290; 18th September, 1975, p. 1580; 23rd October, 1975, p. 2148; 13th November, 1975, p. 2442; 4th December, 1975, p. 3005; 18th December, 1975, p. 3293; 19th February, 1976, p. 686; p. 690; 26th February, 1976, p. 788, p. 789, p. 790, p. 791, p. 792, p. 793; 4th March, 1976, p. 953, p. 955, p. 1111; 1st April, 1976, p. 1679; 6th May, 1976, p. 2361, p. 2366; 20th May, 1976, p. 2630, p. 2633; 27th May, 1976, p. 2762; 10th June, 1976, p. 2956, p. 2957, p. 2958, p. 2991; 17th June, 1977, p. 3070; 1st July, 1976, p. 17, p. 18, p. 19; 8th July, 1976, p. 89; 15th July, 1976, p. 143; 22nd July, 1976, p. 193; 5th August, 1976, p. 331; 23rd September, 1976, p. 965; 30th September, 1976, p. 1037; 7th October, 1976, p. 1185, p. 1223; 14th October, 1976, p. 1275; 21st October, 1976, p. 1407, p. 1419, p. 1420, p. 1421; 2nd December, 1976, p. 1832; 9th December, 1976, p. 1890; 16th December, 1976, p. 2263; 23rd December, 1976, p. 2378, p. 2379; 24th February, 1977, p. 504; 21st April, 1977, p. 1160; 28th April, 1977, p. 1245; 26th May, 1977, p. 1493; 25th August, 1977, p. 527; 8th September, 1977, p. 657; 15th September, 1977, p. 737; 13th October, 1977, p. 1075, p. 1119, p. 1123; 27th October, 1977, p. 1303; 10th November, 1977, p. 1438; 15th December, 1977, p. 2218; 6th April, 1978, p. 1162, p. 1163; 1st June, 1978, p. 1887; 27th July, 1978, p. 301; 31st August, 1978, p. 727, p. 729, p. 777; 28th September, 1978, p. 1040; 12th October, 1978, p. 1177; 26th October, 1978, p. 1355, p. 1361; 2nd November, 1978, p. 1429; 7th December, 1978, p. 2170; 22nd February, 1979, p. 445; 8th March, 1979, p. 657; 22nd March, 1979, p. 742; 26th April, 1979, p. 1239; 7th June, 1979, p. 1801; 5th July, 1979, p. 17; 6th September, 1979, p. 585, p. 595; 4th October, 1979, p. 888; 13th December, 1979, p. 2128; 20th December, 1979, p. 2305; 21st February, 1980, p. 373; 20th March, 1980; p. 567; 26th June, 1980, p. 1723, pp. 1731-1826; 3rd July, 1980, p. 17; 10th July, 1980, p. 129; 31st July, 1980, p. 393; 14th August, 1980, p. 534; 16th October, 1980, p. 1166; 30th October, 1980, p. 1269; 20th November, 1980, p. 1929; 11th December, 1980, p. 2129; 23rd December, 1980, p. 2375, p. 2412; 15th January, 1981, p. 94, p. 97; 19th February, 1981, p. 466; 12th March, 1981, p. 661; 2nd April, 1981, p. 1049; 23rd April, 1981, p. 1205; 30th April, 1981, p. 1262; 21st May, 1981, p. 1535; 4th June, 1981, p. 1669; 9th July, 1981, p. 82; 20th August, 1981, p. 567; 15th October, 1981, p. 1225; 19th November, 1981, p. 1561; 26th November, 1981, p. 2160; 3rd December, 1981, p. 2214, p. 2235; 23rd December, 1981, p. 2506, p. 2507.

Regulations relating to control of land subdivision: *Gazette* 20th November, 1975, p. 2813; 23rd September, 1976, p. 980; 21st April, 1977, p. 1160; 28th April, 1977, p. 1245; 6th April, 1978, p. 1167; 1st March, 1979, p. 561, p. 562; 13th September, 1979, p. 701, 3rd July, 1980, p. 78.

Regulations relating to Planning Appeal Board: *Gazette* 20th April, 1978, p. 1404; 13th December, 1979, p. 2010.

*Revoked except for the purpose of s. 3 (2) (*c*) of the Act: *Gazette* 20th November, 1975, p. 2813.

Police Offences Act, 1953-1980

Commencement: 1st March, 1954; *Gazette* 28th January, 1954, p. 155.

Commencement of Police Offences Act Amendment Act, 1972: 13th April, 1972; *Gazette* 13th April, 1972, p. 1431.

Commencement of Police Offences Act Amendment Act (No. 2), 1972: 19th October, 1972.

Commencement of Police Offences Act Amendment Act (No. 3), 1972: 15th February, 1973; *Gazette* 15th February, 1973, p. 495.

Commencement of Police Offences Act Amendment Act, 1979: 1st July, 1979; *Gazette* 24th May, 1979, p. 1498.

Commencement of Police Offences Act Amendment Act, 1981: 1st January, 1982; *Gazette* 26th November, 1981, p. 2134.

Administration: Committed to the Chief Secretary; *Gazette* 19th October, 1978, p. 1266.

Delegation of powers vested in the Minister under s. 33 to the Premier; *Gazette* 19th October, 1978, p. 1268.

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; 12th December, 1968, p. 2561; 1st May, 1969, p. 1235; 24th April, 1975, p. 1637; 22nd January, 1975, p. 365; 28th June, 1979, p. 2015; 26th November, 1981, p. 2149; 23rd December, 1981, p. 2502.

Police Pensions Act, 1971-1979

Commencement: 16th December, 1971; *Gazette* 16th December, 1971, p. 2498.

Commencement of Police Pensions Act Amendment Act, 1972: 5th October, 1972; *Gazette* 5th October, 1972, p. 1806.

Commencement of Police Pensions Act Amendment Act, 1976: 27th March, 1976; *Gazette* 25th March, 1976, p. 1405.

Regulations: *Gazette* 16th December, 1971, p. 2560; 31st August, 1972, p. 1335; 25th March, 1976, p. 1417.

Regulations under Police Pensions Act, 1954-1968: *Gazette* 19th December, 1929, p. 1307; 2nd February, 1967, p. 314, as to contributions by members on leave without pay; *Gazette* 10th October, 1935, p. 754; 18th January, 1940, p. 73.

Police Regulation Act, 1952-1978

Commencement: 13th April, 1953; *Gazette* 2nd April, 1953, p. 634.

Commencement of Police Regulation Act Amendment Act, 1955: 26th January, 1956; *Gazette* 26th January, 1956, p. 127.

Commencement of Police Regulation Act Amendment Act, 1972: 11th May, 1972; *Gazette* 11th May, 1972, p. 1158.

Commencement of Police Regulation Act Amendment Act (No. 2), 1972: 12th October, 1972; *Gazette* 12th October, 1972, p. 1872.

Commencement of Police Regulation Act Amendment Act, 1973: 6th December, 1973; *Gazette* 6th December, 1973, p. 3166.

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Commencement of Police Regulation Act Amendment Act, 1981: 1st January, 1982; *Gazette* 23rd December, 1981, p. 2462.
Directions to Commissioner of Police: *Gazette* 18th January, 1978, p. 287; 20th November, 1980, p. 1926.
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; 21st November, 1968, p. 2215; 21st August, 1969, p. 466; 29th October, 1970, p. 1897; 20th January, 1972, p. 157; 12th October, 1972, p. 1876; 14th December, 1972, p. 2640; 14th March, 1974, p. 908; 6th June, 1974, p. 2219; 29th May, 1975, p. 2095; 19th August, 1976, p. 590; 27th January, 1977, p. 189; 23rd November, 1978, p. 2058; 23rd December, 1981, p. 2477.

Poor Persons Legal Assistance Act, 1925-1976

Commencement of Poor Persons Legal Assistance Act Amendment Act, 1969: 31st August, 1970; *Gazette* 20th August, 1970, p. 696.

Port Flinders Vesting Act, 1973

Commencement: 31st January, 1974; *Gazette* 31st January, 1974, p. 312.

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; 8th April, 1971, p. 1583; 5th October, 1972, p. 1809; 19th July, 1973, p. 297; 11th October, 1973, p. 2357; 12th September, 1974, p. 1742; 2nd October, 1975, p. 1826; 10th June, 1976, p. 2952.

Potato Marketing Act, 1948-1974

Commencement: 24th February, 1949; *Gazette* 24th February, 1949, p. 484.
Commencement of Potato Marketing Act Amendment Act, 1974: 1st February, 1975; *Gazette* 23rd January, 1975, p. 259.
s. 2. Notice of affirmative result of poll: *Gazette* 17th February, 1949, p. 467.
s. 6 (5). Notice: *Gazette* 6th January, 1966, p. 52.
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. 11, *Gazette* 21st December, 1973, p. 2886; No. 12, *Gazette* 21st December, 1973, p. 2887. Potato Prices Orders: No. 1/79, *Gazette* 22nd November, 1979, p. 1350; Nos. 2/79 and 3/79, *Gazette* 29th November, 1979, p. 1870; Nos. 4/79 and 5/79, *Gazette* 6th December, 1979, p. 1965; No. 6/79, *Gazette* 13th December, 1979, p. 2279; No. 7/79, *Gazette* 20th December, 1979, p. 2404; Nos. 8/79 and 1/80, *Gazette* 10th January, 1980, p. 62; No. 2/80, *Gazette* 17th January, 1980, p. 129; No. 3/80, *Gazette* 24th January, 1980, p. 176; No. 4/80, *Gazette* 7th February, 1980, p. 278; Nos. 5/80, 6/80 and 7/80, *Gazette* 14th February, 1980, p. 344, p. 345; Nos. 8/80 and 9/80, *Gazette* 21st February, 1980, p. 398; No. 10/80, *Gazette* 28th February, 1980, p. 443; No. 11/80, *Gazette* 6th March, 1980, p. 488; No. 12/80, *Gazette* 13th March, 1980, p. 516; No. 13/80, *Gazette* 20th March, 1980, p. 663; Nos. 14/80 and 15/80, *Gazette* 27th March, 1980, p. 874; No. 16/80, *Gazette* 17th April, 1980, p. 1021; No. 17/80, *Gazette* 24th April, 1980, p. 1124; No. 18/80, *Gazette* 1st May, 1980, p. 1239; No. 19/80, *Gazette* 5th June, 1980, p. 1472; Nos. 20/80 and 21/80, *Gazette* 19th June, 1980, p. 1704; No. 22/80, *Gazette* 26th June, 1980, p. 1901; No. 23/80, *Gazette* 3rd July, 1980, p. 84; No. 24/80, *Gazette* 17th July, 1980, p. 243; Nos. 25/80 and 26/80, *Gazette* 24th July, 1980, p. 316, p. 336; No. 27/80, *Gazette* 31st July, 1980, p. 373; Nos. 28/80 and 29/80, *Gazette* 7th August, 1980, p. 492, p. 509; No. 30/80, *Gazette* 14th August, 1980, p. 568; No. 31/80, *Gazette* 21st August, 1980, p. 602; Nos. 32/80 and 33/80, *Gazette* 28th August, 1980, p. 676; No. 34/80, *Gazette* 11th September, 1980, p. 828; No. 35/80, *Gazette* 18th September, 1980, p. 926; Nos. 36/80 and 37/80, *Gazette* 25th September, 1980, p. 878; No. 38/80, *Gazette* 2nd October, 1980, p. 1058; No. 39/80, *Gazette* 9th October, 1980, p. 1128; No 40/80, *Gazette* 16th October, 1980, p. 1174; No. 41/80, *Gazette* 23rd October, 1980, p. 1243; No. 42/80, *Gazette* 16th October, 1980, p. 1174; Nos. 43/80 and 44/80, *Gazette* 23rd October, 1980, p. 1243; No. 45/80, *Gazette* 30th October, 1980, p. 1283; Nos. 46/80 and 47/80, *Gazette* 6th November, 1980, p. 1346; No. 48/80, *Gazette* 13th November, 1980, p. 1902; Nos. 49/80 and 50/80, *Gazette* 4th December, 1980, p. 2096; No. 51/80, *Gazette* 11th December, 1980, p. 2198. 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, 1950, p. 176; 12th August, 1954, p. 318; 15th November, 1962, p. 1399; 13th August, 1964, p. 318; 24th April, 1969, p. 1199; 1st December, 1966, p. 2069; 1st February, 1968, p. 282.

Poultry Meat Industry Act, 1969-1976

Commencement (Poultry Processing Act): 1st July, 1971; *Gazette* 1st July, 1971, p. 2.
Commencement of Poultry Processing Act Amendment Act, 1976: 2nd June, 1977; *Gazette* 2nd June, 1977, p. 1582.
Regulations: *Gazette* 1st July, 1971, p. 54.

Prevention of Cruelty to Animals Act, 1936-1973

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, 1961-1979

Commencement: 1st June, 1962; *Gazette* 31st May, 1962, p. 1431.
Commencement of Prevention of Pollution of Waters by Oil Act Amendment Act, 1972: 1st January, 1973; *Gazette* 21st December, 1972, p. 2723.
Commencement of Prevention of Pollution of Waters by Oil Act Amendment Act, 1979: 19th April, 1979, p. 1028.

Prices Act, 1948-1980

Commencement: 20th September, 1948; *Gazette* 16th September, 1948, p. 1067.
Commencement of Prices Act Amendment Act (No. 2), 1980: 1st January, 1981; *Gazette* 11th December, 1980, p. 2121.
Commencement of Prices Act Amendment Act (No. 3), 1980: 31st January, 1981; *Gazette* 29th January, 1981, p. 258.
Administration: Committed to the Minister of Consumer Affairs; *Gazette* 20th September, 1979, p. 771.
s. 5 (4). Notice: *Gazette* 18th June, 1970, p. 2128.
s. 12 (2). Notices: *Gazette* 28th July, 1955, p. 211; 5th May, 1977, p. 1264; 29th May, 1980, p. 1450.

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s. 19. Proclamations of declared goods and services: *Gazette* 20th September, 1948, p. 1115 (as amended, revoked; *Gazette* 10th January, 1980, p. 35); 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; 16th June, 1949, p. 1787; 23rd June, 1949, p. 1815; 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. 779; 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, 1953, 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; 5th September, 1968, p. 692; 26th March, 1970, p. 1240; 2nd August, 1973, p. 724 revoked; *Gazette* 10th January, 1980, p. 35); 17th April, 1975, p. 1511; 5th May, 1977, p. 1262; 18th August, 1977, p. 415; 10th January, 1980, p. 35.

ss. 21 and 24. Orders fixing maximum prices of declared goods and declared services:—

Bran and pollard: *Gazette* Prices Order No. 1042; 10th August, 1978, p. 519.

Bread: *Gazette* Prices Order No. 1054; 29th November, 1979, p. 1852: Order No. 1054 revoked and replaced by Prices Order No. 1059; *Gazette* 31st January, 1980, p. 196: Order No. 1059 revoked and replaced by Prices Order No. 1061; *Gazette* 24th July, 1980, p. 299.

Clothing—sales by retail: *Gazette* Prices Order No. 1020; 16th September, 1976, p. 928: Order No. 1020 revoked by Prices Order No. 1056; *Gazette* 10th January, 1980, p. 73.

Clothing—sales by wholesale: *Gazette* Prices Order No. 755; 18th October, 1962, p. 1061.

Clothing (school uniforms)—sales by retail: *Gazette* Prices Order No. 1056; 10th January, 1980, p. 73.

Feed wheat—Adelaide metropolitan area: *Gazette* Prices Order No. 915; 19th February, 1970, p. 829.

Feed wheat—country areas: *Gazette* Prices Order No. 831; 17th February, 1966, p. 1050.

Flour: *Gazette* Prices Order No. 1053; 29th November, 1979, p. 1851: Order No. 1053 revoked by Prices Order No. 1058, *Gazette* 10th January, 1980, p. 70.

Grapes: *Gazette* Prices Order No. 1055; 20th December, 1979, p. 2408: Prices Order No. 1062; 18th December, 1980, p. 2318.

Kerosene—lighting and heating: *Gazette* Prices Order No. 984; 31st October, 1974, p. 2905: Order No. 984 revoked by Prices Order No. 1058, *Gazette* 10th January, 1980, p. 70.

Kitbags, etc.: *Gazette* Prices Order No. 540; 11th August, 1955, p. 293.

Meat pies and pasties: *Gazette* Prices Order No. 1050; 21st June, 1980, p. 1898: Order No. 1050 revoked by Prices Order No. 1058, *Gazette* 10th January, 1980, p. 70.

Men's, women's and children's footwear—sales by retail: *Gazette* Prices Order No. 1024; 2nd December, 1976, p. 1849: Order No. 1024 revoked by Prices Order No. 1057, *Gazette* 10th January, 1980, p. 71.

Mineral lubricating oils: *Gazette* Prices Order No. 933; 29th July, 1971, p. 322.

Petroleum and shale products—motor spirit (standard, premium and blended): Control discontinued by Order No. 1019; *Gazette* 2nd July, 1976, p. 193.

School footwear—sales by retail: *Gazette* Prices Order No. 1057; 10th January, 1980, p. 71.

Towing, recovery and storage of motor vehicles: *Gazette* Prices Order No. 1049; 10th May, 1979, p. 1428; Order No. 1049 revoked and replaced by Prices Order No. 1060, *Gazette* 29th May, 1980, p. 1449.

s. 27 (5). Notices of exemption: *Gazette* 19th February, 1970, p. 829.

Regulations: *Gazette* 20th November, 1980, p. 1930.

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, 1935-1974

Administration: Committed to the Minister of Agriculture; *Gazette* 8th September, 1977, p. 648.

Regulations: *Gazette* 11th July, 1935, p. 75; 18th June, 1936, p. 1210.

Primary Producers Emergency Assistance Act, 1967

Administration: Committed to the Minister of Agriculture; *Gazette* 8th September, 1977, p. 648.

Regulations: *Gazette* 23rd November, 1967, p. 2275.

Prisons Act, 1936-1976

Commencement: 1st June, 1937; *Gazette* 25th March, 1937, p. 645.

Commencement of Prisons Act Amendment Act (No. 2), 1969: 1st April, 1970; *Gazette* 19th March, 1970, p. 1092.

Commencement of Prisons Act Amendment Act, 1969: 31st August, 1970; *Gazette* 20th August, 1970, p. 696.

Commencement of Prisons Act Amendment Act, 1981: 1st August, 1981; *Gazette* 23rd July, 1981, p. 227.

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; 24th August, 1972, p. 1243; 28th August, 1975, p. 1126.

s. 18. Proclamations: *Gazette* 21st September, 1939, p. 813; 3rd March, 1960, p. 644; 14th September, 1961, p. 949; 24th August, 1972, p. 1243; 10th January, 1974. p. 37.

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Regulations as to costs and treatment of appellant: *Gazette* 5th November, 1925, p. 1231; 18th August, 1960, p. 456; 6th February, 1969, p. 413; 21st September, 1972, p. 2816; 24th May, 1973, p. 2201.

Regulations as to criminal mental defectives: *Gazette* 30th July, 1964, p. 236; 9th August, 1973, p. 859.

Prisons (Sentences and Parole) regulations: *Gazette* 19th March, 1970, p. 1174; 12th December, 1974, p. 3660; 23rd July, 1981, p. 293.

Private Parking Areas Act, 1965

Administration: Committed to the Minister of Transport; *Gazette* 16th August, 1979, p. 385.

Proof of Sunrise and Sunset Act, 1923

Administration: Committed to the Minister of Local Government; *Gazette* 20th December, 1923, p. 1435.

Psychological Practices Act, 1973

Commencement: 3rd March, 1975; *Gazette* 19th December, 1974, p. 3768.

Administration: Committed to the Minister of Health; *Gazette* 3rd October, 1974, p. 2528.

s. 22. Notice declaring recognised universities: *Gazette* 19th December, 1974, p. 3771.

Regulations: *Gazette* 19th December, 1974, p. 3775; 29th April, 1976, p. 2231; 9th September, 1976, p. 857; 7th September, 1978, p. 853.

Public Accounts Committee Act, 1972-1978

Regulations: *Gazette* 29th April, 1976, p. 2227; 27th October, 1977, p. 1306; 14th February, 1980, p. 319.

Public Assemblies Act, 1972

Commencement: 13th April, 1972, *Gazette* 13th April, 1972, p. 1430.

Public Charities Funds Act, 1935-1974

Commencement: 1st June, 1937; *Gazette* 25th March, 1937, p. 643.

Administration: Committed to the Minister of Health; *Gazette* 5th April, 1973, p. 1289.

s. 4. Proclamations: *Gazette* 19th December, 1940, p. 1552; 17th June, 1954, p. 1196; 26th August, 1971, p. 666; 23rd March, 1972, p. 1084; 21st March, 1974, p. 988; 20th June, 1974, p. 2450; 17th October, 1974, p. 2687; 5th December, 1974, p. 3560.

Public Examinations Board Act, 1968

Commencement: 1st September, 1969; *Gazette* 31st July, 1969, p. 285.

Public Finance Act, 1936

Commencement of Public Finance Act Amendment Act: 1st July, 1981; *Gazette* 4th June, 1981, p. 1638.

Public Parks Act, 1943-1975

Administration: Committed to the Minister of Local Government; *Gazette* 27th January, 1944, p. 92.

Public Service Act, 1967-1978

Commencement: 29th February, 1968; *Gazette* 29th February, 1968, p. 675.

Commencement of Public Service Act Amendment Act, 1977: 1st January, 1978; *Gazette* 22nd December, 1977, p. 2269.

Administration: Committed to the Minister of Industrial Affairs; *Gazette* 18th September, 1979, p. 768.

s. 8. Proclamations: *Gazette* 18th July, 1968, p. 141; 19th November, 1970, p. 2326; 17th December, 1970, p. 2768; 24th December, 1970, p. 2870; 10th February, 1972, p. 518; 11th May, 1972, p. 1759; 27th July, 1972, p. 680; 11th January, 1973, p. 96; 28th February, 1974, p. 616; 23rd December, 1976, p. 2320.

s. 25. Proclamations: *Gazette* 20th June, 1968, p. 1803; 29th August, 1968, p. 598; 27th February, 1969, pp. 576, 577; 17th April, 1969, p. 1091; 22nd May, 1969, p. 1497; 23rd April, 1970, p. 1461; 30th April, 1970, p. 1588; 30th July, 1970, p. 318; 25th February, 1971, p. 823; 19th August, 1971, p. 589; 9th December, 1971, p. 2375; 23rd December, 1971, p. 2629; 10th February, 1972, p. 518; 20th April, 1972, p. 1496; 18th May, 1972, p. 1926; 15th June, 1972, p. 2320; 23rd November, 1972, p. 2407; 27th March, 1973, p. 2128; 19th April, 1973, p. 1778; 25th October, 1973, p. 2584; 11th April, 1974, p. 1228; 10th July, 1975, p. 146, p. 149; 31st July, 1975, p. 676 (two); 2nd October, 1975, p. 1819; 9th October, 1975, p. 1946; 16th October, 1975, p. 2010; 6th November, 1975, p. 2340; 13th November, 1975, p. 2430; 18th December, 1975, p. 3280 (two), p. 3281 (two); 22nd January, 1976, p. 262; 4th March, 1976, p. 941; 18th March, 1976, p. 1204; 1st April, 1976, p. 1669 (two); 15th April, 1976, p. 1979, 29th April, 1976, p. 2218; 1st July, 1976, p. 7; 29th July, 1976, p. 255; 31st August, 1976. p. 765; 16th September, 1976, p. 889; 9th December, 1976, p. 1880 (two); 12th January, 1978, p. 50 (three); 16th 2nd November, 1978, p. 1422; 7th December, 1978, p. 2154; 25th January, 1979, p. 190; 15th March, 1979, p. 681, p. 682 (two); 26th April, 1979, p. 1226; 5th July, 1979, p. 3; 20th September, 1979, p. 770 (six), p. 771 (five), p. 772; 11th October, 1979, p. 916; 10th July, 1980, p. 117; 7th August, 1980, p. 480; 11th September, 1980, p. 824; 18th December, 1980, p. 2212, p. 2364; 23rd December, 1980, p. 2368; 8th January, 1981, p. 3; 10th March, 1981, p. 641; 12th March, 1981, p. 646; 7th May, 1981, p. 1346; 14th May, 1981, p. 1404; 25th June, 1981, p. 1899.

s. 26. Proclamations: *Gazette* 27th March, 1973, p. 2128; 20th September, 1979, p. 771; 26th June, 1980, p. 1718, p. 1720; 10th July, 1980, p. 117; 2nd October, 1980, p. 1026; 18th December, 1980, p. 2213, p. 2364; 23rd December, 1980, p. 2368; 12th February, 1981, p. 360 (two); 12th March, 1981, p. 646 (two); 30th July, 1981, p. 325; 8th October, 1981, p. 1153.

s. 26 *(a)*(5). Notice: *Gazette* 31st July, 1980, p. 457.

s. 27. Direction relating to Solicitor-General: *Gazette* 27th February, 1960, p. 577; 28th June, 1979, p. 1952.

s. 29. Proclamations: *Gazette* 20th June, 1968, p. 1803; 27th February, 1969, p. 577.

s. 31. Proclamation: *Gazette* 13th August, 1970, p. 622.

s. 38b. Proclamation: *Gazette* 17th July, 1975, p. 306; 19th February, 1981, p. 454.

s. 86. Proclamation: *Gazette* 16th September, 1971, p. 973.

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s. 99. Proclamations: *Gazette* 29th August, 1968, p. 598; 19th June, 1969, p. 1767; 22nd January, 1970, p. 261; 24th September, 1970, p. 1303; 7th September, 1972, p. 1397; 4th July, 1974, p. 3; 29th August, 1974, p. 1481; 14th November, 1974, p. 3139; 15th May, 1975, p. 1914; 31st July, 1975, p. 677; 14th August, 1975, p. 882, p. 885; 28th August, 1975, p. 1126; 18th December, 1975, p. 3280; 4th March, 1976, p. 940; 1st July, 1976, p. 8; 16th September, 1976, p. 824; 11th November, 1976, p. 1602; 6th April, 1978, p. 1112; 20th July, 1978, p. 190; 3rd August, 1978, p. 406; 5th June, 1980, p. 1469; 26th June, 1980, p. 1720; 3rd July, 1980, p. 3, 31st July, 1980, p. 369; 19th March, 1981, p. 740.

s. 115. Declaration of recognised organisation: *Gazette* 14th March, 1968, p. 1851; 10th June, 1971, p. 2839; 13th May, 1976, p. 2536.

s. 127. Proclamation as to application of Division X of Part III: *Gazette* 25th May, 1978, p. 1825.

Regulations: *Gazette* 22nd August, 1968, p. 501; 27th March, 1969, p. 975; 25th September, 1969, p. 994; 3rd December, 1970, p. 2572; 6th April, 1972, p. 1372; 24th August, 1972, p. 1245; 7th June, 1973, p. 2425; 6th September, 1973, p. 1906; 20th December, 1973, p. 3434; 31st January, 1974, p. 320; 18th April, 1974, p. 1345; 10th May, 1974, p. 1691; 11th July, 1974, p. 109; 28th November, 1974, p. 3382; 10th April, 1975, p. 1446, 5th June, 1975, p. 2184; 9th September, 1976, p. 836; 11th May, 1978, p. 1660; 6th December, 1979, p. 1903.

Public Service Arbitration Act, 1968-1975

Commencement: 31st March, 1969; *Gazette* 27th March, 1969, p. 930.

Administration: Committed to the Minister of Industrial Affairs; *Gazette* 18th September, 1978, p. 768.

Public Service Superannuation Fund (Arrangement) Act, 1960

s. 2. Notice: *Gazette* 15th December, 1960, p. 1674.

s. 3. Proclamation: *Gazette* 11th May, 1961, p. 1091.

Public Supply and Tender Act, 1914-1975

Commencement: 17th December, 1914; *Gazette* 17th December, 1914, p. 1265.

Commencement of Public Supply and Tender Act Amendment Act, 1971-1972: 20th April, 1972; *Gazette* 20th April, 1972, p. 1496.

Commencement of Public Supply and Tender Act Amendment Act, 1981: 27th August, 1981; *Gazette* 27th August, 1981, p. 684.

Administration: Committed to the Deputy Premier; *Gazette* 4th October, 1979, p. 871.

Regulations: *Gazette* 28th October, 1965, p. 1498.

Public Works Standing Committee Act, 1927-1978

Commencement of Public Works Standing Committee Act Amendment Act, 1951: 14th February, 1952; *Gazette* 14th February, 1952, p. 329.

Administration: Committed to the Minister of Public Works; *Gazette* 28th June, 1979, p. 1952.

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; 11th September, 1969, p. 759; 29th April, 1976, p. 2229; 27th October, 1977, p. 1305; 14th February, 1980, p. 318 (corrigendum 21st February, 1980, p. 367).

Pulp and Paper Mills Agreement Act, 1958

Commencement: 15th January, 1959; *Gazette* 15th January 1959, p. 65.

Administration: Committed to the Minister of Water Resources; *Gazette* 26th April, 1979, p. 1226.

Pyap Irrigation Trust Act, 1923-1979

Administration: Committed to the Minister of Water Resources; *Gazette* 26th April, 1979, p. 1226.

Pyramid Sales Act, 1973

Commencement: 13th December, 1973; *Gazette* 13th December, 1973, p. 3262.

Administration: Committed to the Minister of Consumer Affairs; *Gazette* 20th September, 1979, p. 771.

Racing Act, 1976-1980

Commencement: 1st January, 1977; *Gazette* 16th December, 1976, p. 2252 (Commencement of s. 4(1) and Division 3 of Part II suspended until a day to be fixed by further proclamation).

Commencement of s. 4(1) and Division 3 of Part II: 1st February, 1977; *Gazette* 27th January, 1977, p. 179.

Commencement of Racing Act Amendment Act, 1978: 29th May, 1978; *Gazette* 25th May, 1978, p. 1825.

Commencement of Racing Act Amendment Act, 1980: 1st January, 1981; *Gazette* 18th December, 1980, p. 2213 (Operation of ss. 3 and 8 suspended until 1st February, 1981; operation of ss. 10 and 11 suspended until 4th January, 1981).

Commencement of Racing Act Amendment Act, 1981: 14th December, 1981; *Gazette* 10th December, 1981, p. 2342 (sections 5, 6, 7, 12, 13 and 29 suspended until a day to be fixed by future proclamation).

Administration: Committed to the Minister of Recreation and Sport; *Gazette* 31st May, 1979, p. 1613.

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Commencement: 2nd December, 1980; *Gazette* 27th November, 1980, p. 1972.

Railways Act, 1936-1979

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Administration: Committed to the Minister of Transport; *Gazette* 18th March, 1965, p. 620.

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1. Employment, rules, duties etc., of staff—Regulation No. 56: *Gazette* 2nd November, 1922, p. 990; 30th January, 1975, p. 361; 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. 193; 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: 21st November, 1929, p. 1125.
4. Branches of railway service—Regulation No. 146: *Gazette* 12th September, 1974, p. 1911.
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; regulation No. 145: *Gazette* 14th January, 1971, p. 104.
9. Injuries, sickness, and medical standards—Regulation No. 140: *Gazette* 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; 1st May, 1975, p. 1707; 20th July, 1978, p. 202.
15. Passenger Fare Tables—Amendment thereto as contained in the Coaching Book, 10th edition: *Gazette* 23rd January, 1975, p. 268; 27th February, 1975, p. 773.
16. Carriage of goods and livestock: *Gazette* 23rd October, 1969, p. 1335; 20th November, 1969, p. 1679; 26th March, 1970, p. 1243; 7th May, 1970, p. 1651; 8th October, 1970, p. 1519; 25th February, 1971, p. 834.
17. State Transport Authority (Railways) Regulations, 1979 (relating to fares): *Gazette* 1st February, 1979, p. 284; 14th August, 1980, p. 532; 21st August, 1981, p. 679.

Railways (Transfer Agreement) Act, 1975

Commencement (other than section 11): 30th October, 1975; *Gazette* 30th October, 1975, p. 2204.
Commencement of section 11: 1st March, 1978; Declaration under clause 14 of the agreement; *Commonwealth Gazette* 6th December, 1977, Special No. S 278.
Administration: Committed to the Minister of Transport; *Gazette* 3rd May, 1979, p. 1311.
Regulations: *Gazette* 23rd February, 1978, p. 683.

The Ramco Heights Irrigation Area Act, 1963-1978

Administration: Committed to the Minister of Water Resources; *Gazette* 26th April, 1979, p. 1226.
s. 7. Proclamation: *Gazette* 30th September, 1965, p. 1196.

Rates and Taxes Remission Act, 1974

Administration: Committed to the Minister of Water Resources; *Gazette* 26th April, 1979, p. 1226.

Real Property Act, 1886-1980

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.

Commencement of Real Property Act Amendment Act, 1969: 29th January, 1970; *Gazette* 24th December, 1969, p. 2098.

Commencement of Real Property Act Amendment Act, 1972 (excepting ss. 8 and 12): 15th January, 1973; *Gazette* 21st December, 1972, p. 2722.

Commencement of sections 8 and 12 of Real Property Act Amendment Act, 1972: 24th June, 1974; *Gazette* 30th May, 1974, p. 2096.

Commencement of Real Property Act Amendment Act (No. 2), 1972: 7th December, 1972; *Gazette* 7th December, 1972, p. 2538.

Commencement of Real Property Act Amendment Act, 1975: 24th April, 1975; *Gazette* 24th April, 1975, p. 1626.

Commencement of Real Property Act Amendment Act, 1979: 3rd May, 1979; *Gazette* 3rd May, 1979, p. 1310.
Rules of Court (Strata Titles) 1968: *Gazette* 22nd February, 1968, p. 529.

Regulations under Fees Regulation Act, 1927: *see* under that Act.

Real Property Act (Fees) Regulations, 1972 (*Gazette* 21st Deccember, 1972, p. 2746; 23rd January, 1975, p. 266; 25th September, 1975, p. 1680) revoked by Real Property Act (Fees) Regulations, 1980.

Real Property Act (Fees) Regulations, 1980: *Gazette* 31st January, 1980, p. 204, p. 254; 2nd July, 1981, p. 15.

Real Property Act (Form of Instruments and Certificates of Title) Regulations, 1980: *Gazette* 18th December, 1980, p. 2227.

Real Property Act (Strata Titles) Regulations: *Gazette* 22nd February, 1968, p. 531; 24th December, 1969, p. 2111; 14th September, 1972, p. 1488; 7th December, 1972, p. 2541; 21st December, 1972, p. 2745; 23rd January, 1975, p. 265; 20th April, 1978, p. 1269; 31st January, 1980, pp. 206 and 253; 2nd July, 1981, p. 14.

Regulations relating to Solicitors' and Land Brokers' charges: *Gazette* 30th May, 1974, p. 2100; 26th June, 1975, p. 2565; 8th July, 1976, p. 87; 6th October, 1977, p. 1040; 1st February, 1979, p. 255; 8th November, 1979, p. 1190; 13th November, 1980, p. 1883.

Real Property (Registration of Titles) Act, 1945-1975

Regulations: *Gazette* 12th September, 1946, p. 486.

Recreation Grounds (Regulations) Act, 1931-1978

Administration: Committed to the Minister of Local Government; *Gazette* 25th November, 1976, p. 1744.
Regulations as to the Adelaide Oval: *Gazette* 18th August, 1932, p. 273.
Regulations as to Football Park: *Gazette* 22nd July, 1976, p. 194.
Regulations as to the Glenelg Oval: *Gazette* 18th November, 1976, p. 1654; 9th November, 1978, p. 1518.
Regulations as to the Hindmarsh Stadium: *Gazette* 24th August, 1978, p. 623.
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 Prospect Oval: *Gazette* 18th November, 1976, p. 1658; 6th March, 1980, p. 475.
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; 4th October, 1979, p. 881.
Regulations as to the Alberton Oval and City of Port Adelaide Reserves: *Gazette* 10th January, 1980, p. 42.

Recreation Grounds (Taxation Exemption) Act, 1910

Administration: Committed to the Minister of Local Government; *Gazette* 19th April, 1979, p. 1030.

Red Cliff Land Vesting Act, 1973

Commencement: 6th December, 1973; *Gazette* 6th December, 1973, p. 3167.
Administration: Committed to the Minister of Environment and Planning; *Gazette* 18th June, 1981, p. 1840.

Redhill to Port Augusta Railway Agreement Act, 1935

Commencement: 20th December, 1935; *Gazette* 19th December, 1935, p. 1445.

Red Scale Control Act, 1962-1978

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; 6th October, 1966, p. 1537; 8th August, 1968, p. 326; 28th September, 1972, p. 1669.
Regulations: *Gazette* 30th January, 1964, p. 188; 2nd September, 1965, p. 864; 28th September, 1972, p. 1669.

Regional Cultural Centres Act, 1976-1980

Commencement: 7th April, 1977; *Gazette* 7th April, 1977, p. 1070.
Commencement of Regional Cultural Centres Act Amendment Act, 1980: 18th December, 1980; *Gazette* 18th December, 1980, p. 2216.
Administration: Committed to the Minister of Arts; *Gazette* 18th September, 1979, p. 768.
s. 4. Proclamations: *Gazette* 7th April, 1977, p. 1070; 23rd February, 1978, p. 672; 27th April, 1978, p. 1482; 27th November, 1980, p. 1972; 22nd January, 1981, p. 169.
Regulations relating to Pirie Regional Cultural Centre Trust: *Gazette* 17th August, 1978, p. 565.
Regulations relating to Whyalla Regional Cultural Centre Trust: *Gazette* 12th October, 1978, p. 1190; 10th September, 1981, p. 872.
Regulations relating to South-East Regional Centre Trust: *Gazette* 15th December, 1977, p. 2207.
Regulations relating to Riverland Regional Cultural Centre Trust: *Gazette* 2nd July, 1981, p. 26.

Registration of Deeds Act, 1935-1973

Rules and regulations: *Gazette* 29th November, 1945, p. 811; 15th November, 1962, p. 1394; 28th January, 1971, p. 285; 14th September, 1972, p. 1489.

Renmark Irrigation Trust Act, 1936-1978

Commencement: 1st June, 1937; *Gazette* 25th March, 1937, p. 643.
Commencement of sections 4, 6, 8, 10, 14, 15, 18 and 19 of Renmark Irrigation Trust Act Amendment Act, 1959: 1st July, 1960; *Gazette* 16th June, 1960, p. 1588.
Commencement of Renmark Irrigation Trust Act Amendment Act, 1969: 21st May, 1970; *Gazette* 21st May, 1970, p. 1841.
Commencement of Renmark Irrigation Trust Act Amendment Act, 1971: 20th April, 1972; *Gazette* 20th April, 1972, p. 1497.
Commencement of Renmark Irrigation Trust Act Amendment Act, 1972: 23rd November, 1972; *Gazette* 23rd November, 1972, p. 2406.
Administration: Committed to the Minister of Water Resources; *Gazette* 26th April, 1979, p. 1226.
s. 115 (2). Proclamation: 7th July, 1960, p. 1.
By-laws: *Gazette* 21st September, 1950, p. 731.

Residential Tenancies Act, 1978

Commencement: 1st December, 1978; *Gazette* 9th November, 1978, p. 1477.
Commencement of Residential Tenancies Act Amendment Act, 1981: 16th April, 1981; *Gazette* 16th April, 1981, p. 1155 (sections 4, 13 *(b)*, 18 *(b)*, 19, 31 *(a)*, 36 and 40 *(a)* suspended until a day to be fixed by future proclamation).
Commencement of ss. 13 *(b)*, 18 *(b)*, 19, 31 *(a)*, 36 and 40 *(a)*: 3rd December, 1981; *Gazette* 3rd December, 1981, p. 2206.
Administration: Committed to Minister of Consumer Affairs; *Gazette* 20th September, 1979, p. 771.
Regulations: *Gazette* 9th November, 1978, p. 1507; 20th December, 1979, p. 2304; 23rd December, 1980, p. 2422; 3rd December, 1981, p. 2301.
Rules of Local Court: *Gazette* 20th July, 1978, p. 262.

Reynella Oval (Vesting) Act, 1973

Commencement: 30th May, 1974; *Gazette* 30th May, 1974, p. 2095.

River Murray Waters Act, 1935-1971

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 River Murray Waters Act Amendment Act, 1963: 30th April, 1964; *Gazette* 23rd April, 1964, p. 854.
Commencement of River Murray Waters Agreement Supplemental Agreement Act, 1963: 30th April, 1964; *Gazette* 23rd April, 1964, p. 854.
Commencement of River Murray Waters Act Amendment Act (No. 2), 1971: 30th March, 1972; *Gazette* 16th March, 1972, p. 889.
Administration: Committed to the Minister of Water Resources; *Gazette* 28th June, 1979, p. 1951.
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 Murray Waters (Dartmouth Reservoir) Act, 1971

Commencement: 30th March, 1972; *Gazette* 16th March, 1972, p. 889.

River Torrens Acquisition Act, 1970-1972

Commencement of River Torrens Acquisition Act Amendment Act, 1972: 30th November, 1972; *Gazette* 30th November, 1972, p. 2466.
Administration: Committed to the Minister of Water Resources; *Gazette* 26th April, 1979, p. 1226.

River Torrens (Prohibition of Excavations) Act, 1927-1972

Administration: Committed to the Commissioner of Public Works; *Gazette* 17th June, 1937, p. 1306: committed to the Minister of Water Resources; *Gazette* 26th April, 1979, p. 1226.

River Torrens Protection Act, 1949

Commencement: 1st October, 1950; *Gazette* 31st August, 1950, p. 521.
Administration: Committed to the Minister of Water Resources; *Gazette* 26th April, 1979, p. 1226.
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; 18th May, 1972, p. 1986.

Road Maintenance (Contribution) Act, 1963-1979

Commencement: 1st July, 1964; *Gazette* 25th June, 1964, p. 1600.
Commencement of Road Maintenance (Contribution) Act Amendment Act, 1975: 11th December, 1975; *Gazette* 11th December, 1975, p. 3136.
Commencement of Road Maintenance (Contribution) Act Amendment Act (No. 2), 1979: 23rd August, 1979; *Gazette* 23rd August, 1979, p. 438.
Administration: Committed to the Minister of Transport; *Gazette* 17th May, 1973, p. 2092.
s. 15. Proclamation of Expiration of Act: 6th November, 1981; *Gazette* 5th November, 1981, p. 1430.
Regulations: *Gazette* 12th March, 1964, p. 588; 1st October, 1964, p. 1088.

Roads (Opening and Closing) Act, 1932-1978

Commencement of Roads (Opening and Closing) Act Amendment Act, 1978: 20th July, 1978; *Gazette* 20th July, 1978, p. 190.
Regulations: *Gazette* 9th December, 1948, p. 1746.
Regulations under 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; 25th March, 1976, p. 1408; 15th June, 1978, p. 2047; 20th July, 1978, p. 199; 3rd September, 1981, p. 811.

Road Traffic Act, 1961-1980

Commencement: 30th August, 1962; *Gazette* 30th August, 1962, p. 493.
Commencement of Road Traffic Act Amendment Act (No. 2), 1967: 23rd November, 1967; *Gazette* 23rd November, 1967, p. 2269.
Commencement of Road Traffic Act Amendment Act, 1969: 8th January, 1970; *Gazette* 8th January, 1970, p. 2.
Commencement of Road Traffic Act Amendment Act, 1972: 1st January, 1973; *Gazette* 21st December, 1972, p. 2723.
Commencement of Road Traffic Act Amendment Act (No. 2), 1972: 1st August, 1973; *Gazette* 19th July, 1973, p. 286.
Commencement of Road Traffic Act Amendment Act, 1973: 1st July, 1974; *Gazette* 13th June, 1974, p. 2330.
Commencement of Road Traffic Act Amendment Act (No. 3), 1974: 1st February, 1975; *Gazette* 19th December, 1974, p. 3766.
Commencement of Road Traffic Act Amendment Act (No. 6), 1974: 1st March, 1975; *Gazette* 13th February, 1975, p. 506.
Commencement of Road Traffic Act Amendment Act, 1975: 1st January, 1976; *Gazette* 11th December, 1975, p. 3137.
Commencement of Road Traffic Act Amendment Act (No. 3), 1976: 1st March, 1977; *Gazette* 3rd February, 1977, p. 274.
Commencement of Road Traffic Act Amendment Act, 1979: 1st April, 1979; *Gazette* 29th March, 1979, p. 834.
Commencement of Road Traffic Act Amendment Act (No. 2), 1979: 1st July, 1979; *Gazette* 24th May, 1979, p. 1498.
Commencement of Road Traffic Act Amendment Act, 1980: 1st June, 1980; *Gazette* 22nd May, 1980, p. 1372.
Commencement of Road Traffic Act Amendment Act (No. 2), 1980: 1st June, 1980; *Gazette* 22nd May, 1980, p. 1372.
Commencement of Road Traffic Act Amendment Act (No. 3), 1980: 1st March, 1981; *Gazette* 22nd January, 1981, p. 170.
Commencement of Road Traffic Act Amendment Act, 1981: 19th March, 1981; *Gazette* 19th March, 1981, p. 745.
Commencement of Road Traffic Act Amendment Act (No. 3), 1981: 18th June, 1981; *Gazette* 18th June, 1981, p. 1840.
Administration: Committed to the Minister of Transport; *Gazette* 17th May, 1973, p. 2092.
s. 3. Proclamation: *Gazette* 30th August, 1962, p. 493.
s. 9. Proclamation: *Gazette* 21st December, 1972, p. 2724.
s. 85. Proclamations: *Gazette* 1st April, 1971, p. 1383; 27th June, 1974, p. 2557; 24th April, 1975, p. 1626.
s. 162a (3) *(c)*. Proclamation: *Gazette* 15th September, 1966, p. 1276.
s. 162ab. Day fixed for purposes of s. 162ab: 29th November, 1971; *Gazette* 18th November, 1971, p. 2070.
Regulations: *Gazette* 12th September, 1963, p. 788; 7th November, 1963, p. 1430; 14th May, 1964, p. 1007; 18th June, 1964, p. 1279; 6th August, 1964, p. 272; 23rd September, 1965, p. 1139; 15th September, 1966, p. 1334; 10th November, 1966, p. 1908; 12th October, 1967, p. 1716; 16th January, 1969, p. 166; 13th March, 1969, p. 837; 22nd October, 1970, p. 1786; 22nd October, 1970, p. 1787; 9th July, 1971, p. 137; 9th July, 1971, p. 161; 16th March, 1972, pp. 1044, 1045; 30th March, 1972, pp. 1212, 1213; 27th July, 1972, p. 694; 10th August, 1972, p. 1085; 10th August, 1972, p. 1093; 12th October, 1972, p. 1878; 21st December, 1972, p. 2752; 21st December, 1972, p. 2790; 18th January, 1973, p. 194; 18th January, 1973, p. 195; 25th January, 1973, p. 317; 22nd February, 1973, p. 635; 22nd February, 1973, p. 636; 15th March, 1973, p. 952; 22nd March, 1973, p. 1108; 29th March, 1973, p. 1261; 29th March, 1973, p. 1261; 29th March, 1973, p. 1262; 12th April, 1973, p. 1707, p. 1709; 19th April, 1973, p. 1782; 10th May, 1973, p. 1996, p. 2002; 26th July, 1973, p. 379; 16th August, 1973, p. 979, p. 980, p. 983; 20th September, 1973, p. 2057, p. 2058, p. 2059; 4th October, 1973, p. 2211; 11th October, 1973, p. 2359, p. 2360, p. 2361; 18th October, 1973, p. 2469; 25th October, 1973, p. 2597; 15th November, 1973, p. 2909, p. 2910; 22nd November, 1973, p. 2978, p. 2979, p. 2980; 29th November, 1973, p. 3080; 17th January, 1974, p. 115, p. 117, p. 118; 31st January, 1974, p. 322, p. 324; 14th February, 1974, p. 479, p. 526; 28th March, 1974, p. 1059; 26th April, 1974, p. 1565; 23rd May, 1974, p. 1839; 13th June, 1974, p. 2337, p. 2338, p. 2340, p. 2341, p. 2342, p. 2344; 27th June, 1974, p. 2565, p. 2566; 4th July, 1974, p. 10, p. 11; 25th July, 1974, p. 765, p. 766, p. 767, p. 768, p. 769, p. 770; 22nd August, 1974, p. 1399; 12th September, 1974, p. 1741, p. 1743, p. 1744; 17th October, 1974, p. 2963; 24th October, 1974, p. 2763, p. 2766; 31st October, 1974, p. 2880; 14th November, 1974, p. 3148; 21st November, 1974, p. 3327, p. 3328; 12th December, 1974, p. 3656; 19th December, 1974, p. 3772; 9th January, 1975, p. 100, p. 103, p. 104, p. 118; 6th February, 1975, p. 424; 13th February, 1975, p. 517, p. 519; 13th March, 1975, p. 1055; 20th March, 1975, p. 1133; 3rd April, 1975, p. 1361; 24th April, 1975, p. 1640; 19th June, 1975, p. 2394; 31st July, 1975, p. 747; 14th August, 1975, p. 891, p. 892, p. 893, p. 894, p. 895, p. 896; 21st August, 1975, p. 1003; 28th August, 1975, p. 1140; 16th October, 1975, p. 2019; 30th October, 1975, p. 2308; 6th November, 1975, p. 2346, p. 2347, p. 2348, p. 2349, p. 2350; 20th November, 1975, p. 2839, p. 2840; 4th December, 1975, p. 2996; 18th December, 1975, p. 3286, p. 3290, p. 3294, p. 3410; 18th January, 1976, p. 240; 22nd January, 1976, p. 331; 5th February, 1976, p. 467; 19th February, 1976, p. 688, p. 689; 4th March, 1976, p. 1105, p. 1106; 18th March, 1976, p. 1210; 22nd April, 1976, p. 2087; 6th May, 1976, p. 2370, p. 2371, p. 2372; 13th May, 1976, p. 2469; 27th May, 1976, p. 2765; 3rd June, 1976, p. 2883; 10th June, 1976, p. 2954; 24th June, 1976, p. 3181; 29th July, 1976, p. 267; 5th August, 1976, p. 330; 26th August, 1976, p. 668; 4th November, 1976, p. 1558; 18th November, 1976, p. 1711, p. 1712, p. 1714; 2nd December, 1976, p. 1823, p. 1824; 9th December, 1976, p. 1888; 16th December, 1976, p. 2260, p. 2264, p. 2266; 23rd December, 1976, p. 2381; 13th January, 1977, p. 55; 27th January, 1977, p. 192; 24th February, 1977, p. 498; 2nd June, 1977, p. 1592; 30th June, 1977, p. 1859; 11th August, 1977, p. 363; 27th October, 1977, p. 1294; 10th November, 1977, p. 1439; 8th December, 1977, p. 2139; 19th January, 1978, p. 299; 26th January, 1978, p. 381, p. 382; 22nd June, 1978, p. 2188, p. 2189; 29th June, 1978, p. 2248, p. 2250; 6th July, 1978, p. 71, p. 73; 20th July, 1978, p. 198; 27th July, 1978, p. 298; 3rd August, 1978, p. 418, p. 419; 17th August, 1978, p. 568, p. 569, p. 570; 21st September, 1978, p. 989; 28th September, 1978, p. 1042; 26th October, 1978, p. 1368; 21st December, 1978, p. 2508; 11th January, 1979, p. 40; 18th January, 1979, p. 101, p. 109; 15th February, 1979, p. 355, p. 357; 1st March, 1979, p. 564; 8th March, 1979, p. 611, p. 613, p. 614, p. 659; 29th March, 1979, p. 841; 26th April, p. 1232, p. 1233; 17th May, 1979, p. 1463; 24th May, 1979, p. 1582 (disallowed by House of Assembly 4th June, 1980; *Gazette* 5th June, 1980, p. 1472); 31st May, 1979, p. 1615; 7th June, 1979, p. 1688; 20th June, 1979, p. 1895; 5th July, 1979, p. 7; 20th December, 1979, p. 2385; 17th January, 1980, p. 104; 14th February, 1980, p. 314; 6th March, 1980, p. 474; 20th March, 1980, p. 562, p. 563, p. 565, p. 566, p. 631; 27th March, 1980, p. 688; 15th May, 1980, p. 1323; 29th May, 1980, p. 1426, p. 1427; 5th June, 1980, p. 1480; 26th June, 1980, p. 1724, p. 1898; 7th August, 1980, p. 493; 4th September, 1980, p. 774; 11th September, 1980, p. 834, p. 835; 23rd October, 1980, p. 1202; 20th November, 1980, p. 1936; 4th December, 1980, p. 2090; 23rd December, 1980, p. 2423, 2424; 22nd January, 1981, p. 181; 29th January, 1981, p. 269; 5th February, 1981, p. 317; 5th March, 1981, p. 606, p. 607; 7th May, 1981, p. 1358; 28th May, 1981, p. 1568; 4th June, 1981, p. 1649; 11th June, 1981, p. 1826; 18th June, 1981, p. 1846; 25th June, 1981, p. 1928; 6th August, 1981, p. 408; 13th August, 1981, p. 460; 3rd September, 1981, p. 810; 8th October, 1981, p. 1170; 8th October, 1981, p. 1171; 5th November, 1981, p. 1450, p. 1451; 10th December, 1981, p. 2356; 17th December, 1981, p. 2399, p. 2400, p. 2401.

Road Traffic Act, 1961-1980—*continued*

Road Traffic (Blood Analysis) Regulations: *Gazette* 19th July, 1973, p. 299; 26th May, 1977, p. 1491; 4th May, 1978, p. 1554.
Regulations relating to Liquefied Petroleum Gas: *Gazette* 30th August, 1979, p. 504; 10th January, 1980, p. 41 revoked by *Gazette* 4th June, 1981, p. 1645.
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; 17th July, 1969, p. 161; 24th May, 1973, p. 2195; 2nd July, 1974, p. 2.
Notice approving traffic speed analysers: *Gazette* 17th August, 1978, p. 559.

Roman Catholic Archdiocese of Adelaide Charitable Trust Act, 1981

Commencement: 19th March, 1981; *Gazette* 19th March, 1981, p. 740.

Roseworthy Agricultural College Act, 1973

Commencement: 14th March, 1974; *Gazette* 14th March, 1974, p. 897.
By-Laws: *Gazette* 5th May, 1977, p. 1340; 9th June, 1977, p. 1656.

Royal Institution for the Blind Act, 1934-1974

Commencement of Royal Institution for the Blind Act Amendment Act, 1974: 31st October, 1974; *Gazette* 31st October, 1974, p. 2876.

Royal Style and Titles Act, 1973

Commencement: 13th December, 1973; *Gazette* 13th December, 1973, p. 3263.

Rundle Street Mall Act, 1975-1976

Administration: Committed to the Minister of Local Government; *Gazette* 17th July, 1975, p. 309.
s. 4. Proclamation appointing 1st September, 1976 as day on which mall is established: *Gazette* 26th August, 1976, p. 654.

Rural Advances Guarantee Act, 1963

Commencement: 19th December, 1963; *Gazette* 19th December, 1963, p. 1941.

Rural Industry Assistance Act, 1977

Administration: Committed to the Minister of Agriculture; 8th September, 1977, p. 648.

Rural Industry Assistance (Special Provisions) Act, 1971-1972

Commencement: 27th May, 1971; *Gazette* 27th May, 1971, p. 2622.
Commencement of Rural Industry Assistance (Special Provisions) Act Amendment Act, 1972: 13th April, 1972; *Gazette* 13th April, 1972, p. 1430.
Commencement of Rural Industry Assistance (Special Provisions) Act Amendment Act (No. 2), 1972: 7th December, 1972; *Gazette* 7th December, 1972, p. 2534.
Administration: Committed to the Minister of Agriculture; *Gazette* 15th September, 1977, p. 727.
Regulations: *Gazette* 20th May, 1971, p. 2510.

Salaries Adjustment (Public Offices) Act, 1976

Commencement: 9th December, 1976; *Gazette* 9th December, 1976, p. 1880.

Sale of Fruit Act, 1915-1975

Administration: Committed to the Minister of Agriculture; *Gazette* 14th June, 1979, p. 1824.
Regulations: *Gazette* 3rd December, 1936, p. 1195; 25th December, 1947, p. 2265.

Sale of Furniture Act, 1904-1975

Administration: Committed to the Minister of Consumer Affairs; *Gazette* 20th September, 1979, p. 771.

Sale of Goods Act, 1895-1972

s. 57a. Commencement: 1st July, 1938; *Gazette* 9th June, 1938, p. 1270.
s. 57b. Commencement: 1st March, 1954; *Gazette* 25th February, 1954, p. 400.

Sale of Human Blood Act, 1962

Administration: Committed to the Minister of Health; *Gazette* 5th April, 1973, p. 1289.

Sandalwood Act, 1930-1975

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; 25th March, 1976, p. 1412.

San Jose Scale Control Act, 1962-1978

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* 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; 28th September, 1972, p. 1670.

Santos (Regulation of Shareholdings) Act, 1979

Administration: Committed to the Minister of Mines and Energy; *Gazette* 5th June, 1979, p. 1671.

Savings Bank of South Australia Act, 1929-1978

Commencement of Savings Bank of South Australia Act Amendment Act, 1973: 1st November, 1973; *Gazette* 1st November, 1973, p. 2722.
Commencement of Savings Bank of South Australia Act Amendment Act: 10th December, 1981; *Gazette* 10th December, 1981, p. 2342.
Administration: Committed to the Treasurer; *Gazette* 17th July, 1975, p. 306.
Rules: *Gazette* 4th March, 1943, p. 272: 9th March, 1972, p. 839; 16th August, 1973, p. 984.
Regulations: *Gazette* 3rd August, 1972, p. 983; 30th May, 1974, p. 2098; 14th October, 1976, p. 1274; 1st February, 1979, p. 260; 15th January, 1981, p. 95; 5th February, 1981, p. 316.

Scientology (Prohibition) Act, 1968, Repeal Act, 1973-1974

Commencement: 6th March, 1975; *Gazette* 6th March, 1975, p. 871.

Second-hand Dealers Act, 1919-1971

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; 17th August, 1972, p. 1179; 24th August, 1972, p. 1247; 1st May, 1980, p. 1192; 30th July, 1981, p. 336.

Second-hand Motor Vehicles Act, 1971

Commencement: 1st April, 1972; *Gazette* 16th March, 1972, p. 890.
Administration: Committed to the Minister of Consumer Affairs; *Gazette* 20th September, 1979, p. 771.
s. 4. Proclamations: *Gazette* 16th March, 1972, p. 890; 4th March, 1976, p. 940.
s. 22. Date fixed for purposes of s. 22: 1st August, 1973; *Gazette* 1st August, 1973, p. 2565.
Regulations: *Gazette* 21st June, 1973, p. 2579; 24th October, 1974, p. 2815; 16th January, 1975, p. 146; 6th September, 1979, p. 601.

Securities Industry Act, 1979-1980

Commencement: 9th July, 1979; *Gazette* 5th July, 1979, p. 4 (Sections 3, 8-12, 16-35, 50-78, 80-117, 120-123, 130, 131, 133 suspended).
Commencement of sections 3, 8-12, 16-35, 50-78, 80-117, 120-123, 130, 131, 133 of Securities Industry Act, 1979: 13th September, 1979; *Gazette* 13th September, 1979, p. 643.
Administration: Committed to the Minister of Corporate Affairs; *Gazette* 18th September, 1979, p. 768.
s. 4. Proclamation: *Gazette* 5th July, 1979, p. 3.
Regulations: *Gazette* 5th July, 1979, p. 49.

Securities Industry (Application of Laws) Act, 1981

Commencement: 1st July, 1981; *Gazette* 25th June, 1981, p. 1897.
Regulations: *Gazette* 1st October, 1981, p. 1107.

Settled Estates Act, 1880-1943

Rules of Court: *Gazette* 5th April, 1883, p. 1174.

Sewerage Act, 1929-1977

Commencement of Sewerage Act Amendment Act, 1969: 21st May, 1970; *Gazette* 21st May, 1970, p. 1841.
Administration: Committed to the Minister of Water Resources; *Gazette* 28th June, 1979, p. 1951.
s. 79. Proclamation: *Gazette* 27th May, 1926, p. 1365.
Regulations: *Gazette* 21st December, 1972, p. 2753; 8th May, 1975, p. 1814; 2nd October, 1975, p. 1923; 8th April, 1976, p. 1904; 24th June, 1976, p. 3178; 19th October, 1978, p. 1278; 21st August, 1980, p. 595; 30th October, 1980, p. 1267; 20th November, 1980, p. 1935; 6th August, 1981, p. 410; 17th September, 1981, p. 936; 22nd October, 1981, p. 1273; 19th November, 1981, p. 1603, p. 1604.
Regulation under Fees Regulation Act, 1927, fixing fees for services relating to sewers: *Gazette* 14th April, 1960, p. 1042.

Sex Discrimination Act, 1975

Commencement: 12th August, 1976; *Gazette* 12th August, 1976, p. 520.
Administration: Premier's powers and functions contained in ss. 6, 40 and 46 delegated to the Minister of Consumer Affairs; *Gazette* 28th February, 1980, p. 422 (republished from 21st February, 1980, p. 366): Premier's powers and functions contained in ss. 7-15, 37 and 41-43 delegated to the Attorney-General; *Gazette* 27th March, 1980, p. 682.
Regulations: *Gazette* 21st April, 1977, p. 1163.

Shearers Accommodation Act, 1975-1978

Commencement: 1st December, 1976; *Gazette* 16th September, 1976, p. 892.
Administration: Committed to the Minister of Industrial Affairs; *Gazette* 18th September, 1979, p. 768.
Regulations: *Gazette* 16th September, 1976, p. 901; 28th October, 1976, p. 1488.

Shop Trading Hours Act, 1977

Commencement of Shop Trading Hours Act Amendment Act, 1980: 2nd March, 1981; *Gazette* 26th February, 1981, p. 536.
Administration: Committed to the Minister of Industrial Affairs; *Gazette* 18th September, 1979, p. 768.
s. 11. Proclamation: *Gazette* 18th October, 1979, p. 1002.
Regulations: *Gazette* 15th December, 1977, p. 2210; 26th February, 1981, p. 575; 9th July, 1981, p. 83; 19th November, 1981, p. 1601.

Soccer Football Pools Act, 1981

Administration: Committed to the Minister of Recreation and Sports; *Gazette* 16th April, 1981, p. 1155.

Soil Conservation Act, 1939-1978

Commencement of Soil Conservation Act, Amendment Act, 1978: 14th December, 1978; *Gazette* 14th December, 1978, p. 2218.
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; 16th September, 1976, p. 892.
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; 16th March, 1972, p. 1046.

Solicitor-General Act, 1972

Commencement: 20th April, 1972; *Gazette* 20th April, 1972, p. 1498.

South Australian Board of Advanced Education Act, 1972

Commencement: 1st July, 1972; *Gazette* 22nd June, 1972, p. 2632.
s. 5. Proclamations: *Gazette* 17th May, 1973, p. 2092; 30th May, 1974, p. 2095.
s. 17. Proclamation: *Gazette* 7th October, 1976, p. 1109.

South Australian Council for Educational Planning and Research Act, 1974-1975

Commencement: 5th June, 1975; *Gazette* 5th June, 1975, p. 2181.
Administration: Committed to the Minister of Education; *Gazette* 19th July, 1979, p. 168.

South Australian Ethnic Affairs Commission Act, 1980

Commencement: 14th May, 1981; *Gazette* 14th May, 1981, p. 1405.
Administration: Committed to the Minister Assisting the Premier in Ethnic Affairs; *Gazette* 14th May, 1981, p. 1405.

South Australian Film Corporation Act, 1972-1978

Commencement: 26th October, 1972; *Gazette* 26th October, 1972, p. 2021.
Commencement of South Australian Film Corporation Act Amendment Act, 1975: 15th April, 1976; *Gazette* 15th April, 1976, p. 1979.
Administration: Committed to the Minister of Arts; *Gazette* 4th October, 1979, p. 871.

South Australian Gas Company Act, 1861-1980

Commencement of South Australian Gas Company's Act Amendment Act, 1980: 9th October, 1980; *Gazette* 9th October, 1980, p. 1085.
Administration: Committed to the Minister of Mines and Energy; *Gazette* 22nd May, 1980, p. 1373.

South Australian Health Commission Act, 1975-1980

Commencement: 1st July, 1977; *Gazette* 30th June, 1977, p. 1844 (sections, 5 27-58 and 63 and first, second and third schedules suspended until a day to be fixed by future proclamation).
Commencement of sections 5 (2) and 5 (4) and Parts II and IV of the first schedule: 20th January, 1978; *Gazette* 22nd December, 1977, p. 2268.
Commencement of ss. 27-47, 58 and 63 and second schedule: 1st July, 1978; *Gazette* 29th June, 1978, p. 2234.
Commencement of ss. 48-57 and third schedule: 6th March, 1980; *Gazette* 6th March 1980, p. 472.
Commencement of South Australian Health Commission Act Amendment Act, 1979: 19th April, 1979; *Gazette* 19th April, 1979, p. 1030.
Commencement of South Australian Health Commission Act Amendment Act, 1980: 1st July, 1980; *Gazette* 19th June, 1980, p. 1636.
Commencement of South Australian Health Commission Act Amendment Act, 1981: 12th November, 1981; *Gazette* 12th November, 1981, p. 1491.
s. 27. Proclamations: *Gazette* 7th December, 1978, p. 2159 (two); 18th January, 1979, p. 99; 1st March, 1979, p. 552 (four); 12th April, 1979, p. 972; 20th March, 1980, p. 552 (two); 19th June, 1980, p. 1636 (two); 29th September, 1980, p. 948, p. 949; 20th November, 1980, p. 1925; 23rd December, 1980, p. 2368; 26th February, 1981, p. 536; 30th April, 1981, p. 1252; 7th May, 1981, p. 1345; 14th May, 1981, p. 1404; 9th July, 1981, p. 72; 23rd July, 1981, p. 227; 13th August, 1981, p. 455; 27th August, 1981, p. 705, p. 711; 24th September, 1981, p. 980; 5th November, 1981, p. 1428.
s. 48. Proclamations: *Gazette* 3rd September, 1981, p. 805; 26th November, 1981, p. 2135; 17th December, 1981, p. 2394.
Regulations: *Gazette* 31st May, 1979, p. 1624; 7th June, 1979, p. 1685; 23rd August, 1979, p. 449; 13th December, 1979, p. 2013; 22nd January, 1981, p. 180.
Regulations prescribing Government hospitals and health centres: *Gazette* 8th May, 1980, p. 1276; 11th June, 1981, p. 1780.
Regulations relating to prescribed employment: *Gazette* 9th August, 1979, p. 329.
Regulations relating to the Health Services Advisory Committee: *Gazette* 23rd February, 1978, p. 684.

South Australian Heritage Act, 1978-1980

Commencement: 6th July, 1978; *Gazette* 6th July, 1978, p. 5.
Commencement of South Australian Heritage Act Amendment Act, 1980: 1st January, 1981; *Gazette* 18th December, 1980, p. 2216.
Administration: Committed to the Minister of Environment and Planning; *Gazette* 18th June, 1981, p. 1840.

South Australian Housing Trust Act, 1936-1973

Administration: Committed to the Minister for Planning; *Gazette* 13th November, 1975, p. 2430.

South Australian Institute of Technology Act, 1972-1979

Commencement: 15th June, 1972; *Gazette* 15th June, 1972, p. 2322.
Commencement of South Australian Institute of Technology Act Amendment Act, 1979: 1st May, 1979; *Gazette* 26th April, 1979, p. 1226.
Administration: Committed to the Minister of Education; *Gazette* 19th July, 1979, p. 168.
s. 7. Day fixed for the purposes of s. 7: 17th May, 1973; *Gazette* 17th May, 1973, p. 2092.
Statutes: *Gazette* 11th January, 1973, p. 112, p. 119.
By-laws: *Gazette* 11th January, 1973, p. 123; 26th April, 1979, p. 1229.

South Australian Local Government Grants Commission Act, 1976

Commencement: 19th May, 1977: *Gazette* 19th May, 1977, p. 1415.
Administration: Committed to the Minister of Local Government; *Gazette* 19th April, 1979, p. 1030.
Regulations: *Gazette* 19th October, 1978, p. 1277.

South Australian Meat Corporation Act, 1936-1977

Commencement (as Metropolitan and Export Abattoirs Act, 1936): 1st April, 1937; *Gazette* 25th March, 1937, p. 646.
Commencement of Metropolitan and Export Abattoirs Act Amendment Act, 1956: 6th February, 1957; *Gazette* 24th January, 1957, p. 94.

South Australian Meat Corporation Act, 1936-1977—*continued*

Commencement of Metropolitan and Export Abattoirs Act Amendment Act, 1972: 9th November, 1972; *Gazette* 9th November, 1972, p. 2254.
Commencement of South Australian Meat Corporation Act Amendment Act, 1976: 9th March, 1977; *Gazette* 3rd March, 1977, p. 591.
Commencement of South Australian Meat Corporation Act Amendment Act, 1980: 12th February, 1981; *Gazette* 12th February, 1981.
s. 3 (1). Proclamation: *Gazette* 22nd August, 1963, p. 536.
ss. 7 (2) and 107. Proclamation: *Gazette* 9th June, 1966, p. 2116.
Regulations: *Gazette* 28th August, 1952, p. 627; 30th June, 1955; 18th April, 1953, p. 752; 10th July, 1958, p. 64; 25th September, 1958, p. 926; 5th July, 1962, p. 6; 10th October, 1963, p. 1135; 11th August, 1966, p. 703; 11th April, 1968, p. 1200; 20th November, 1969, p. 1605; 5th August, 1971, p. 398; 29th June, 1972, p. 3000; 5th April, 1973, p. 1290.

South Australian Museum Act, 1976-1980

Commencement: 11th March, 1976; *Gazette* 11th March, 1976, p. 1132
Commencement of South Australian Museum Act Amendment Act, 1980: 14th August, 1980; *Gazette* 14th August, 1980, p. 528.
Administration: Committed to the Minister of Arts; *Gazette* 18th September, 1979, p. 768.
Regulations: *Gazette* 16th August, 1979, p. 397; 5th June, 1980, p. 1477.

South Australian Theatre Company Act, *See* State Theatre Company of South Australia Act.

South Australian Timber Corporation Act, 1979

Commencement: 8th March, 1979; *Gazette* 8th March, 1979, p. 605.
Administration: Committed to the Minister of Forests; *Gazette* 14th February, 1980, p. 310.

South Australian Waste Management Commission Act, 1979-1980

Commencement: 19th April, 1979; *Gazette* 19th April, 1979, p. 1030 (Operation of Part III suspended).
Commencement of Part III: 1st July, 1980; *Gazette* 19th June, 1980, p. 1636.
Administration: Committed to Minister of Local Government; *Gazette* 19th April, 1979, p. 1030.
s. 7. Proclamations: *Gazette* 26th June, 1980, p. 1720; 25th September, 1980, p. 947. Regulations: *Gazette* 19th June, 1980, p. 1685; 25th September, 1980 p. 958.

South-Eastern Drainage Act, 1931-1977

Commencement: 1st January, 1932; *Gazette* 17th December, 1931, p. 1115.
Commencement of South-Eastern Drainage Act Amendment Act, 1969: 21st May, 1970; *Gazette* 21st May, 1970, p. 1841.
Commencement of South-Eastern Drainage Act Amendment Act, 1971: 1st February, 1972; *Gazette* 27th January, 1972, p. 243.
Commencement of South-Eastern Drainage Act Amendment Act, 1980: 1st February, 1981; *Gazette* 29th January, 1981, p. 259.
Commencement of South-Eastern Drainage Act Amendment Act (No. 2), 1980: 1st February, 1981; *Gazette* 29th January, 1981, p. 259.
Administration: Committed to the Minister of Water Resources; *Gazette* 26th April, 1979, p. 1226.
s. 105. Notices: *Gazette* 29th April, 1965, p. 976; 9th March, 1972, p. 840; 19th July, 1973, p. 291; 11th July, 1974, p. 103; 24th April, 1980, p. 1139.
Regulations: *Gazette* 26th March, 1981, p. 798.
Rules of Court as to appeals under section 53 or section 96: *Gazette* 5th May, 1932, p. 779.

South-Western Suburbs Drainage Act, 1959-1970

Commencement of South-Western Suburbs Drainage Act Amendment Act, 1970: 5th March, 1971; *Gazette* 4th March, 1971, p. 958.

Stamp Duties Act, 1923-1980

Commencement of sections 4, 5 and 6 of Stamp Duties Act Amendment Act, 1952: 22nd January, 1953; *Gazette* 22nd January, 1953, p. 72.
Commencement of Stamp Duties Act Amendment Act, 1959: 1st February, 1960; *Gazette* 7th January, 1960, p. 1.
Commencement of Statutes Amendment (Stamp Duties and Motor Vehicles) Act, 1964: 19th October, 1964; *Gazette* 15th October, 1964, p. 1203.
Commencement of Stamp Duties Act Amendment Act, 1966: 21st November, 1966; *Gazette* 10th November, 1966, p. 1882.
Commencement of Stamp Duties Act Amendment Act, 1968: 1st February, 1969; *Gazette* 12th December, 1968, p. 2558.
Commencement of Stamp Duties Act Amendment Act (No. 2), 1968: 1st January, 1969; *Gazette* 5th December, 1968, p. 2429.
Commencement of Stamp Duties Act Amendment Act (No. 3), 1968: 1st February, 1969; *Gazette* 19th December, 1968, p. 2670.
Commencement of Stamp Duties Act Amendment Act, 1971 (excluding s. 13 (3)): 1st December, 1971; *Gazette* 11th November, 1971, p. 1928.
Commencement of s. 13 (3) of Stamp Duties Act Amendment Act, 1971: 1st January, 1972; *Gazette* 3rd December, 1971, p. 2298.
Commencement of Stamp Duties Act Amendment Act (No. 2), 1971: 1st January, 1972; *Gazette* 23rd December, 1971, p. 2627.
Commencement of Stamp Duties Act Amendment Act, 1974: 16th December, 1974 (except s.7, which comes into operation on 2nd January, 1975); *Gazette* 2nd December, 1974, p. 3555.
Commencement of Stamp Duties Act Amendment Act, 1975: 18th September, 1975; *Gazette* 18th September, 1975, p. 1574.
Commencement of Stamp Duties Act Amendment Act, 1976: 16th June, 1977; *Gazette* 16th June, 1977, p. 1708.
Commencement of Stamp Duties Act Amendment Act (No. 2), 1978: 18th January, 1979; *Gazette* 18th January, 1979, p. 97.
Commencement of Stamp Duties Act Amendment Act, 1981: 2nd November, 1981; *Gazette* 30th October, 1981, p. 1423.
s. 59b. Proclamation: *Gazette* 30th March, 1978, p. 1034.
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 (*d*1) of paragraph 23 of second schedule: *Gazette* 7th April, 1966, p. 1638.
Proclamations declaring corresponding Acts: *Gazette* 15th June, 1967 p. 1809; 10th July, 1969, p. 68.

Stamp Duties Act, 1923-1980—*continued*

Proclamations declaring classes of payments for the purposes of Exemption No. 18 in the second schedule: *Gazette* 23rd January, 1969, p. 257; 13th February, 1969, p. 465.
Proclamations declaring proclaimed States for the purposes of ss. 83 and 84f: *Gazette* 30th January, 1969, p. 339; 3rd July, 1969, p. 2
Regulations: *Gazette* 16th February, 1978, p. 567; 30th March, 1978, p. 1047; 4th December, 1980, p. 2093; 23rd December, 1980, p. 2417; 9th April, 1981, p. 1104; 23rd July, 1981, p. 297.
Notice declaring prescribed marketing scheme: *Gazette* 13th February, 1969, p. 470.

The Standard Time Act, 1898

Commencement: 1st May, 1899; *Gazette* 9th February, 1899, p. 245.

State Bank Act, 1925-1978

Commencement: 1st February, 1926; *Gazette* 28th January, 1926, p. 151.
Commencement of State Bank Act Amendment Act, 1972: 8th February, 1973; *Gazette* 8th February, 1973, p. 438.
Commencement of State Bank Act Amendment Act, 1978: 16th November, 1978; *Gazette* 16th November, 1978, p. 1554.
Administration: Committed to the Treasurer; *Gazette* 28th January, 1926, p. 151.
Regulations: *Gazette* 21st November, 1929, p. 1137.

State Clothing Corporation Act, 1977

Commencement: 16th February, 1978; *Gazette* 16th February, 1978, p. 540.
Administration: Committed to the Premier; *Gazette* 23rd March, 1978, p. 948.

State Disaster Act, 1980

Commencement: 23rd December, 1980; *Gazette* 23rd December, 1980, p. 2369.
Administration: Committed to the Premier; *Gazette* 12th March, 1981, p. 647.

State Government Insurance Commission Act, 1970-1977

Commencement: 23rd December, 1970; *Gazette* 24th December, 1970, p. 2870.
Administration: Committed to the Treasurer; *Gazette* 25th February, 1971, p. 823.

State Lotteries Act, 1966-1978

Commencement: 8th December, 1966; *Gazette* 8th December, 1966, p. 2152.
Administration: Committed to the Treasurer; *Gazette* 8th December, 1966, p. 2152.

State Opera of South Australia Act, The, 1976

Commencement: 24th March, 1977; *Gazette* 24th March, 1977, p. 885.
Administration: Committed to the Minister of Arts; *Gazette* 18th September, 1979, p. 768.
Regulations: *Gazette* 24th March, 1977, p. 895.

State Theatre Company of South Australia Act, 1972-1979

Commencement (South Australian Theatre Company Act, 1972): 1st July, 1972; *Gazette* 29th June, 1972, p. 2690.
Commencement of South Australian Theatre Company Act, 1979 (Changing the short title of the Act): 26th April, 1979; *Gazette* 26th April, 1979, p. 1226.
Administration: Committed to the Minister of Community Development; *Gazette* 19th October, 1978, p. 1266.
Regulations: *Gazette* 2nd August, 1979, p. 285; 23rd October, 1980, p. 1204.

State Transport Authority Act, 1974-1978

Commencement: 18th April, 1974; *Gazette* 18th April 1974, p. 1340.
Commencement of State Transport Authority Act Amendment Act, 1975: 8th December, 1975; *Gazette* 4th December, 1975, p. 2994.
Commencement of State Transport Authority Act Amendment Act, 1977: 5th May 1977; *Gazette* 5th May, 1977, p. 1264.
Commencement of State Transport Authority Act Amendment Act, 1978: 1st June, 1978; *Gazette* 1st June, 1978, p. 1878.
Commencement of State Transport Authority Act Amendment Act, 1981: 19th March, 1981; *Gazette* 19th March, 1981, p. 745.
Commencement of State Transport Authority Act Amendment Act (No. 2), 1981: 19th November, 1981; *Gazette* 19th November, 1981, p. 1530.
Administration: Committed to Minister of Transport: *Gazette* 3rd May, 1979, p. 1311.
State Transport Authority (Railways) Regulations: *see* under Railways Act, 1936-1979.

Statutes Amendment (Administration of Courts and Tribunals) Act, 1981

Commencement: 1st July, 1981, *Gazette* 25th June, 1981, p. 1896.

Statutes Amendment (Change of Name) Act, 1980

Commencement: 1st July, 1981; *Gazette* 25th June, 1981, p. 1896.

Statutes Amendment (Executor Companies) Act, 1978
Commencement: 23rd November, 1978; *Gazette* 23rd November, 1978, p. 2046.

Statutes Amendment (Irrigation Acts) Act, 1978
Commencement: 3rd July, 1978; *Gazette* 29th June, 1978, p. 2236.

Statutes Amendment (Law of Property and Wrongs) Act, 1972
Commencement: 18th May, 1972; *Gazette* 18th May, 1972, p. 1926.

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 (Miscellaneous Metric Conversions) Act, 1975
Commencement: 15th January, 1976; *Gazette* 15th January, 1976, p. 174.

Statutes Amendment (Miscellaneous Provisions) Act, 1972
Commencement: 18th May, 1972; *Gazette* 18th May, 1972, p. 1926.

Statutes Amendment (Narcotic and Psychotropic Drugs and Justices) Act, 1977
Commencement: 1st September, 1977, *Gazette* 1st September, 1977, p. 601.

Statutes Amendment (Property) Act, 1980
Commencement: 22nd May, 1980; *Gazette* 22nd May, 1980, p. 1373.

Statutes Amendment (Public Salaries) Act, 1975
Commencement: 28th August, 1975; *Gazette* 28th August, 1975, p. 1126.

Statutes Amendment (Stamp Duties and Motor Vehicles) Act, 1964
Commencement: 19th October, 1964; *Gazette* 15th October, 1964, p. 1203.

Statutes Amendment (Valuation of Land) Act, 1981
Commencement: 30th June, 1981; *Gazette* 4th June, 1981, p. 1640.

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, pp. 1893, 1894; 1st October, 1970, p. 1410; 3rd August, 1972, p. 982; 31st August, 1972, p. 1338; 30th May, 1974, p. 2107; 18th November, 1976, p. 1713; 7th April, 1977, p. 1080.
Regulations relating to the Fire Brigades Board: *Gazette* 26th January, 1956, p. 130; 23rd February, 1967, p. 515; 24th September, 1970, p. 1308; 31st August, 1972, p. 1340; 28th April, 1974, p. 1562; 10th June, 1976, p. 2953.
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; 1st October, 1970, p. 1409; 18th November, 1971, p. 2075; 3rd August, 1972, p. 982.
Regulations relating to the Local Government Officers' Classification Board: *Gazette* 9th August, 1951, p. 292; 25th August, 1966, p. 1085; 26th October, 1967, p. 1981.
Regulations relating to the West Beach Recreation Reserve Trust: *Gazette* 5th October, 1972, p. 1810.

Stock Diseases Act, 1934-1976
Commencement of Stock and Poultry Diseases Act Amendment Act, 1946: 27th February, 1947; *Gazette* 27th February, 1947, p. 743.
Commencement of Stock Diseases Act Amendment Act, 1976; 20th January, 1977; *Gazette* 20th January, 1977, p. 100.
Administration: Committed to the Minister of Agriculture; *Gazette* 20th December, 1934, p. 1218.
s. 4. Proclamation: 5th July, 1979, p. 5.
s. 5. Notice: *Gazette* 9th December, 1976, p. 5.
s. 6. Proclamations: *Gazette* 26th August, 1943, p. 230; 8th January, 1959, p. 3; 20th June, 1968, p. 1802; 1st October, 1970, p. 1399; 13th July, 1972, p. 133; 22nd March, 1973, p. 1004; 2nd May, 1974, p. 1615 (two); 13th February, 1975, p. 507; 9th December, 1976, p. 1881; 22nd September, 1977, p. 809; 11th November, 1977, p. 1503; 7th December, 1978, p. 2156; 21st December, 1978, p. 2304; 12th April, 1979, p. 968; 30th July, 1979, p. 1846; 10th January, 1980, p. 36; 22nd May, 1980, p. 1373; 13th November, 1980, p. 1866.
s. 8a. Proclamation of diseases: *Gazette* 19th August, 1965, p. 461; 8th August, 1974; p. 882; 11th March, 1976, p. 1134; 5th July, 1979, p. 5.
s. 19. Notice: *Gazette* 2nd May, 1974, p. 1616.
ss. 29 and 30. Notice: *Gazette* 19th December, 1957, p. 1532.
s. 43aa. Notice: *Gazette* 2nd May, 1974, p. 1616.
s. 48. Proclamation: *Gazette* 5th April, 1945, p. 499.
Regulations: *Gazette* 6th December, 1962, p. 1603; 5th December, 1963, p. 1715; 25th February, 1965, p. 350; 18th August, 1966, p. 1025; 27th June, 1968, p. 1867; 3rd October, 1968, p. 1073; 26th February, 1970, p. 865; 1st October, 1970, p. 1403; 29th July, 1971, p. 324; 28th October, 1971, p. 1756; 16th December, 1971, p. 2559; 9th March, 1972, p. 835; 30th August, 1973, p. 1522; 1st November, 1973, p. 2735; 20th December, 1973, p. 3428; 21st February, 1974, p. 548; 31st July 1975, p. 687; 2nd October, 1975, p. 1828; 2nd September, 1976, p. 780; 9th December, 1976, p. 1889; 30th June, 1977, p. 1865; 21st July, 1977, p. 145; 22nd September, 1977, p. 815, p. 816; 26th January, 1978, p. 380; 4th May, 1978, p. 1547; 6th July, 1978, p. 72; 13th November, 1980, p. 1895, p. 1896; 22nd October, 1981, p. 1268, p. 1269.
Regulations under Fees Regulation Act, 1927, altering fees payable for inspections for disease: *Gazette* 27th October, 1966, p. 1757.

Stock Foods Act, 1941-1972
Commencement: 1st April, 1942; *Gazette* 29th January, 1942, p. 143.
Commencement of Stock Foods Act Amendment Act, 1972: 26th November, 1981; *Gazette* 26th November, 1981, p. 2136.
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; 28th November, 1968, p. 2325; 20th December, 1973, p. 3426; 23rd October, 1980, p. 1206.

Stock Medicines Act, 1939-1978
Commencement: 1st July, 1940; *Gazette* 21st March, 1940, p. 589.
Commencement of Stock Medicines Act Amendment Act, 1973: 1st July, 1977; *Gazette* 20th January, 1977, p. 98.
Administration; Committed to the Minister of Agriculture; *Gazette* 21st March, 1940, p. 589.
Regulations: *Gazette* 20th January, 1977, p. 105.

Subdivided Land Debts Act, 1932-1934
s. 8. Notice: *Gazette* 26th January, 1933, p. 111.
Regulations: *Gazette* 19th January, 1933, p. 72.

Subordinate Legislation Act, 1978
Commencement: 1st June, 1978; *Gazette* 11th May, 1978, p. 1652.
s. 9. Proclamation: *Gazette* 13th September, 1979, p. 644.
s. 13. Appointed day for numbering of regulations: 1st January, 1979; *Gazette* 11th May, 1978, p. 1652.
Regulations: *Gazette* 11th May, 1978, p. 1659.

Succession Duties Act, 1929-1979

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; 4th March, 1971, p. 1025; 17th February, 1977, p. 439.

Regulation under 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; 24th December, 1959, p. 1545; 19th September, 1968, p. 857.

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Commencement of Superannuation Act Amendment Act, 1976: 1st April, 1976; *Gazette* 1st April, 1976, p. 1668.

Commencement of Superannuation Act Amendment Act (No. 2), 1976: 23rd February, 1978; *Gazette* 23rd February, 1978, p. 672.

Commencement of Superannuation Act Amendment Act, 1978: 20th April, 1978 (operation of ss. 3 (e) and 9 suspended until 3rd July, 1978); *Gazette* 20th April, 1978, p. 1256.

s. 13. Proclamation: *Gazette* 11th July, 1974, p. 97.

s. 62. Proclamations: *Gazette* 13th June, 1974, p. 2332; 7th June, 1979, p. 1675; 26th June, 1980, p. 1719.

Regulations: *Gazette* 27th June, 1974, p. 2617; 25th September, 1975, p. 1676; 23rd October, 1975, p. 2090; 29th January, 1976, p. 367; 14th October, 1976, p. 1276; 10th November, 1977, p. 1436; 4th May, 1978, p. 1546; 29th June, 1978, p. 2272; 8th March, 1979, p. 616; 15th March, 1979, p. 688; 29th May, 1980, p. 1428; 9th October, 1980, p. 1093 (republished from 2nd October, 1980, p. 1046); 13th November, 1980, p. 1881; 17th September, 1981, p. 930; 24th September, 1981, p. 993; 12th November, 1981, p. 1503.

Supreme Court Act, 1935-1980

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.

Commencement of Supreme Court Act Amendment Act (No. 3), 1969: 21st May, 1970; *Gazette* 21st May, 1970, p. 1842.

Commencement of Supreme Court Act Amendment Act (No. 3), 1970: 1st January, 1971; *Gazette* 10th December, 1970, p. 2646.

Commencement of Supreme Court Act Amendment Act, 1972: 9th November, 1972; *Gazette* 9th November, 1972, p. 2254.

Commencement of Supreme Court Act Amendment Act, 1974: 20th June, 1974; *Gazette* 20th June, 1974, p. 2450.

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; 19th December, 1968, p. 2685; 13th August, 1970, p. 629. 7th January, 1971, p. 67; 1st July, 1971, p. 49; 19th August, 1971, p. 601; 23rd December, 1971, p. 2654; 13th July, 1972, p. 137; 9th November, 1972, p. 2267; 1st March, 1973, p. 819; 28th June, 1973, p. 2849; 13th September, 1973, p. 1996; 22nd November, 1973, p. 2976; 20th December, 1973, p. 3503 and p. 3507; 28th March, 1974, p. 1055; 13th June, 1974, p. 2426; 19th September, 1974, p. 2270; 24th October, 1974, p. 2852; 3rd April, 1975, p. 1410; 28th August, 1975, p. 1136; 15th January, 1976, p. 179; 22nd July, 1976, p. 201; 28th July, 1977, p. 237; 16th February, 1978, p. 544; 27th July, 1978, p. 300; 25th January, 1979, p. 196; 22nd March, 1979, p. 738; 11th October, 1979, p. 988; 6th December, 1979, p. 1906; 28th February, 1980, p. 423; 20th March, 1980, p. 568; 22nd May, 1980, p. 1376; 17th July, 1980, p. 256; 18th September, 1980, p. 885; 18th December, 1980, p. 2344; 23rd April, 1981, p. 1229; 14th May, 1981, p. 1417; 25th June, 1981, p. 1969; 5th November, 1981, p. 1470; 3rd December, 1981, p. 2219.

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 Act, 1919, as amended: *Gazette* 21st December, 1967, p. 2623; 19th December, 1968, p. 2674; 20th August, 1970, p. 860; 23rd December, 1971, p. 2652; 31st May, 1973, p. 2324; 20th March, 1975, p. 1097; 17th April, 1975, p. 1850; 15th May, 1975, p. 1921; 7th August, 1975, p. 784; 3rd February, 1977, p. 283; 1st September, 1977, p. 1042 (reprinted 20th October, 1977, p. 1187); 25th June, 1981, p. 1964.

Adoption of Children Act, 1966-1977—Rules under Adoption of Children Act, 1925, dated 23rd December, 1926. Not published in the *Gazette*.

Aged and Infirm Persons Property Act, 1940, as amended: *Gazette* 22nd May, 1975, p. 1996.

Alcohol and Drug Addicts (Treatment) Act, 1961-1964—Rules under Inebriates Act, 1908: *Gazette* 26th October, 1911, p. 864.

Births, Deaths and Marriages Registration Act, 1966, as amended: *Gazette* 22nd May, 1975, p. 1995; 25th June, 1981, p. 1939.

Community Welfare Act, 1972, as amended—Rules under Maintenance Orders (Facilities for Enforcement) Acts, 1922 and 1925: *Gazette* 16th February, 1928, p. 316.

Companies Act, 1962-1971: *Gazette* 20th May, 1965, p. 1151; 13th August, 1970, p. 629; 9th November, 1972, p. 2278; 1st March, 1973, p. 818; 20th December, 1973, p. 3506; 24th October, 1974, p. 2851; 25th June, 1981, p. 1949.

Consumer Credit Act, 1972-1973: Rules of Supreme Court as to Appeals (Order 58, Rule 37): *Gazette* 13th September, 1973, p. 1996.

Criminal Appeals: Dated 1st September, 1925 (not published in the *Gazette*); 25th January, 1979, p. 199; 25th June, 1981, p. 1966; 26th November, 1981, p. 2186.

Criminal Injuries Compensation Act, 1977-1978: *Gazette* 6th July, 1978, p. 77; 25th June, 1981, p. 1958, p. 1961.

Criminal Jurisdiction: *Gazette* 30th July, 1981, p. 329.

Criminal Sittings: *Gazette* 20th March, 1969, p. 875; 4th December, 1969, p. 1861 revoked by *Gazette* 30th July, 1981, p. 329.

Criminal Trials: *Gazette* 15th June, 1944, p. 730.

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Detention of Ships: Rules of Court, 1913—Order 53, Rule 17. Not published in the *Gazette*.
Dentists Act, 1931-1966: *Gazette* 4th August, 1932, p. 183 repealed by *Gazette* 25th June, 1981, p. 1957.
Evidence Act, 1929-1976: *Gazette* 20th July, 1978, p. 264; 25th June, 1981, p. 1963.
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Foreign Judgments Act, 1971: *Gazette* 10th August, 1972, p. 1134; 25th June, 1981, p. 1946.
Guardianship of Infants Act, 1940: *Gazette* 10th April, 1969, p. 1055.
Harbors Act, 1936-1970—Rules under Harbors Act, 1913: *Gazette* 19th April, 1917, p. 639.
Industrial and Provident Societies: *Gazette* 25th June, 1981, p. 1940.
Inheritance (Family Provision) Act, 1972: *Gazette* 1st March, 1973, p. 820; 25th June, 1981, p. 1948.
Justices Act, 1921-1969: *Gazette* 13th December, 1956, p. 1329; 12th January, 1967, p. 56; 9th November, 1972 p. 2276; 25th June, 1981, p. 1947.
Land Acquisition Act, 1969—Rules under Compulsory Acquisition of Land Act, 1925: *Gazette* 10th May 1928, p. 968.
Land and Valuation: *Gazette* 30th July, 1970, p. 333; 7th October, 1971, p. 1425; 28th September, 1972, p. 1672; 5th April, 1973, p. 1291; 19th April, 1973, p. 1784; 31st July, 1975, p. 680; 4th May, 1978, p. 1555 (Consolidation); 6th July, 1978, p. 81; 25th June, 1981, p. 1938.
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(a) Rules under Law Society Act, 1915: *Gazette* 9th November, 1916, p. 943; 20th September, 1973, p. 2060; 25th June, 1981, p. 1945.
(b) Admission Rules: *Gazette* 4th August, 1977, p. 309; 29th June, 1978, p. 2258; 13th July, 1978, p. 134; 4th June, 1981, p. 1749; 25th June, 1981, p. 1955.
(c) Trust Accounts and other matters: *Gazette* 31st August, 1939, p. 573; 21st February, 1957, p. 291; 13th August, 1970, p. 628; 25th June, 1981, p. 1943.
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Matrimonial Causes Act, 1929-1941—Rules in second schedule to Act as amended by *Gazette* 5th December, 1935, p. 1349.
Mental Health Act, 1935-1969—Rules under Mental Defectives Act, 1913: *Gazette* 3rd September, 1914, p. 585. (Rules made under the Lunatics Act, 1864, on 3rd September, 1869, and 10th August, 1875, may also be applied in any case where the Court or a Judge so orders); repealed by *Gazette* 25th June, 1981, p. 1941.
Minors Contracts (Miscellaneous Provisions) Act, 1979: *Gazette* 25th October, 1979, p. 1069; 25th June, 1981, p. 1944.
Real Property Act, 1886-1969—Strata titles: *Gazette* 22nd February, 1968, p. 529.
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Settled Estates Act, 1880-1943: *Gazette* 5th April, 1883, p. 1174; 25th June, 1981, p. 1962.
Superannuation Act, 1974: Rules under Superannuation Act, 1926, dated 26th August, 1930. Not published in the *Gazette*. Superannuation Act Appeals, 1930 repealed by *Gazette* 25th June, 1981, p. 1959.
Trustee Act, 1936-1968: *Gazette* 4th November, 1937, p. 1225; 16th December, 1948, p. 1804.
Workmen's Compensation Act, 1971—Order 58, Rules 35 and 36 of Supreme Court Rules: *Gazette* 19th August, 1971, p. 601.
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Surveyors Act, 1975

Commencement: 8th April, 1976; *Gazette* 8th April, 1976, p. 1895.
s. 25. Proclamation: *Gazette* 31st July, 1980, p. 369.
Regulations: As to surveys, fees, etc.; *Gazette* 6th November, 1975, p. 2396; 29th July, 1976, p. 269; 27th September, 1979, p. 830; 23rd July, 1981, p. 231; 1st October, 1981, p. 1118; 15th October, 1981, p. 1230.

Swimming Pools (Safety) Act, 1972

Commencement: 31st May, 1973; *Gazette* 10th May, 1973, p. 1994.
Administration: Committed to Minister of Local Government; *Gazette* 19th April, 1979, p. 1030.
s. 6. Proclamation: *Gazette* 21st May, 1981, p. 1504.

Swine Compensation Act, 1936-1978

Commencement: 1st March, 1937; *Gazette* 24th December, 1936, p. 1321.
Commencement of Swine Compensation Act Amendment Act, 1971: 1st November, 1971; *Gazette* 28th October, 1971, p. 1752.
Commencement of Swine Compensation Act Amendment Act, 1972: 8th February, 1973; *Gazette* 8th February, 1973, p. 440.
Commencement of Swine Compensation Act Amendment Act, 1974: 1st February, 1975; *Gazette* 23rd January, 1975, p. 259.
Commencement of Swine Compensation Act Amendment Act, 1978, 1st March, 1979, *Gazette* 1st March, 1979; p. 551.
Administration: Committed to the Minister of Agriculture; *Gazette* 24th December, 1936, p. 1322.
s. 4a. Proclamation: *Gazette* 8th February, 1973, p. 440.
Regulations: *Gazette* 16th January, 1941, p. 35; 9th November, 1944, p. 656; 5th June, 1947, p. 1632; 26th August, 1948, p. 864; 21st February, 1952, p. 403; 20th March, 1952, p. 595; 3rd February, 1966, p. 276; 20th December, 1973, p. 3431; 1st March, 1979, p. 563.

Tarcoola to Alice Springs Railway Agreement Act, 1974

Administration: Committed to the Minister of Transport; *Gazette* 3rd May, 1979, p. 1311.

Tatiara Drainage Trust Act, 1949-1975

Commencement: 3rd April, 1952; *Gazette* April, 1952, p. 717.
Administration: Committed to the Minister of Local Government; *Gazette* 19th April, 1979, p. 1030.
ss. 7 and 8. Proclamations: *Gazette* 3rd April, 1952, p. 717; 5th September, 1957, p. 519.

Teacher Housing Authority Act, 1975-1976

Commencement: 22nd May, 1975; *Gazette* 22nd May, 1975, p. 1987.
Regulations: *Gazette* 10th August, 1978, p. 513.

Tea Tree Gully (Golden Grove) Development Act, 1978

Commencement: 1st June, 1978; *Gazette* 25th May, 1978, p. 1827.
Administration: Committed to the Minister of Environment and Planning; *Gazette* 18th June, 1981, p. 1840.
s. 5. Proclamation: *Gazette* 25th September, 1980, p. 946.
Regulations: *Gazette* 5th November, 1981, p. 1442, 1443.

Tertiary Education Authority Act, 1979

Administration: Committed to the Minister of Education; *Gazette* 8th November, 1979, p. 1182.

Textile Products Description Act, 1953-1972

Commencement: 1st August, 1954; *Gazette* 2nd August, 1954, p. 269.
Commencement of Textile Products Description Act Amendment Act, 1968: 1st January, 1969; *Gazette* 19th December, 1968, p. 2671.
Commencement of Textile Products Description Act Amendment Act, 1969: 1st January, 1971; *Gazette* 27th August, 1970, p. 902.
Commencement of Textile Products Description Act Amendment Act, 1972: 1st January, 1973; *Gazette* 5th October, 1972, p. 1806.
Administration: Committed to the Minister of Consumer Affairs; *Gazette* 20th September, 1979, p. 771.
Regulations: *Gazette* 2nd August, 1954, p. 269; 17th November, 1955, p. 1116; 15th February, 1968, p. 457; 12th June, 1969, p. 1724; 27th August, 1970, p. 906.

Tobacco Industry Protection Act, 1934

Administration: Committed to the Minister of Agriculture; *Gazette* 28th February, 1935, p. 591.
Regulations: *Gazette* 28th February, 1935, p. 592; 2nd May, 1935, p. 1225.

Torrens College of Advanced Education Act—*See* Adelaide College of the Arts and Education Act.

Trade Measurements Act, 1971-1976

Commencement (Weights and Measures Act, 1971): 28th February, 1972; *Gazette* 24th February, 1972, p. 655.
Commencement of Weights and Measures Act Amendment Act, 1975; 10th April, 1975; *Gazette* 10th April, 1975, p. 1436.
Commencement of Trade Measurements Act Amendment Act, 1976: 20th January, 1977; *Gazette* 20th January, 1977, p. 100.
Administration: Committed to the Minister of Prices and Consumer Affairs; *Gazette* 21st March, 1974, p. 999.
Regulations: *Gazette* 29th June, 1972, p. 2749; 12th September, 1974, p. 1745; 24th October, 1974, p. 2265; 30th January, 1975, p. 368; 20th February, 1975, p. 587; 31st July, 1975, p. 685; 18th September, 1975, p. 1579; 25th September, 1975, p. 1679; 6th November, 1975, p. 2354; 4th March, 1976, p. 952; 1st April, 1976, p. 1681; 13th May, 1976, p. 2472; 25th May, 1976, p. 2763; 8th July, 1976, p. 90; 22nd July, 1976 p. 198; 9th September,1976, p. 838; 10th March, 1977, p. 652; 31st March, 1977, p. 1038; 12th May, 1977, p. 1369, p. 1371; 27th October, 1977, p. 1293; 2nd March, 1978, p. 737.
Regulations under the Trade Measurements Act and Motor Fuel Distribution Act: *Gazette* 22nd July, 1976, p. 200; 5th May, 1977, p. 1307; 18th August, 1977, p. 431.

Trade Standards Act, 1979

Commencement: 31st January, 1980; *Gazette* 31st January, 1980, p. 192 (corrigendum 14th February, 1980, p. 311) (Operation of ss. 4., 22, 23 and 28-45 suspended until a day to be fixed by subsequent proclamation).
Commencement of ss. 36-45 of Trade Standards Act, 1979: 14th February, 1980; *Gazette* 14th February, 1980, p. 310.
Commencement of ss. 22, 23 and 28-35 of Trade Standards Act, 1979: 24th July, 1980, *Gazette* 24th July, 1980, p. 295.
Administration: Committed to the Minister of Consumer Affairs; *Gazette* 31st January, 1980, p. 192: delegation of powers of Minister of Consumer Affairs contained in ss. 16 (1), 18 (4), 27 and 36 (1); *Gazette* 24th July, 1980, p. 298.
s. 25. Proclamations: *Gazette* 5th June, 1980, p. 1469; 18th September, 1980, p. 874; 18th December, 1980, p. 2216; 30th July, 1981, p. 323.
Regulations: *Gazette* 9th October, 1980, p. 1094; 16th October, 1980, p. 1165; 30th July, 1981, p. 333, 335; 27th August, 1981, p. 702; 24th September, 1981, p. 991.

Trade Union Act, 1876-1935

Administration: Committed to the Minister of Labour and Industry; *Gazette* 18th November, 1965, p. 1806.

Trading Stamp Act, 1924-1935

Administration: Committed to the Minister of Consumer Affairs; *Gazette* 20th September, 1979, p. 771.

Trading Stamp Act, 1980

Commencement: 1st July, 1981; *Gazette* 18th June, 1981, p. 1840.
Administration: Committed to the Minister of Consumer Affairs; *Gazette* 18th June, 1981, p. 1840.

Transplantation of Human Tissue Act, 1974

Commencement: 17th June, 1976; *Gazette* 17th June, 1976, p. 3062.
Administration: Committed to the Minister of Health; *Gazette* 17th June, 1976, p. 3062.

Trespassing on Land Act, 1951

Administration: Committed to the Minister of Agriculture; *Gazette* 3rd April, 1952, p. 717.
s. 3. Proclamations: *Gazette* 3rd April, 1952, p. 717; 15th June, 1961, p. 1325; 11th June, 1964, p. 1226; 3rd November, 1966, p. 1815; 26th January, 1967, p. 211; 30th March, 1967, p. 1134; 20th April, 1967, p. 1342; 15th June, 1967, p. 1812; 16th November, 1967, p. 2202; 27th June, 1968, p. 1865; 16th October 1969, p. 1217; 9th April, 1970, p. 1349; 7th June, 1973, p. 2423; 2nd August, 1973, p. 720; 20th September, 1973, p. 2050; 14th March, 1974; p. 896; 16th May, 1974, p. 1777; 13th June, 1974, p. 2332; 30th January, 1975, p. 341; 27th March, 1975, p. 1262; 19th October, 1978, p. 1266; 9th November, 1978, p. 1477; 25th October, 1979, p. 1057; 13th December, 1979, p. 1991; 17th July, 1980, p. 230; 11th September, 1980, p. 824; 2nd October, 1980, p. 1026; 9th October, 1980, p. 1082.

Trustee Act, 1936-1980

Commencement: 1st November, 1937; *Gazette* 25th March, 1937, p. 646.
Commencement of Trustee Act Amendment Act, 1941: 8th December, 1941; *Gazette* 4th December, 1941, p. 1193.
Commencement of Trustee Act Amendment Act, 1968: 6th March, 1969; *Gazette* 6th March, 1969, p. 631.
Commencement of Trustee Act Amendment Act, 1980: 21st August, 1980; *Gazette* 21st August, 1980. p. 584.
s. 5 (1) (*f*). Proclamations: *Gazette* 21st June, 1894, p. 1381; 8th February, 1900, p. 228; 21st February, 1901, p. 367; 6th October, 1904, p. 635; 7th June, 1906, p. 996; 1st June, 1911, p. 1071; 21st May, 1914, p. 1105; 17th August, 1922, p. 333; 7th September, 1922, p. 545; 1st March, 1928, p. 453; 19th May, 1932, p. 899; 27th September, 1951, p. 775; 18th December, 1952, p. 1546; 2nd June, 1960, p. 1502; 7th September, 1961, p. 882; 21st September 1961, p. 1027; 28th June, 1962, p. 1647; 12th July, 1962, p. 46; 2nd August, 1962, p. 230; 21st March 1963, p. 693; 22nd February, 1968, p. 515; 3rd May, 1973, p. 1924; 13th April, 1978, p. 1200; 15th February, 1979, p. 348.
s. 5 (1) (fl). Proclamation: *Gazette* 6th March, 1969, p. 631.
s. 5 (1) (kl). Proclamations: *Gazette* 16th May, 1968, p. 1491; 1st August, 1968, p. 269; 23rd September, 1971, p. 1100; 10th May, 1979, p. 1397.
s. 5 (2) Proclamations: *Gazette* 15th May, 1902, p. 1025; 17th August, 1922, p. 333; 11th October, 1923, p. 834.
Regulations: *Gazette* 4th September, 1980, p. 772.
Rules of Court: *Gazette* 4th November, 1937, p. 1225; 16th December, 1948, p. 1804.

Unauthorized Documents Act, 1916-1979

Administration: Committed to the Premier; *Gazette* 5th July, 1979, p. 3.
Regulations: *Gazette* 19th April, 1979, p. 1041.

Unemployment Relief Council Act, 1930-1973

Administration: Committed to the Minister of Industry and Employment; *Gazette* 11th May, 1933, p. 789.
Regulations: *Gazette* 9th July, 1931, p. 33; 12th November, 1936, p. 1066.

Unfair Advertising Act, 1971-1972

Commencement of Unfair Advertising Act Amendment Act, 1972: 21st December, 1972; *Gazette* 21st December, 1972, p. 2724.
Administration: Committed to the Minister of Consumer Affairs; *Gazette* 20th September, 1979, p. 771.

The Uniting Church in Australia Act, 1976-1977

Commencement: 22nd June, 1977; *Gazette* 16th June, 1977, p. 1708.

University of Adelaide Act, 1971-1978

Commencement of university of Adelaide Act Amendment Act, 1978: 25th May, 1978; *Gazette* 25th May, 1978, p. 1824 (commencement of section 8 suspended to a day to be fixed by subsequent proclamation). See the text of this proclamation for reference to earlier proclamations which purported to bring the provisions of the Act (other than section 8) into operation, and which refer to the Act as the University of Adelaide Act Amendment Act, 1977.
Commencement of s. 8 of University of Adelaide Act Amendment Act, 1978: 22nd November, 1978; *Gazette* 17th August, 1978, p. 556.
Administration: Committed to the Minister of Education; *Gazette* 19th July, 1979, p. 168.
By-laws under section 23: *Gazette* 25th November, 1971, p. 2173; 30th August, 1973, p. 1408.

Unordered Goods and Services Act, 1972

Commencement: 1st July, 1972; *Gazette* 29th June, 1972, p. 2690.
Administration: Committed to the Minister of Consumer Affairs; *Gazette* 20th September, 1979, p. 771.

Urban Land (Price Control) Act, 1973-1976

Commencement: 29th November, 1973: *Gazette* 29th November, 1973, p. 3056.
Administration: Committed to the Minister for Planning; *Gazette* 22nd November, 1979, p. 1309.
s. 23. Proclamations: *Gazette* 14th November, 1974, p. 3138; 6th April, 1978, p. 1112.
Regulations: *Gazette* 29th November, 1973, p. 3064; 28th February, 1974, p. 624; 21st March, 1974, p. 993; 31st March, 1977, p. 1040.

Urban Land Trust Act, 1981

Commencement: 26th November, 1981; *Gazette* 26th November, 1981, p. 2135.

Vaccination Act, 1936

Commencement: 1st June, 1937; *Gazette* 25th March, 1937, p. 645.
Administration: Committed to the Minister of Health; *Gazette* 5th April, 1973, p. 1289.
Regulations: *Gazette* 17th May, 1894, p. 1112; 29th January, 1903, p. 186; 7th August, 1913, p. 301; 18th December, 1913, p. 1734.

Valuation of Land Act, 1971-1976

Commencement: 1st June, 1972; *Gazette* 11th May, 1972, p. 1758.
Administration: Committed to the Minister of Lands; *Gazette* 12th August, 1976, p. 520.
Regulations: 15th June, 1972, p. 2335; 9th November, 1972, p. 2259; 17th April, 1975, p. 1578; 1st July, 1976, p. 23; 8th May, 1980, p. 1275; 23rd July, 1981, p. 298.

Venereal Diseases Act, 1947

Administration: Committed to the Minister of Health; *Gazette* 5th April, 1973, p. 1289.
Regulations: *Gazette* 10th June, 1948, p. 1206.

Vermin Act—*See* Vertebrate Pests Act.

Vertebrate Pests Act, 1975-1977

Commencement: 1st July, 1975; *Gazette* 26th June, 1975, p. 2457.
Commencement of Vertebrate Pests Act Amendment Act, 1977: 30th June, 1977, p. 1846.
s. 6. Proclamation: *Gazette* 26th June, 1975, p. 2457; 14th May, 1981, p. 1407.
s. 40. Proclamations: *Gazette* 3rd November, 1977, p. 1351; 21st February, 1980, p. 363; 20th March, 1980, p. 548; 24th April, 1980, p. 1066; 20th November, 1980, p. 1923; 18th December, 1980, p. 2214; 9th July, 1981, p. 73; 16th July, 1981, p. 134.
Regulations: *Gazette* 26th June, 1975, p. 2660.

Veterinary Districts Act, 1940-1974

Administration: Committed to the Minister of Agriculture; *Gazette* 10th April, 1941, p. 521.
Regulations: *Gazette* 8th May, 1941, p. 693.

Veterinary Surgeons Act, 1935-1975

Commencement: 1st February, 1936; *Gazette* 16th January, 1936, p. 89.
Commencement of sections 3 to 6 of Veterinary Surgeons Act Amendment Act, 1952: 1st March, 1953; *Gazette* 19th February, 1953, p. 272.
Administration: Committed to the Minister of Agriculture; *Gazette* 11th February, 1937, p. 286.
Regulations: *Gazette* 3rd October, 1940, p. 735; 24th August, 1950, p. 466; 11th June, 1953, p. 1396; 18th December, 1958, p. 1640; 2nd February, 1967, pp. 305, 311; 22nd February, 1968, p. 661; 29th October, 1970, p. 2024; 2nd September, 1971, p. 744; 20th June, 1974, p. 2523; 22nd September, 1977, p. 813.

Victoria Square (International Hotel) Act, 1980

Commencement: 11th September, 1980; *Gazette* 11th September, 1980, p. 824.
s. 4. Proclamations: *Gazette* 27th November, 1980, p. 1968, p. 1969.
s. 5. Proclamation: *Gazette* 18th September, 1980, p. 875.

Volunteer Fire Fighters Fund Act, 1949-1957

Administration: Committed to the Minister of Agriculture; *Gazette* 14th June, 1979, p. 1824.

Warehousemen's Liens Act, 1941-1974

Commencement: 1st May, 1942; *Gazette* 26th March, 1942, p. 454.
Regulations: *Gazette* 26th March, 1942, p. 455.
Rules of Local Court: *Gazette* 26th March, 1942, p. 477; 5th March, 1964, p. 522.

Water Conservation Act, 1936-1975

Commencement: 1st June, 1937; *Gazette* 25th March, 1937, p. 644.
Commencement of Water Conservation Act Amendment Act, 1969: 21st May, 1970; *Gazette* 21st May, 1970, p. 1841.
Administration: Committed to the Minister of Water Resources; *Gazette* 26th April, 1979, p. 1226.
s. 6. Proclamations: *Gazette* 20th January, 1927, p. 121; 8th August, 1929, p. 330; 6th February, 1930, p. 226; 23rd October, 1930, p. 834; 13th November, 1930, p. 986; 15th April, 1965, p. 881.
s. 53. Proclamations: *Gazette* 7th May, 1931, p. 741; 7th May, 1931, p. 742; 25th June, 1931, p. 1045; 25th June, 1931, p. 1050; 25th June, 1931, p. 1051; 2nd July, 1931, p. 1; 2nd July, 1931, p. 2; 16th July, 1931, p. 63; 30th July, 1931, p. 158; 30th July, 1931, p. 161; 21st July, 1932, p. 91; 5th January, 1933, p. 2; 24th August, 1933, p. 353; 16th November, 1933, p. 1003; 7th December, 1933, p. 1127; 7th December, 1933, p. 1128; 14th December, 1933, p. 1167; 25th January, 1934, p. 131; 22nd March, 1934, pp. 844, 845; 14th June, 1934, p. 1433; 30th August, 1934, p. 426; 1st November, 1934, p. 886; 17th January, 1935, p. 292; 4th July, 1935, p. 2; 20th February, 1936, p. 442; 16th July, 1936, pp. 65, 66; 8th October, 1936, p. 697; 3rd December, 1936, p. 1194; 22nd April, 1937, p. 850; 22nd June, 1939, p. 1457; 6th February, 1941, p. 147; 1st July, 1943, p. 1; 15th November, 1945, p. 699; 4th November, 1948, p. 1421; 5th July, 1951, p. 1.
By-laws and regulations: *Gazette* 2nd April, 1925, p. 583; 28th July, 1927, p. 242; 1st March, 1928, p. 457; 13th August, 1964, p. 396; 27th August, 1964, p. 550.

Water Resources Act, 1976-1979

Commencement: 1st July, 1976; *Gazette* 13th May, 1976, p. 2458.
Commencement of s. 61: 1st July, 1976; *Gazette* 13th May, 1976, p. 2458.
Commencement of Water Resources Act Amendment Act, 1979: 3rd May, 1979; *Gazette* 3rd May, 1979, p. 1315.
Administration: Committed to the Minister of Water Resources; *Gazette* 15th March, 1979, p. 682.
s. 25. Proclamations: *Gazette* 19th January, 1978, p. 294; 10th August, 1978, p. 467 (two).
s. 41. Proclamations: *Gazette* 13th May, 1976, p. 2459; 23rd October, 1980, p. 1192.
s. 46. Proclamations: *Gazette* 13th May, 1976, p. 2458; 8th July, 1976, p. 79; 9th September, 1976, p. 829 (four).
s. 72. Notice: *Gazette* 9th December, 1976, p. 1921.
Regulations: *Gazette* 3rd May, 1976, p. 2473; 1st July, 1976, p. 28; 25th August, 1977, p. 561; 11th October, 1979, p. 983.

Waterworks Act, 1932-1978

Commencement of Waterworks Act Amendment Act, 1969: 21st May, 1970; *Gazette* 21st May, 1970, p. 1842.
Administration: Committed to the Minister of Water Resources; *Gazette* 28th June, 1979, p. 1951.
For information concerning proclamations regarding Water Districts consult Engineering and Water Supply Department.
s. 94. Proclamations: *Gazette* 1st June, 1922, p. 1393; 20th June, 1922, p. 1576; 29th May, 1924, p. 1208; 21st May, 1925, p. 946; 7th January, 1926, p. 1; 27th May, 1926, p. 1265; 16th December, 1926, p. 1510; 27th January, 1927, p. 177; 1st December, 1927, p. 1457; 10th May, 1928, p. 963; 29th November, 1928, p. 1138; 13th June, 1929, p. 1398; 17th July, 1930, p. 86; 26th February, 1931, p. 374; 10th September, 1936, p. 490; 19th November, 1936, p. 1110; 19th October, 1944, p. 471.
s. 102. Proclamations: *Gazette* 10th September, 1936, p. 490, 19th November, 1936, p. 1110.
s. 108. Proclamations: *Gazette* 31st October, 1895, p. 957; 17th August, 1939, p. 421.
s. 109. Proclamations: *Gazette* 17th September, 1936, p. 546.
Regulations: *Gazette* 4th July, 1974, p. 33; 3rd October, 1974, p. 2537; 19th December, 1974, p. 3785; 12th June, 1975, p. 2271; 2nd October, 1975, p. 1921; 13th May, 1976, p. 2471; 24th June, 1976, p. 3177; 1st July, 1976, p. 124; 2nd September, 1976, p. 782; 15th September, 1977, p. 735; 21st September, 1978, p. 985; 19th October, 1978, p. 1279; 16th November, 1978, p. 1568; 18th January, 1979, p. 123; 8th November, 1979, p. 1224; 3rd July, 1980, p. 83; 21st August, 1980, p. 593; 20th November, 1980, p. 1934; 4th June, 1981, p. 1646, p. 1647; 17th September, 1981, p. 934; 19th November, 1981, p. 1602, p. 1604.
By-laws: *Gazette* 25th May, 1933, p. 897; 13th July, 1933, p. 49; 27th March, 1941, p. 441; 28th April, 1949, p. 1033; 17th January, 1952, p. 134; 19th August, 1954, p. 414; 31st May, 1956, p. 1123; 21st January, 1960, p. 195; 9th November, 1961, p. 1589; 21st June, 1962, p. 1589; 28th March, 1963, p. 788; 20th June, 1963, p. 1553; 23rd April, 1964, p. 857; 2nd February, 1967, p. 319; 8th February, 1968, p. 346; 4th April, 1968, p. 1134; 26th August, 1971, p. 669; 9th December, 1971, p. 2463.

West Beach Recreation Reserve Act, 1954-1975

Commencement of West Beach Recreation Reserve Act Amendment Act, 1973: 1st March, 1974; *Gazette* 14th February, 1974, p. 475.
Administration: Committed to the Minister of Local Government; *Gazette* 10th February, 1955, p. 237.
s. 7. Notice: *Gazette* 3rd March, 1955, p. 469.
s. 38. Proclamations: *Gazette* 18th April, 1957, p. 749; 28th April, 1960, p. 1217; 29th August, 1963, p. 632.
Regulation: *Gazette* 8th August, 1974, p. 887.
By-laws: *Gazette* 4th October, 1956, p. 788; 11th June, 1959, p. 1198.

West Lakes Development Act, 1969-1970

Regulations: *Gazette* 15th April, 1971, p. 1601; 8th March, 1973, p. 896; 6th September, 1973, p. 1904; 4th July, 1974, p. 13; 7th August, 1975, p. 781; 20th January, 1977, p. 108; 4th August, 1977, p. 295; 14th December, 1978, p. 2230; 18th January, 1979, p. 141; 11th October, 1979, p. 959; 24th July, 1980, p. 303.

West Terrace Cemetery Act, 1976

Commencement: 20th September, 1977; *Gazette* 29th September, 1977, p. 878.
Administration: Committed to the Minister of Public Works; *Gazette* 28th June, 1979, p. 1952.
Regulations: *Gazette* 29th September, 1977, p. 886; 2nd August, 1979, p. 289.

Whaling Act, 1937

Commencement: At 31st December, 1980, this Act had not been brought into operation.

Wheat Delivery Quotas Act, 1969-1975

Commencement: 24th December, 1969; *Gazette* 24th December, 1969, p. 2098.
Commencement of Wheat Delivery Quotas Act Amendment Act, 1970: 10th December, 1970; *Gazette* 10th December, 1970, p. 2648.
Commencement of Wheat Delivery Quotas Act Amendment Act, 1973: 10th January, 1974; *Gazette* 10th January, 1974, p. 37.
Commencement of Wheat Delivery Quotas Act Amendment Act, 1975: 1st October, 1975; *Gazette* 29th May, 1975, p. 2085.
Administration: Committed to the Minister of Agriculture; *Gazette* 26th October, 1972, p. 2021.
s. 4. Proclamations: *Gazette* 11th June, 1970, p. 2059; 10th June, 1971, p. 2830.
s. 5. Proclamations: *Gazette* 18th February, 1971, p. 497; 10th June, 1971, p. 2830.
s. 18a. Notices: *Gazette* 28th January, 1971, p. 296; 2nd September, 1971, p. 748.

Wheat Marketing Act, 1980

Commencement: 27th March, 1980; *Gazette* 27th March, 1980, p. 679.

Wheat Stabilization Scheme Ballot Act, 1948

s. 2 (10). Notice of affirmative result of ballot: *Gazette* 21st October, 1948, p. 1295.

Wills Act, 1936-1980

Commencement: 1st June, 1937; *Gazette* 25th March, 1937, p. 644.
Commencement of Wills Act Amendment Act, 1972: 31st May, 1973; *Gazette* 31st May, 1973, p. 2318.
Commencement of Wills Act Amendment Act (No. 2), 1975: 29th January, 1976; *Gazette* 29th January, 1976, p. 357.

Workers Compensation Act, 1971-1979

Commencement: 1st July, 1971; *Gazette* 10th June, 1971, p. 2830.
Commencement of Workmen's Compensation Act, 1971: 1st January, 1972; *Gazette* 16th December, 1971, p. 2498.
Commencement of Workmen's Compensation Act Amendment Act, 1973: 1st January, 1974; *Gazette* 20th December, 1973, p. 3340.
Commencement of Workmen's Compensation Act Amendment Act, 1979: *Gazette* 14th June, 1979, p. 1824.
Administration: Committed to the Minister of Industrial Affairs; *Gazette* 18th September, 1979, p. 768.
s. 95. Proclamation: *Gazette* 9th November, 1972, p. 2254 (anthrax).
Part IXa. Scheme made by the Treasurer: *Gazette* 24th June, 1971, p. 3082.
General Regulations: *Gazette* 1st July, 1971, p. 63; 20th December, 1973, p. 3345; 7th March, 1974, p. 868; 27th April, 1978, p. 1493; 8th March, 1979, p. 660; 14th June, 1979, p. 1867; 26th July, 1979, p. 228; 4th September, 1980, p. 773.
Rules of Supreme Court as to Appeals (Order 58, Rules 35 and 36): *Gazette* 19th August, 1971, p. 601.
Rules of Industrial Court: *Gazette* 19th June, 1975, p. 2331; 20th April, 1978, p. 1266; 26th June, 1980, p. 1827.

Workers Compensation (Insurance) Act, 1980

Commencement: 23rd December, 1980; *Gazette* 23rd December, 1980, p. 2369.
Regulations: *Gazette* 23rd December, 1980, p. 2374.

Workers Compensation (Special Provisions) Act, 1977-1980

Administration: Committed to the Minister of Industrial Affairs; *Gazette* 18th September, 1979, p. 768.
Regulations: *Gazette* 30th August, 1979, p. 503.

Workmen's Liens Act, 1893-1964

Commencement: 27th January, 1894; *Gazette* 25th January, 1894, p. 173.
Commencement of Statutes Amendment (Local Courts and Workmen's Liens) Act, 1964: 3rd December, 1964; *Gazette* 3rd December, 1964, p. 1715.
Commencement of Workmen's Liens Act Amendment Act, 1964: 21st June, 1973; *Gazette* 21st June, 1973, p. 1973.
Regulations: *Gazette* 1st February, 1895, p. 453.
Rules of the Supreme Court as to procedure: *Gazette* 4th April, 1957, p. 653.

Wrongs Act, 1936-1975

Commencement of Wrongs Act Amendment Act, 1974: 28th November, 1974; *Gazette* 28th November, 1974, p. 3373.
Commencement of Wrongs Act Amendment Act, 1975: 29th January, 1976; *Gazette* 29th January, 1976, p. 356.

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